F46   Risk Factors in Adjudicative Incompetency: A Case Study

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After attending this presentation, attendees will understand various biopsychosocial influences and potential risk factors affecting competency to stand trial in conjunction with identifying future research needs pertaining to competency evaluation.

This presentation will impact the forensic science community by offering a baseline for focusing future efforts in providing the insight and evidence-based science necessary to support and guide best practices in evaluating competency-related impairments and identifying defendants at risk.

Determinations of competency to stand trial ultimately lead to significant consequences, whether to the individual or the community. As such, the legal system needs to be sure that individuals receive proper screening, referral, and evaluation regarding competency to stand trial. This vulnerable population is dependent upon the system to ensure their legal rights are observed. Similar to a disease process, incompetency to stand trial can be related to various characteristics, attributes, or exposures. Despite this, there is minimal scientific evidence identifying what pertinent risk factors are potentially correlated with adjudicative incompetency among defendants. Most literature pertaining to competency risk factors focuses on the association between mental health and competency. A major concern inherent in this is that many other variables are lacking in these analyses. Numerous medical issues are known to have effects that could potentially impact competency to stand trial but remain largely uninvestigated. Greater knowledge of associated risk factors would enhance multidisciplinary screening and evaluation practices and therefore improve early recognition of potential issues in adjudicative competency. Early identification could improve outcomes to benefit the clients and the court system by permitting such clients to more effectively and appropriately utilize specialized judicial system resources.

A case study was conducted with the objective of collecting information regarding specific characteristics that act as risk factors for adjudicative incompetency by assessing variables known and not well known to be associated with incompetency. A small sample chart audit was conducted on individual client legal cases and pertinent medical records totaling 34 defendants charged with murder; 13 who were referred to competency court were found incompetent, 11 were found competent, and the remaining 10 were not referred to competency court. Descriptive data was evaluated to identify trends among the groups and provide a baseline targeting future efforts for improvements in the science for screening and evaluation practices to determine competency to stand trial. The most significant finding was that all groups showed similar trends in risk factors. There was an abundance of mental illness, substance use disorders, biological/chemical/toxin exposure, and exposure to violence throughout all groups.

Incompetency, Defendant, Screening

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