

**Vision: To promote wellness, safety, and justice in Minnesota by building pathways for competency attainment.**

**What does it mean when a defendant's competency is questioned?**

- In a criminal case, there may be concerns about whether the defendant understands what's happening, is able to talk to their lawyer, and can help with their defense.
- A defendant cannot be tried, sentenced, or punished, if they are incapable of understanding the proceedings or participating in their defense. See Minn. Const. art. I, sec.6; Minn. Stat. § 611.026 (2024).
- Courts must uphold a person's constitutional rights by determining whether they are competent. If they are not competent, and do not meet the higher standard for civil commitment, charges are either suspended or dismissed, and the defendant is released. Each year in Minnesota, thousands of criminal defendants are released.

**Why the Minnesota Competency Attainment Board (MNCAB) was created:**

**Lack of coordinated support for criminal defendants with mental illnesses, substance use disorders, or cognitive impairments:**

- Defendants were released without services, support, or follow-up.
- No court resources available to provide direct support and accountability either during the proceedings or after the criminal case ends.

**Risks to Public Safety:**

- When defendants were released, some committed escalated violent crimes.

**Increased Strain on Judicial Resources:**

- Defendants were re-entering the justice system, often with the same unresolved issues.

**Lack of Competency Attainment Programs/Placements Statewide:**

- There were insufficient competency attainment programs statewide to meet the various needs of defendants, from locked residential facilities to community and jail-based services.

MNCAB's creation and work to support defendants and the judicial branch was the result of years of stakeholder and legislative collaboration and was passed with broad bipartisan support.

**What We Do:**

**Connect Defendants, Courts, and Services:**

- MNCAB is the bridge between the criminal proceeding and treatment, services, and programs to support competency and establish stability. The goal is to provide both accountability in the criminal case, and stability for defendants in the community.
- Forensic Navigators are court-appointed neutral entities who make recommendations to the court and connect defendants with services (e.g., mental health, substance use, housing, insurance) to support competency and establish stability.

**Identify Trends and Systemic Gaps through Data Analysis and Reporting:**

- MNCAB is statutorily required to report annually: (1) data regarding competency examinations, defendant demographics, charging levels, and whether a Forensic Navigator was appointed; and (2) may include recommendations for statutory or funding changes. See Minn. Stat. §661.59, subd. 4 (2024).
- MNCAB additionally seeks to utilize its unique program experience and data to identify other systemic gaps and discuss those needs with justice system partners, stakeholders, and the legislature.

**Certify Competency Attainment Programs:**

- Through the Certification Advisory Committee, MNCAB certifies programs and sets curriculum standards for Competency Attainment Programs. Certified programs are designed to identify and address both the clinical/treatment needs and the educational needs for a defendant to understand the criminal proceedings, consult with counsel, and participate in their defense.
- Forensic Navigators are also qualified to provide competency education.

**Resource Hub:**

- The Forensic Navigator Program connects community and justice partners to assist individuals and promote resource sharing and collaboration.
- MNCAB provides educational presentations statewide to various stakeholders and interested parties.

**Continuing Education/Development for MNCAB Staff:**

- Employees with targeted professional training better support people with mental illnesses, substance use disorders, and/or cognitive impairments. This also permits them to effectively promote public safety through cooperative efforts.

MNCAB consists of a Board, a Program Administrator and agency employees. Forensic Navigators are court-appointed, neutral participants in a criminal case.

**Making a Difference:**

**Example of How Forensic Navigators Remove Barriers to Evaluation and Treatment:**

- Defendant was unable to participate in first competency evaluation interview. The forensic navigator assisted by identifying barriers and locating resources for access to technology. The forensic navigator also helped the defendant use the technology to complete a virtual interview.
- The forensic navigator connected the defendant to supports in the community that they were not able to access on their own due to cognitive impairments and mental health diagnoses that were not being treated.
- The forensic navigator reconnected the defendant with their psychiatrist and recommended a neuropsychological evaluation be completed to determine eligibility for services. Other referrals connected the defendant with social services.
- The defendant now receives Adult Rehabilitative Mental Health Services (ARMHS) and has an adult mental health case manager, which will continue beyond their criminal court involvement; ensuring the defendant continues taking their medications and maintains stability in the community.