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2
3 IN THE MUNICIPAL COURT FOR THE CITY OF SEATAC
4 KING COUNTY, STATE OF WASHINGTON

5 CITY OF SEATAC,) Case No.:
6 Plaintiff,)
7 vs.) ORDER FOR INITIAL EVALUATION
8) FOR COMPETENCY, INSANITY, OR
9) DIMINISHED CAPACITY, OTHER
10) ANCILLARY ORDERS
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12)
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THIS MATTER having come on for hearing before the undersigned Judge of the above-entitled court on the date indicated below for a hearing on the Defendant's competency to proceed and/or the issue of the Defendant's sanity or specific intent at the time of the alleged acts, as indicated in section 1 below; the Plaintiff, the City of SeaTac, being represented by the undersigned Prosecutor, and the Defendant being represented by his/her attorney whose name is listed below; and the Court having considered the records and files herein, and having heard from the Defendant; the Court hereby enters findings of fact and issues orders as follows:

NEED FOR EVALUATION.

The Court finds that the defendant is in need of mental health examination prior to proceeding further in the above entitled cause, to make the determination(s) marked below:

 1.1 Competency. The Defendant's capacity to understand the nature of the proceedings against him/her or to assist in his/her own defense as a result of mental disease or defect, pursuant to RCW 10.77.010(14) and 10.77.050.

 1.2 Insanity. The Defendant's capacity to perceive the nature and quality of the act(s) with which he/she is charged or to tell right from wrong with reference to the particular act(s) charged, as a result of mental disease or defect at the time of the commission of the alleged offense(s), pursuant to RCW 9A.12.010 and SMC 12A.04.160.

 1.3 Diminished Capacity. The Defendant's capacity to have a particular state of mind, which is an element of the offenses(s), charged as follows:

State of Mind _____	Offense _____
State of Mind _____	Offense _____
State of Mind _____	Offense _____
State of Mind _____	Offense _____

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2 **2. CUSTODY STATUS AND DEFENDANT'S PRESENCE.** The Defendant's
3 custody status and appearance are as marked below:

4 _____ **2.1.** The Defendant is present in custody, and bail is
5 set as marked below:

6 _____ **2.1.1** Bail has been previously set as marked;

7
8 _____ **2.1.2** In accordance with the bail schedule previously
9 adopted by the Court for the crime(s) charged; or

10 _____ **2.1.3** The Defendant is released on his/her personal
11 recognizance without bail, subject to such conditions as are
12 set forth in the Court file in this matter; or

13
14 _____ **2.1.4** Bail has not been set previously, and the Court
15 hereby delays granting bail, in accordance with RCW
16 10.77.060(1)(b), until the Defendant has been evaluated for
17 competency or sanity and appears back before this Court. The
18 Defendant is hereby committed for inpatient examination as set
19 forth in subsection 4.2 below.

20
21 _____ **2.2** The Defendant is present in Court out of custody.

22 _____ **2.3** The Defendant is not present in Court but is
23 presently being detained pursuant to proceedings under chapter
24 71.05 RCW. This Court's prior bail order shall remain in
25 effect. The name of the facility at which the Defendant is
26

1 detained (the "Treatment Facility") is:

2 _____.
3 2.4 The Defendant is in custody but is not present in
4 Court.

5 **3. DEFENDANT'S BACKGROUND.** The Defendant is charged as
6 follows:

7 _____ 3.1 The defendant is charged with a felony crime.

8 _____ 3.2 The Defendant is charged with a non-felony crime.

9
10 The court expressly reserves ruling on the issue of whether the
11 Defendant meets any of the criteria under RCW
12 10.77.090(1)(d)(I)(A) for competency restoration treatment.

13 _____ 3.3 The Defendant is charged with a probation
14 violation based on an alleged new criminal law violation, filed
15 in lieu of new criminal charges. The Court expressly reserves
16 ruling on the issue of whether the Defendant meets any of the
17 criteria for competency restoration treatment. The Defendant is
18 on probation in the instant case as follows:

19 _____ 3.3.1. The Defendant is serving a suspended
20 sentence.

21 _____ 3.3.2. The Defendant is serving a deferred
22 sentence.

1 _____ 3.3.3. The Defendant is on a dispositional
2 continuance.

3 _____ 3.3.4. The Defendant is on a stipulated order
4 of continuance.

5 _____ 3.4. The Defendant is charged with a probation
6 violation based on an alleged failure to comply with one or more
7 of the conditions of probation, other than an alleged new
8 criminal law violation filed in lieu of new criminal charges.
9 The Defendant is on probation in the instant case as follows.

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11
12 _____ 3.4.1. The Defendant is serving a suspended
13 sentence.

14
15 _____ 3.4.2. The Defendant is serving a deferred
16 sentence.

17 _____ 3.4.3. The Defendant is on a dispositional
18 continuance.

19
20 _____ 3.4.4. The Defendant is on a stipulated order
21 of continuance.

22 **4. ORDER FOR EVALUATION.** The staff at Western State Hospital
23 ("WSH") shall examine and report upon the mental condition of
24 the Defendant in accordance with RCW 10.77.060. The report
25 shall include those items marked in section 1 above. The
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1 examination and report shall be conducted at the location, and
2 shall include the information, described below in this section.

