Introduction

Individuals found incompetent to stand trial are frequently sent to competency restoration programs where they can remain for six months to three years or longer. Some individuals are restored to competency and successfully adjudicated, some are never restored to competency, and some are restored to competency, returned to criminal custody, subsequently decompensate or otherwise become incompetent again, and are returned to competency restoration.

By the Numbers

| Ordered to Competency Evaluation Each Year | 60,000 |
| Found Incompetent to Stand Trial | 25-50% |
| Ordered to Competency Restoration | 18,000 |
| Successful Competency Restoration | 70% |
| Subsequent Loss of Competence | ??? |

Paradis et al., 2016; Ross et al., 2015; Smith et al., 2018; Zapf & Dror, 2017

Forensic Implications

- Ethical obligation to avoid harm
- Judges rule with forensic evaluator in 90% of cases
- Psychopathology is a significant predictor of the likelihood of competence restoration. Diagnoses may also predict likelihood of reversion to incompetence.
- Incompetence proceedings disproportionately affect indigent, less educated, and other disadvantaged populations.
- The Restoration-Reversion Cycle may violate Jackson v. Indiana

Future Directions

Research is needed to answer important questions:
- How many individuals revert after return to incarceration?
- Why do individuals revert?
- What factors predict reversion?
- Can competence restoration programs incorporate resilience to help eliminate cycling?
- Do jail-based competence restoration programs experience reversion?
- Do participants in community-based competence restoration revert?

It is said that **no one truly knows a nation** until one has been **inside** its **jails**. – Nelson Mandela