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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	
)	
)	Plaintiff,
)	No.
vs.)	
)	ORDER FOR PRETRIAL
_____)	COMPETENCY EVALUATION BY
)	WESTERN STATE HOSPITAL
)	
)	Defendant.
)	
)	
_____)	

THIS MATTER coming on in open court upon the motion of the defense, and there being reason to doubt the defendant's competency, and the court being in all things duly advised; the plaintiff being represented by the undersigned Deputy Prosecuting Attorney; the defendant is/ is not present; and the defendant being represented by undersigned counsel; now, therefore,

THE COURT FINDS the defendant is in need of a forensic mental health evaluation ;
and

IT IS HEREBY ORDERED, under the authority of RCW 10.77.060, that the defendant, who is charged with the crime(s) of _____, be evaluated by a qualified expert from Western State Hospital, who shall be approved by the prosecuting attorney, and who is designated by the Secretary of the Department of Social and Health Services. The Secretary may choose to designate more than

1 one evaluator. The evaluation may include psychological and medical tests, and voluntary
2 treatment if conducted inpatient at Western State Hospital, and shall be completed as specified
3 below:

4 **I. PLACE OF EVALUATION:**

5 [] **A. KING COUNTY JAIL.** The evaluation shall take place in the King County Jail.
6 The evaluation shall take place as soon as practical following the receipt of all of **(i) this order,**
7 **(ii) the charging documents, and (iii) the prosecutor's discovery** by Western State Hospital,
8 unless the court grants further time. If the defendant is transferred to another detention or
9 correctional facility or a treatment facility under RCW 71.05, the jail or the parties are to
10 immediately inform Western State Hospital at (253)761-7565, and the facility is ordered to make
11 the defendant available for the purposes of this evaluation. If the defendant is released from jail
12 prior to the evaluation, the defendant shall contact the staff at Western State Hospital at (253)
13 761-7565 within the next working day following his/her release from jail to schedule an
14 appointment for evaluation at Western State Hospital or an agreed facility.

15 If after an initial assessment, the evaluator determines that the evaluation should take place
16 or be completed at Western State Hospital, the evaluator shall notify the parties in writing, and
17 defendant shall be transported to Western State Hospital. The commitment period for the
18 evaluation shall not exceed fifteen days from the time of admission to Western State Hospital.

19
20 [] **B. OUT OF CUSTODY.** As the defendant is not currently in custody, the defendant
21 shall contact the staff at Western State Hospital at (253) 761-7565 within the next working day
22 following the date of this order to schedule and arrange an appointment for evaluation at Western
23 State Hospital or an agreed facility. If the defendant is committed to a treatment facility before
24 the evaluation, the facility is ordered to make the defendant available for the purposes of this

1 evaluation order. The examination shall occur as soon as practical following the receipt of **(i) the**
2 **order, (ii) the charging documents and (iii) the prosecutor's discovery** by Western State
3 Hospital, unless the court grants further time. If after an initial assessment, the evaluator
4 determines that the evaluation should take place or be completed at Western State Hospital, the
5 evaluator shall notify the parties in writing. A new order must be entered to authorize inpatient
6 examination if necessary to complete the evaluation.

7 If the out of custody evaluation cannot be completed within twenty-one days due to a
8 lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable
9 to complete the evaluation because of such lack of cooperation.

10
11 **C. INPATIENT at WESTERN STATE HOSPITAL.** The Court, having found
that:

- 12 (i) defendant is charged with murder in the first or second degree; or
13 (ii) it is more likely than not that an evaluation in the jail will be inadequate to
complete an accurate evaluation; or
14 (iii) that an evaluation outside the jail setting is necessary for the health, safety, or
welfare of the defendant;

15 orders the examination to occur at Western State Hospital and the defendant is hereby committed
16 to the care of the Division of Social and Health Services for up to fifteen days from the date of
17 admission to the hospital.

18 King County Department of Adult and Juvenile Detention shall transport the defendant to
19 Western State Hospital as soon as possible for the purposes set forth above.

