

1 particular act(s) charged, as a result of mental disease or defect at the time of the commission
2 of the alleged offense(s), pursuant to RCW 9A.12.010 and SMC 12A.04.160.

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

5	State of Mind _____	Offense _____
6	State of Mind _____	Offense _____
7	State of Mind _____	Offense _____
8	State of Mind _____	Offense _____

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

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

12 _____ **2.1.1.** Bail has been previously set as marked:

13 _____ **2.1.1.1.** By previous order of this Court; or

14 _____ **2.1.1.2.** In accordance with the bail schedule previously adopted
15 by this Court for the crime(s) charged; or

16 _____ **2.1.2.** Bail is hereby set at, or modified to, \$ _____, with the
17 conditions as set forth in the Court file in this matter; or

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

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

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

1 _____ **2.3.** The Defendant is not present in Court but is presently unavailable because
2 he/she is being detained pursuant to a confidential civil proceeding in another court. This
3 Court's prior bail order shall remain in effect. The name of the facility at which the Defendant
4 is detained (the "Treatment Facility"), if known, is: _____

5 _____
6 _____ **2.4.** The Defendant is in custody but is not present in Court.

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

8 _____ **3.1. The Defendant is charged with a non-felony crime.** The Court expressly
9 reserves ruling on the issue of whether the Defendant meets any of the criteria under RCW
10 10.77.090(1)(d)(i)(A) for competency restoration treatment.

11 _____ **3.2. The Defendant is awaiting a post-judgment proceeding in this case as**
12 **marked below.**

13 _____ **3.2.1.** The Defendant is on probation in the form of a suspended
14 sentence.

15 _____ **3.2.2.** The Defendant is on probation in the form of a deferred sentence.

16 _____ **3.2.3.** The Defendant is on probation in the form of a dispositional
17 continuance.

18 _____ **3.2.4.** The Defendant is on probation in the form of a stipulated order of
19 continuance.

20 _____ **3.2.5.** The Defendant is awaiting sentencing.

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

1 examination shall occur on an outpatient basis. In that event, the Defendant is hereby ordered
2 to contact WSH at 253-761-7565, to schedule an appointment for the examination. The
3 examination shall take place at Western State Hospital, or at any other location deemed
4 appropriate by WSH, and shall occur within 15 days of the date of this order.

5 **4.4. Examination at Other Facility.** If subsection 2.3. above is marked, or if the
6 Defendant is detained pursuant to a confidential civil proceeding before the evaluation takes
7 place under any of subsections 4.1, 4.2, or 4.3 above, then the Defendant shall be made
8 available by the staff of the Treatment Facility identified in subsection 2.3. above, or whatever
9 other treatment facility at which the Defendant is detained, for examination by WSH. The
10 examination shall take place at such facility within 15 days of the date of this order.

11 **4.5. Contents of Report.** As soon as practicable, WSH shall furnish to the Court a
12 written report of the results of the examination and, if the Defendant was committed to
13 Western State Hospital for the evaluation, in no event less than twenty-four hours preceding
14 the transfer of the Defendant back to the King County Jail. The report shall include all of the
15 following:

16 **4.5.1.** A description of the nature of the examination;

17 **4.5.2.** A diagnosis of the mental condition of the defendant;

18 **4.5.3.** If the Defendant suffers from a mental disease or defect, or is
19 developmentally disabled, an opinion as to the Defendant's capacity to understand the
20 nature of the proceedings against him or her or to assist in his or her own defense as a
21 result of mental disease or defect. If the opinion is that the Defendant lacks such
22 capacity, then an opinion as to whether the Defendant is likely to regain such capacity
23 with competency restoration treatment in the manner described in RCW
24 10.77.090(1)(d)(i)(C), and if so:

25 **4.5.3.1.** An opinion whether involuntary medication is medically
26 necessary, along with an assessment of the likelihood that such medication will
27

1 treat the symptoms underlying the Defendant's lack of such capacity. Such
2 opinion may, but is not required to, include a discussion of clinical probabilities.

3 **4.5.3.2.** An opinion whether involuntary medication is substantially
4 unlikely to have side effects that will interfere significantly with the Defendant's
5 ability to assist counsel in conducting a trial defense.
6

7 **4.5.3.3.** An opinion whether any alternative, less intrusive treatment is
8 unlikely to achieve substantially the same results as to rendering the Defendant
9 able to have such capacity

10 **4.5.3.4.** An opinion whether involuntary medication is medically
11 appropriate, in that it is in the Defendant's best medical interest in light of
12 his/her medical condition.
13

14 **4.5.3.5.** An opinion whether competency restoration treatment in the
15 manner described in RCW 10.77.090(1)(d)(i)(C) is reasonably likely to render
16 the Defendant able to have such capacity even if the Court does not authorize
17 involuntary medication.
18

19 **4.5.3.6.** An opinion, based on the Defendant's risk level and/or treatment
20 needs, as to whether the Defendant is suitable for competency restoration
21 treatment on an outpatient basis. If the opinion is that the defendant is suitable
22 for such outpatient treatment, the name of the DSHS-designated treatment
23 facility at which outpatient competency restoration would be conducted in the
24 event the Court orders placement at such treatment.

