

# Update on Supreme Court Commission on Mental Health and Competency: Work and Project Delivery

Courts, Corrections and Justice Interim  
Committee

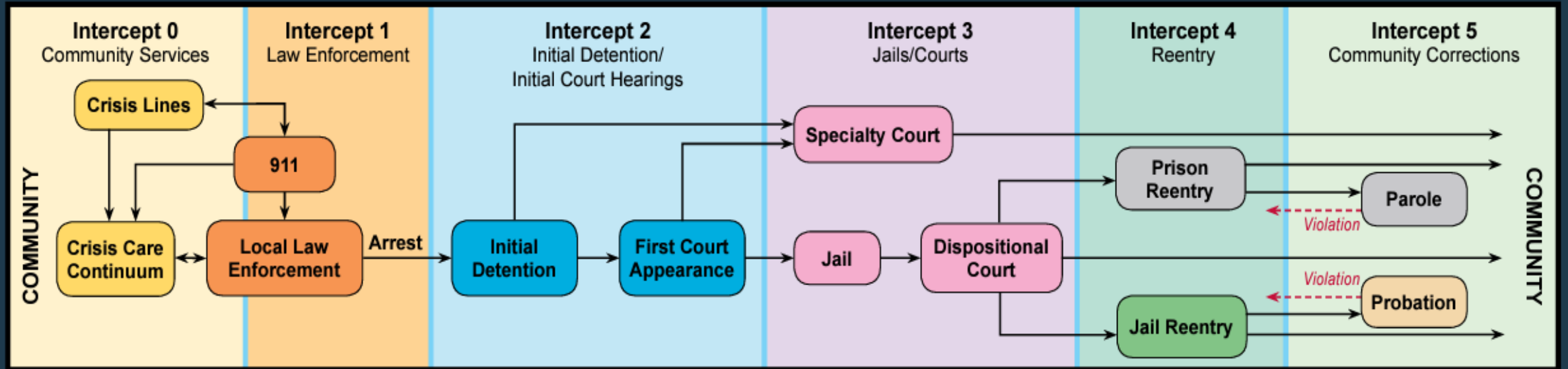
August 13, 2024

# Workgroup Members from Participating Entities included, but are not limited to:

- Judiciary
- Legislature
- Executive Branch
- Law Offices of the Public Defender
- NM Dist. Attorney Assoc.
- Office of the Second Judicial District Attorney
- Office of the Ninth Judicial District Attorney
- NM Healthcare Authority
- The Disability Coalition
- ACLU
- New Mexico Counties, Inc.
- City of Albuquerque
- Las Cruces Police Dept.
- Dona Ana County
- NAMI New Mexico
- NM Sentencing Commission
- And other mental health practitioners and attorneys.

# Vision for Diversion

The Sequential Intercept Model



← INTERCEPT 2 →

→ INTERCEPT 3 →

# COMPETENCE TO STAND TRIAL (CST)

HOSPITAL JAIL COMMUNITY SUPPORT COURT

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DIVERSION

CST Raised

CST Evaluation

Competent?

Restoration

Criminal Process Resumes

Restored?

