

Defendants Found Not Competent to Stand Trial

2019, 2020, and 2021 (through 10/15/21)

Competency Hearing

- Held “whenever there is reason to doubt a defendant’s competency”
- Raised at any time
- Not competent = “lacks present mental capacity to understand the proceedings and assist in one’s defense”

2019

- 47 individual defendants found not competent
- 76 cases (several defendants with multiple cases)
 - 50 felony cases, 26 misdemeanors

2020

- 34 individual defendants found not competent
- 72 cases (several defendants with multiple cases)
 - 53 felony cases, 19 misdemeanor cases

2021 (through October 15)

- 12 individual defendants found not competent
- 22 total cases
 - 13 felonies
 - 9 misdemeanors

Totals, January 2019 – June 2021

87 individual defendants found not competent to stand trial

190 total cases

- 128 felonies, 60 misdemeanors, 2 criminal traffic

Wide range of charges

- Armed robbery, forgery, sexual assault of a child, forgery, battery, bail jumping, operating vehicle without owner's consent, etc.
- **Most common crimes:** bail jumping, battery, criminal damage to property, forgery

Many defendants with multiple cases

- One individual with 13 cases; others with 10, 11 cases.

Wide range of crimes

- Violent and non violent, property crimes, crimes against person
- About twice as many felonies as misdemeanors.

Cases in which Competency was Questioned 2019 to October 15, 2021

Competency hearings were held in:

228 cases in 2019

174 cases in 2020

86 cases in 2021 (through Oct. 15)

Cases in which competency was raised, 2019-2021

- 488 total hearings involving 248 individuals
- About 35% found not competent

Three possible outcomes of competency hearing -

- Court finds Defendant not competent but likely to become competent with treatment:
 - Defendant is committed for treatment (in-patient or out-patient)
 - Court case is suspended until restored competency

- Court finds Defendant not competent and *not* likely to become competent with treatment:
 - Defendant is discharged and released.

- Court finds Defendant competent
 - The criminal case proceeds.