3 **4.1. Examination in Kent Regional Justice Center/SCORE.**

4 If either subsection 2.1.1. or 2.1.2. above is marked, the
5 examination shall take place in the ___Regional Justice Center
6 ___SCORE Jail unless WSH determines that the examination should
7 take place at Western State Hospital.
8

9 **4.1.1. Examination at Western State Hospital instead.** If

10 WSH determines in its reasonable discretion that the examination
11 should take place at Western State Hospital, WSH shall notify
12 the City Attorney and the Defense Attorney of that fact, as soon
13 as is reasonably practicable, and then the Defendant shall be
14 deemed committed to Western State Hospital for a period not to
15 exceed 15 days from the date of admission to Western State
16 Hospital, after which time the Defendant is to be returned to
17 the ___Regional Justice Center ___SCORE Jail for further
18 proceedings in this matter, unless the Defendant has been
19 released from custody on all matters.
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22 **4.1.2. If Defendant released from custody before**
23 **completion.** If the Defendant is released from custody before
24 the examination is completed, it is hereby ordered that, as a
25 condition of release on bail or personal recognizance, the
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1 Defendant is ordered to make arrangements with WSH for, and to
2 undergo, an examination on an outpatient basis, within 15 days
3 of the date of this order, in the manner described in subsection
4 4.3. below.

5 **4.2. Examination at Western State Hospital.** If subsection
6 2.1.4. above is marked, the Defendant is hereby committed to
7 Western State Hospital for the examination. The Defendant's
8 commitment shall be for, and the examination shall be completed
9 within, a period not to exceed 15 days from the date of
10 admission to Western State Hospital, after which time the
11 Defendant is to be returned to the ___Regional Justice Center
12 ___SCORE Jail for further proceedings in this matter.

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15 **4.3. Out-of-Custody Examination.** If subsection 2.1.3. or
16 2.2. above is marked, or if the Defendant is released from
17 custody as described in subsection 4.1.2. above, then the
18 examination shall occur on an outpatient basis. In that event,
19 the Defendant is hereby ordered to contact WSH at 253-761-7565,
20 to schedule an appointment for the examination. The examination
21 shall take place at Western State Hospital, or at any other
22 location deemed appropriate by WSH, and shall occur within 15
23 days of the date of this order.
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1 **4.4. Examination at Civil Commitment Facility.** If

2 subsection 2.3. above is marked, or if the Defendant is detained
3 pursuant to proceedings under chapter 71.05 before the
4 evaluation takes place under any of subsections 4.1, 4.2, 4.3
5 above, then the Defendant shall be made available by the staff
6 of the Treatment Facility identified in subsection 2.3. above,
7 or whatever other treatment facility at which the Defendant is
8 detained, for examination by WSH. The examination shall take
9 place at such facility within 15 days of the date of this order.
10

11 **4.5 Contents of Report.** As soon as practicable, WSH shall

12 furnish to the Court a written report of the results of the
13 examination and, if the Defendant was committed to Western State
14 Hospital for the evaluation, in no event less than twenty-four
15 hours preceding the transfer of the Defendant back to the
16 _____Regional Justice Center _____SCORE Jail. The report shall
17 include all of the following:
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19 **4.5.1.** A description of the nature of the examination;

20 **4.5.2.** A diagnosis of the mental condition of the
21 defendant;
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23 **4.5.3.** If the Defendant suffers from a mental disease or
24 defect, or is developmentally disabled, an opinion as to the
25 Defendant's capacity to understand the nature of the proceedings
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1 against him/her or to assist in his/her own defense as a result
2 of mental disease or defect. If the opinion is that the
3 Defendant lacks such capacity, then an opinion as to whether the
4 Defendant is likely to regain such capacity with restoration
5 treatment in the manner described in RCW 10.77.090(1)(d)(I)(C),
6 and if so:

7
8 **4.5.3.1.** An opinion whether medication is medically
9 appropriate and necessary to help the Defendant regain or
10 maintain such capacity;

11 **4.5.3.2.** An opinion as to whether any less intrusive
12 methods exist to help the Defendant regain or maintain such
13 capacity.
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15 **4.5.3.3.** An opinion, based on the Defendant's risk level,
16 and/or treatment needs, as to whether the Defendant is suitable
17 for competency restoration treatment on an outpatient basis. If
18 the opinion is that the defendant is suitable for such
19 outpatient treatment, the name of the DSHS-designated treatment
20 facility at which outpatient competency restoration would be
21 conducted in the event the Court orders placement at such
22 treatment.
23

24 **4.5.4.** If subsection 1.2. above is marked, an opinion as
25 to the Defendant's sanity at the time of the act;
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1 **4.5.5.** If subsection 1.3. above is marked, an opinion as
2 to the Defendant's capacity to have a particular state of mind
3 which is an element of the offense charged;