25 **4.5.4.** If subsection 1.2. above is marked, an opinion as to the Defendant's
26 sanity at the time of the act.
27

1 _____
2 Prosecutor's Initials and Bar #

_____ Defense Attorney's Initials and Bar #

3 **5. TRANSMITTAL OF RECORDS.**

4 **5.1. Access to Records.** To the extent permitted by RCW Chs. 10.77 and 71.05
5 (including but not limited to RCW 10.77.060, 10.77.065, 10.77.097, and 71.05.390) or other
6 applicable law, this signed order of this Court shall serve as authority for the evaluator(s) from
7 WSH to be given access to all records held by any mental health, medical, educational, or
8 correctional facility that relate to the present or past mental, emotional, or physical condition
9 of the defendant.

10 **5.2. Authorization to Provide Information.** The City Attorney, the Court, the Seattle
11 Police Department, any other law enforcement agency possessing relevant information, and
12 the Defense Attorney, are hereby authorized to provide to WSH all information in their
13 possession or control which they reasonably deem may be of assistance to WSH in conducting
14 the examination ordered hereby. The City Attorney's office shall provide a copy of this order
15 to the CDMHP.

16 **6. TRANSPORT ORDERS.** If the examination is to occur at Western State Hospital,
17 then the following shall occur. (a) The Defendant shall be transported to Western State
18 Hospital at Ft. Steilacoom by the King County Department of Adult Detention as soon as
19 possible, but not prior to the next business day after Western State Hospital receives
20 information within the control of the Court, the prosecutor, or the defense attorney that is
21 relevant to the evaluation. Western State Hospital shall notify the King County Department of
22 Adult Detention when it has received such information. (b) The Defendant shall be
23 transported from Western State Hospital at Ft. Steilacoom to the King County Jail, by the
24 King County Department of Adult Detention, upon completion of said examination. (c) The
25 King County Department of Adult Detention is hereby authorized to transport the Defendant
26 as requested herein.

27 INITIAL EVALUATION FOR COMPETENCY, INSANITY, OR DIMINISHED CAPACITY

28 Revised April 25, 2005

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1 **7. ANCILLARY ORDERS.**

2 **7.1. Speedy Trial/Jurisdiction.** If subsections **1.1. and 3.1.** above are marked, then
3 the running of speedy trial time is tolled in this action, pursuant to CrRLJ 3.3(e)(1), until this
4 Court enters an order finding the defendant to be competent. If subsections **1.1 and** either
5 subsection **3.2.1. or 3.2.2.** above is marked, then the running of this Court’s jurisdiction in the
6 probation action shall be tolled pursuant to applicable law, until this Court enters an order
7 finding the Defendant to be competent. If subsections **1.1. and** either subsection **3.2.3. or**
8 **3.2.4.** above is marked, then the running of speedy trial time is tolled in this action pursuant to
9 CrRLJ 3.3(e)(1), until this Court enters a written order finding the Defendant to be competent.
10

11 **7.2. Next Hearing Date.** The next hearing in this case shall be:

12 Date: _____ Time: _____ Courtroom: _____
13

14 **7.3. Interpreters.** If this subsection is marked, then, that the examination shall be
15 done with the aid of an interpreter in the _____ language. Defense counsel is
16 to arrange for the appointment of an interpreter and to coordinate with WSH for the interpreter
17 to be present at the examination, whether it occurs at Western State Hospital, or in the King
18 County Jail (either in downtown Seattle or at the Kent Regional Justice Center), or at the
19 Treatment Facility.
20

21 DONE IN OPEN COURT this _____ day of _____, ____ .
22

23 _____
24 JUDGE

25 ///
26 ///
27 ///

1 ///
2 ///

3 Presented by:

Defense Attorney:

4 _____
Assistant City Attorney
5 WSBA # _____

_____ (Attorney Name) WSBA #

_____ (Firm)

6
7 Attention: Case Preparation Unit
Seattle City Attorney's Office
8 Public and Community Safety Division
9 700 Fifth Avenue, Suite 5350
P.O. Box 94667
10 Seattle, WA 98124-4667
11 (206) 684-7757
12 FAX (206) 615-1293

_____ (Address)

_____ (City, State, Zip)

_____ (Telephone)

_____ (Fax)

13 Copy received; Approved for entry:

_____ WSBA # _____

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16 j:/data/criminal/docs/forms/mio/Initial Evaluation
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