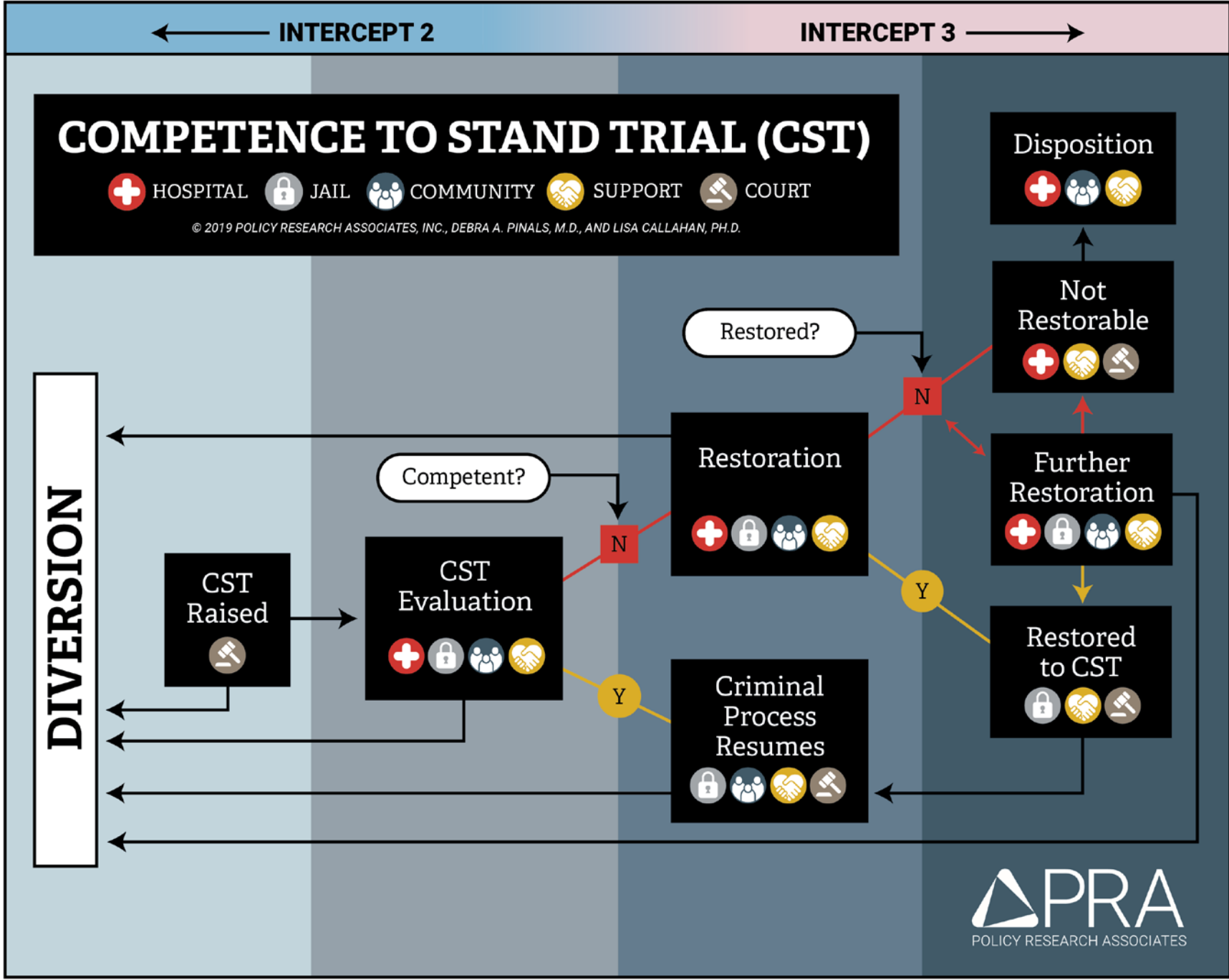
Further Restoration

Restored to CST

Not Restorable

Disposition

PRA POLICY RESEARCH ASSOCIATES



# Statutory/Rule Amendments

**NOTE: NOT A JUDICIARY BILL**

Focus: Criminal Competency Statute

Options for Diversion to Treatment and Services

- All parties agree that law enforcement diversion and other pre-prosecution diversion would be beneficial and would be good alternatives in addition to court diversion
- **PRIOR TO** determination of competency: Diversion or AOT prior to competency evaluation ordered and shortly after arrest
- **AFTER** defendant found incompetent: Diversion or AOT instead of competency restoration

# Statutory/Rule Amendments (Con't)

## Focus: Criminal Competency Statute

### Alternatives for Competency Restoration

- **AFTER** defendant found incompetent and court determines they need to be restored (Note: Restoration is not treatment as we commonly think of it.)
- **Alternatives to NMBHI would be:**
  - outpatient competency restoration
  - residential competency restoration
  - a combination of restoration services
- **Shorten amount of time for competency restoration if at NMBHI**

# Resources on Competency to Stand Trial

- **State Strategies to Address the Crisis in the Competence to Stand Trial and Competence Restoration System:**  
<https://www.samhsa.gov/sites/default/files/state-strategies-address-crisis-competence-to-stand-trial.pdf>
- **Forensic Assertive Community Treatment (FACT) Teams:**  
<https://store.samhsa.gov/sites/default/files/pep19-fact-br.pdf>
- **Policy Research Associates:**  
<https://www.prainc.com/competence/>
- **Just and Well: Rethinking How States Approach Competency to Stand Trial:**  
<https://csgjusticecenter.org/publications/just-and-well-rethinking-how-states-approach-competency-to-stand-trial/>