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21
22 **II. EVALUATION REQUIREMENTS:**

23 **A. DEVELOPMENTAL DISABILITIES PROFESSIONAL:** The court has

1 been advised by a party to the proceedings that the defendant may have a developmental
2 disability, and hereby orders that the evaluation must be preformed by a developmental
3 disabilities professional.

4 [] **B. INTERPRETER REQUIRED:** The court has determined that the defendant
5 requires the assistance of a qualified interpreter of the _____ language, to be
6 arranged by Western State Hospital.

7 [] **C.** The defense attorney requests to be present. The evaluator shall give the defense
8 attorney reasonable notice of and an opportunity to be present at any clinical interview. Notice
9 may be sent to the email address provided below.

10 **III. REPORT REQUIREMENTS:**

11 The staff of Western State Hospital shall provide the report to the chief criminal judge of
12 the court in which the criminal proceeding is pending, and provide copies to the Prosecuting
13 Attorney, the Defense Counsel and others as designated in RCW 10.77.060 and 10.77.065.

14 Distribution of the evaluation report by a facility providing inpatient services shall ordinarily be
15 accomplished within two working days or less following the final evaluation of the defendant.

16 The report of the evaluation shall include the following pursuant to RCW 10.77.060:

- 17 **A.** A description of the nature of the evaluation;
- 18 **B.** A diagnosis or description of the current mental status of the defendant;
- 19 **C.** An opinion as to whether the defendant suffers from a mental disease or defect, or
20 has a developmental disability. If so, the report shall include an opinion as to competency to
21 stand trial. If the report concludes the defendant is incompetent to proceed, the report shall
22 include an opinion whether psychotropic medications are necessary and appropriate to restore the
23 defendant's competency and an opinion as to whether defendant is restorable;

1 **D.** An opinion as to whether the defendant should be evaluated by a County
2 Designated Mental Health Professional under RCW 71.05.

3 **IV. RECORDS:**

4 **A.** In accordance with RCW 10.77.060 (1)(a), the staff of Western State Hospital is
5 granted access to all records held by any mental health, medical, educational, or correctional
6 facility that relate to the present or past mental, emotional, or physical condition of the defendant
7 for the purpose of conducting the examination.

8 **V. TRANSPORTATION AND DISCHARGE:**

9 **A.** Any facility providing inpatient services related to competency shall discharge the
10 defendant as soon as the facility determines that the defendant is competent to stand trial.

11 Discharge shall not be postponed during the writing and distribution of the evaluation report.

12 **B.** If the defendant is discharged to the custody of a local correctional facility, the
13 local correctional facility must continue the medication regimen prescribed by the facility, when
14 clinically appropriate, unless the defendant refuses to cooperate with medication and there is no
15 forced medication order in effect.

16 **C.** At the end of any period of inpatient examination and/or testing:

17 [] the defendant shall be returned to the custody of the King County Jail to be held
18 pending further proceedings against the defendant.

19 [] all parties agree [] to waive the presence of the defendant or [] to the defendant's
20 telephonic participation at a subsequent presentation of an agreed order if the
21 recommendation of the evaluator is for continuation of the stay of criminal proceedings
22 for restoration efforts, and the hearing is held prior to the expiration of the authorized
23 commitment period.

1 Pursuant to CrR 3.3., the time for trial period is tolled during this examination period and
2 until this court enters an order finding the defendant to be competent to proceed.

3 The next hearing date is scheduled for: _____.

4
5 DONE IN OPEN COURT this _____ day of _____ 20____.

6 _____
7 JUDGE

8 _____
9 Deputy Prosecuting Attorney

10 **PRINT NAME:** _____ WSBA No. _____

11 **PHONE NUMBER:** _____ FAX Number _____

12 **EMAIL ADDRESS** _____

13 _____
14 Attorney for defendant

15 **PRINT NAME:** _____ WSBA No. _____

16 **PHONE NUMBER:** _____ FAX Number _____

17 **EMAIL ADDRESS** _____