



Predicting Competency Restoration Outcomes for Defendants With Intellectual Disability

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Introduction

- A defendant who is competent to stand trial has “sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding” and “a rational as well as factual understanding of the proceedings against him” (*Dusky v. United States*, 1960, p 362).
- Defendants with lower intellectual functioning/IQ score/intellectual disability are more likely to be found not competent to stand trial (e.g., Hoge et al., 1996; Pirelli et al., 2011; Warren et al., 2007).
- Research has begun to examine this population with regard to competency restoration outcomes. Defendants with lower intellectual functioning/IQ score/intellectual disability are more likely to be adjudicated not restorable/permanently incompetent to stand trial and hospitalized for longer periods of time (e.g., Anderson & Hewitt, Colwell & Giancesini, 2011).
- However, extant research has not fully examined defendant characteristics with regard to competency restoration outcomes.

Hypotheses

- Age, sex, and ethnicity will not be associated with restoration outcomes.
- Defendants charged with a violent crime or a sexual crime will be more likely to be found not restorable and hospitalized longer.
- Defendants with major infractions while hospitalized will be more likely to be found restorable but hospitalized longer.
- Defendants with a comorbid diagnosis of Antisocial Personality Disorder will be more likely to be found restorable but hospitalized for a longer period of time.

Method

Participants

- $n = 74$ defendants adjudicated incompetent to stand trial and with a current diagnosis related to an intellectual disability
- Gender: Male (86.4%); Female (13.6%)
- Age: $M = 30$ ($SD = 11.60$)
- Race: White/Non-Hispanic (66.2%); African American/Black (29.7%); Hispanic/Latino (2.7%); Biracial (1.3%)
- IQ Score: $M = 65.38$ ($SD = 6.9$)
- Length of Hospitalization: $M = 281.64$ days ($SD = 322.67$ days)
- Restoration Outcome (83.7% Restored, 16.3% Not Restorable)

Materials

- Archival data from a maximum security forensic state hospital
 - Demographic Variables:
 - 1) Age
 - 2) Sex
 - 3) Ethnicity
 - Criminogenic Variables:
 - 1) Current Charge
 - Antisocial Behaviors:
 - 1) Presence of Infractions
 - 2) Diagnosis of Antisocial Personality Disorder

Procedures

- Electronic search identified defendants committed as incompetent with a diagnosis related to intellectual disability
- Defendants reviewed to fit study criteria
- Extracted information from forensic reports, psychological reports, and social service reports.

Results

- To test for the relationship between independent variables and competency restoration outcomes, multiple logistic regression analyses were conducted. Effect sizes (χ^2 , OR) were also examined for demographic variables.
- To test for the relationship between independent variables and length of hospitalization, multiple regression analyses were conducted. A Bayes Factor was also calculated for demographic variables.

Table 1
Multiple Logistic Regression Analyses

Variables in Model	B	S.E.	p	OR (CI)
Age	-.020	.028	.462	.980 (.928, 1.035)
Sex	-.341	1.132	.763	.711 (.077, 6.541)
Ethnicity				
X ₁	19.195	40193.013	1.000	.000 (.000, -)
X ₂	-19.664	40193.013	1.000	.000 (.000, -)
X ₃	.082	56841.473	1.000	1.085 (.000, -)
Current Charge- Violent	.153	.858	.859	1.165 (.217, 6.265)
Current Charge- Sex	-.594	.820	.469	.552 (.111, 2.753)
Infractions	.234	.685	.733	1.263 (.330, 4.837)
ASPD Diagnosis	X	X	X	X (X, X)

For Demographic Variables:
 $\chi^2(5) = 1.561, p = .906$

Table 2
Multiple Regression Analyses

Variables in Model	B	SE B	β	p	st ²	pr ²
Age	-1.730	1.900	-.115	.366	.012	.012
Sex	-77.369	67.168	-.141	.254	.019	.019
Ethnicity						
X ₁	-23.578	49.540	-.061	.636	.003	.003
X ₂	-191.973	128.297	-.183	.139	.033	.033
X ₃	-67.719	180.213	-.046	.708	.002	.002
Crime- Violent	-155.351	53.497	-.373	.005	.108	.110
Crime- Sex	-63.006	46.320	-.180	.178	.024	.026
Infractions	41.338	44.092	.111	.352	.012	.012
ASPD Diagnosis	X	X	X	X	X	X

For Demographic Variables:
Bayes factor = 5.509

Conclusions

Main Findings

- Demographic factors are not related to competency restoration outcomes for defendants with an intellectual disability.
- Defendants with intellectual disability who were charged with a violent offense were more likely to be hospitalized for a shorter time period than defendants with a nonviolent charge.
- Hypotheses about criminogenic variables were only partially supported. Hypotheses about antisocial variables were not supported.

Implications

- Most defendants were able to be restored, suggesting that the finding of a low base rate of permanent incompetence for incompetent defendants in general also exists for defendants with an intellectual disability.
- Demographic factors were not related to restoration outcomes. This is consistent with prior research, as demographics are theoretically unrelated to competency to stand trial.

- Defendants with a violent charge may be hospitalized for a shorter time. This may be, at least in part, related to the complexity of the cases and concreteness of evidence in such cases.

Future Research

- Further examination of relationship between demographic, criminal justice, and antisocial variables and competency restoration outcome with a larger, more diverse sample
- Examine of specific infraction variables (e.g., physical assault infractions, minor infractions)
- Examine competency restoration services and their efficacy for defendants with an intellectual disability