Incompetent to Stand Trial Re-Evaluation in California: Year in Review
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Parker Houston, PsyD, ABPP
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Level
Intermediate

Track
Clinical/Legal

CE
CPA/BBS/BRN/CJER/MCLE

Bio
Katie Meseroll, PsyD, is the Assistant Chief Psychologist for the IST Re-Evaluation Services program with California Department of State Hospitals. She has been involved in forensic mental health and evaluation for over 10 years. She previously worked with the Conditional Release Program (CONREP) for eight years as the Community Program Director of multiple programs, serving 9 Northern CA counties and taking on multiple leadership and forensic evaluation and treatment roles during her time with CONREP. She has experience in forensic evaluation, sanity evaluation, violence risk evaluation, competency to stand trial, community readiness and placement evaluation and collaboration with legal professionals, public safety officials and community stakeholders. She has led multiple teams in the treatment and evaluation of judicially committed individuals experiencing a variety of psycho-legal issues and judicial commitments.

Parker Houston, PsyD, ABPP, is currently the Chief Psychologist for the IST Re-Evaluation Program in the Forensic Services Division at the California Department of State Hospitals. He has been in the correctional and forensic mental health field for nearly 20 years. Parker has held multiple senior executive positions with the state of California since 2015, overseeing some of the most complex and challenging correctional mental health programs in the state. He is a licensed psychologist and certified by the American Board of Professional Psychology in Organizational and Business Consulting Psychology.

Claire Calvert, JD

Narrative
There is a national crisis in access to restoration treatment due to a rising number of people deemed Incompetent to Stand Trial (IST). In California, this crisis was made worse by the COVID-19 pandemic, which limited the transfer of individuals between facilities. Despite expanding capacity within DSH facilities, the waitlist and time until placement has remained high. The Department of State Hospitals (DSH) is implementing a range of potential solutions to this crisis, which include the Felony IST Re-Evaluation Program (Re-Evaluation Program).

The mission of Department of State Hospitals (DSH) Re-Evaluation Services is to re-evaluate Incompetent to Stand Trial (IST) individuals pending placement to DSH programs. Long-term data shows that approximately 33% (one third) of IST individuals admitted to DSH are already competent to stand trial at the time of their admission. The most common reasons for a change in a defendant's competency status is that a defendant has received psychiatric medication in county jail and regained trial competence. Other defendants regain trial competence when the effects of a substance wear off after several weeks in jail.

Experts conduct an in-depth re-evaluation of a defendant's competency status through video conferencing with IST individuals in county jails. Benefits of the program include allowing competent defendants to avoid further delays in their legal matters and more expedited admissions for the remaining incompetent individuals on the DSH waitlist who are most in need of hospital admission. Other benefits of the DSH IST Re Evaluation program include – but are not limited to – identification of individuals who may require involuntary medication (and medication consultation services through DSH), individuals who may be malingering, individuals who may have no substantial likelihood of restoration, or the identification of individuals who may be good candidates for diversion and other outpatient community programs.

Learning Objectives
1. Identify three common reasons why a defendant may regain trial competence while awaiting admission to a state hospital
2. Explain two primary benefits of IST Re-Evaluation
3. Describe three essential elements of WIC 4335.2