4 **4.5.6.** An opinion as to whether the Defendant should be
5 evaluated by a county designated mental health professional
6 under RCW Ch 71.05, an opinion as to whether the Defendant is a
7 substantial danger to other persons, or presents a substantial
8 likelihood of committing criminal acts jeopardizing public
9 safety or security, unless kept under further control by the
10 Court or other persons or institutions. If the opinion is that
11 the Defendant is not such a danger **and** does not present such a
12 substantial likelihood, then an opinion as to whether the
13 Defendant is nevertheless in need of control by the Court or
14 other persons or institutions.
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17 **4.6. Copies of Report.** Copies of the report shall be sent
18 to the City Attorney (directed to the attention of the Case Prep
19 Unit), the Defense Attorney, the Psychiatric Services
20 Administrator of the King County Department of Adult Detention,
21 SCORE, and the County Designated Mental Health Professional for
22 King County.
23

24 **4.7. Waiver of Requirement of Two or More Examiners.** If
25 the examination occurs at a location other than WSH, and if the
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1 attorneys for both parties initial below, then the Court hereby
2 accepts the parties' waiver of the statutory requirements of two
3 evaluators, which waiver has been given for the purpose of
4 expediting the examination. If both parties do not initial
5 below, then the waiver shall not be effective.
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8 **The parties, by having their respective attorneys place**
9 **their initials below, hereby consent to having a single**
10 **competency evaluator.**
11

12 _____
Prosecutor's Initials & Bar #

_____ Defense Attorney's Initials & Bar #

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14 **5. TRANSMITTAL OF RECORDS.**

15 **5.1. Access to Records.** To the extent permitted by RCW
16 Chs. 10.77 and 71.05 (including but not limited to 10.77.065,
17 10.77.097, and 71.05.390) or other applicable law, WSH is hereby
18 granted access to the Defendant's medical records, wherever
19 located, for the purpose of conducting the examination ordered
20 hereby.
21

22 **5.2. Authorization to Provide Information.** The City
23 Attorney, the Court, the SeaTac Police Department, any other law
24 enforcement agency possessing relevant information, and the
25 Defense Attorney, are hereby authorized to provide to WSH all
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1 information in their possession or control which they reasonably
2 deem may be of assistance to WSH in conducting the examination
3 ordered hereby. The Prosecuting Attorney's office shall provide
4 a copy of this order to the CDMHP.

5 **6. TRANSPORT ORDERS.** If the examination is to occur at
6 Western State Hospital, then the following shall occur: (a) The
7 Defendant shall be transported to Western State Hospital at Ft.
8 Steilacoom by the SeaTac Police Department as soon as possible;
9 but not prior to the next business day after Western State
10 Hospital receives information within the control of the Court,
11 the prosecutor, or the defense attorney that is relevant to the
12 evaluation. Western State Hospital shall notify the
13 ___Regional Justice Center ___SCORE Jail when it has received
14 such information. (b) The Defendant shall be transported from
15 Western State Hospital at Ft. Steilacoom to the ___Regional
16 Justice Center ___SCORE Jail, by the SeaTac Police Department,
17 upon completion of said examination; (c) The SeaTac Police
18 Department is hereby authorized to transport the Defendant as
19 requested herein.
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23 **7. ANCILLARY ORDERS**

24 **7.1. Speedy Trial jurisdiction.** If subsection 1.1. and
25 3.1 above are marked, then the running of speedy trial time is
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1 tolled in this action, pursuant to CrRLJ 3.3(g)(1) or CrRLJ
2 3.3(g)(1), until this Court enters an order finding the
3 defendant to be competent. If subsections 1.1 and any of
4 subsections 3.3.1., 3.3.2., 3.4.1., or 3.4.2. above are marked,
5 then the running of this court's jurisdiction in the probation
6 action shall be tolled pursuant to applicable law, until this
7 Court enters an order finding the Defendant to be competent. If
8 subsections 1.1 and any of subsections 3.3.3., 3.3.4., 3.4.3.,
9 or 3.4.4. above are marked, then:(1) the running of this Court's
10 jurisdiction in the probation action shall be tolled pursuant to
11 applicable law, until this court enters an order finding the
12 Defendant to be competent; and (2) the running of speedy trial
13 time is tolled in this action pursuant to CrR 3.3(g)(1) or
14 CrCrRLJ 3.3(g)(1), until this Court enters an order finding the
15 Defendant to be competent.

18 **7.2. Next Hearing Date.** The next hearing in this case shall
19 be:

20 Date: _____ Time: _____ Courtroom: _____

21
22 **7.3. Interpreters.** If this subsection is marked, then,
23 the examination shall be done with the aid of an interpreter in
24 the _____ language. Defense counsel is to arrange
25 for the appointment of an interpreter and to coordinate with WSH
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1 for the interpreter to be present at the examination, whether it
2 occurs at Western State Hospital, or in the Regional Justice
3 Center, SCORE Jail or at the Treatment Facility.
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5

6 DONE IN OPEN COURT this _____ day of _____, 20____.
7

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9 _____
JUDGE

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11 No Objection; Approved as to Form:

Presented By:
Defense Attorney:

12 _____
Prosecutor, WSBA #

13 _____
WSBA# _____
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