



1 \_\_\_\_\_ **1.1.2.** A history of one or more violent acts as defined in RCW  
2 10.77.010(13) and (21);

3 \_\_\_\_\_ **1.1.3.** Been previously found incompetent under chapter 10.77 RCW or  
4 an equivalent federal or out-of-state statute with regard to an alleged offense involving  
5 actual, threatened, or attempted physical harm to a person; and/or  
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7 \_\_\_\_\_ **1.1.4.** Been previously acquitted by reason of insanity under chapter  
8 10.77 RCW or an equivalent federal or out-of-state statute with regard to an alleged  
9 offense involving actual, threatened, or attempted physical harm to a person.

10 **1.2. Procedural Background Regarding Competency Restoration Treatment.**

11 The following has occurred with respect to the Defendant pursuant to RCW 10.77.090(1)(d)(i)  
12 and (1)(d)(ii) (the appropriate line(s) are marked).

13 \_\_\_\_\_ **1.2.1.** The maximum allowable **inpatient** mental health treatment and  
14 competency restoration period in RCW 10.77.090(1)(d)(i) has ended. **A professional person**  
15 **(as defined in RCW 10.77.010(17)) has determined that the Defendant's competency is**  
16 **unlikely to be restored.** The Court, following notice to the parties and a hearing, hereby  
17 finds that the Defendant's competency has not been restored, and that further **outpatient**  
18 treatment within the time limits established by RCW 10.77.090(1)(d)(i) is unlikely to restore  
19 competency. The Defendant remains incompetent to stand trial as a result of mental disease or  
20 defect, pursuant to RCW 10.77.010(14) and 10.77.050.

21 \_\_\_\_\_ **1.2.2.** The maximum allowable **inpatient** mental health treatment and  
22 competency restoration period in RCW 10.77.090(1)(d)(i) has ended and the Defendant's  
23 competency has not been restored. The Court finds, **based on Western State Hospital's**  
24 **assessment of the Defendant's risk level and/or likelihood of successful restoration, that it**  
25 **is not appropriate to refer the Defendant for competency restoration treatment on an**  
26

1 **outpatient basis.** The Defendant remains incompetent to stand trial as a result of mental  
2 disease or defect, pursuant to RCW 10.77.010(14) and 10.77.050.

3 \_\_\_\_\_ **1.2.3.** The maximum allowable **inpatient and outpatient** mental health  
4 treatment competency restoration period in RCW 10.77.090(1)(d)(i) has ended and the  
5 Defendant's competency has not been restored. The Defendant remains incompetent to stand  
6 trial as a result of mental disease or defect, pursuant to RCW 10.77.010(14) and 10.77.050.

7 \_\_\_\_\_ **1.2.4.** The Defendant **has not been ordered into either inpatient or**  
8 **outpatient competency restoration treatment.** A professional person (as defined in RCW  
9 10.77.010(17)) has determined that the Defendant's competency is unlikely to be restored.  
10 The Court, following notice to the parties and a hearing, hereby finds that the Defendant's  
11 competency has not been restored, and that neither inpatient nor outpatient treatment within  
12 the time limits established by RCW 10.77.090(1)(d)(i) is likely to restore competency. The  
13 Defendant remains incompetent to stand trial as a result of mental disease or defect, pursuant  
14 to RCW 10.77.010(14) and 10.77.050.

15 **2. ORDER OF DISMISSAL.** The proceedings against the Defendant in the above-  
16 referenced cause number are hereby dismissed without prejudice, due to the Defendant's  
17 incompetency to stand trial, pursuant to RCW 10.77.090(1)(d)(ii) and/or (1)(d)(iv).

18 **3. REFERRAL OF DEFENDANT FOR EVALUATION PURSUANT TO**  
19 **CHAPTER 71.05 RCW.** In accordance with RCW 10.77.090(1)(d)(iii) and/or (1)(d)(iv), the  
20 Court hereby refers the Defendant for evaluation for consideration of filing a petition under  
21 chapter 71.05 RCW. The referral shall be made in accordance with the subsection marked  
22 below.

23 \_\_\_\_\_ **3.1. Defendant on Conditional Release.** The Defendant is on conditional  
24 release at the present time. Accordingly, the County Designated Mental Health Professional  
25 for King County (CDMHP) shall evaluate the Defendant pursuant to chapter 71.05 RCW, and  
26 specifically RCW 71.05.235(1). The evaluation shall be conducted at a location chosen by the  
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1 CDMHP, and shall occur within 48 hours. The Defendant is hereby released from custody on  
2 the above-referenced cause number.

3 \_\_\_\_\_ **3.2. Defendant in custody.** The Defendant is in custody at the present time.  
4 Accordingly, the Defendant shall be detained and sent to  
5 \_\_\_\_\_ (“Treatment Facility”) for up to 72 hours for  
6 evaluation for purposes of filing a petition under chapter 71.05 RCW. If the preceding line is  
7 left blank, then the Treatment Facility shall be Western State Hospital. The Defendant shall be  
8 transported to the Treatment Facility by the King County Department of Adult Detention as  
9 soon as possible, but in no event shall the Defendant be transported later than the following  
10 date and time: \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.. The Court hereby  
11 authorizes the King County Department of Adult Detention to transport the Defendant as  
12 directed herein.  
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14 **4. ANCILLARY ORDERS.**

15 **4.1 Copies of Reports.** The City Attorney’s Office, the Court, the Seattle Police  
16 Department, and any other law enforcement agency possessing relevant information, is  
17 authorized to provide to the CDMHP or to the Treatment Facility, as applicable, all  
18 information in their possession which they reasonably believe may be of assistance to the  
19 CDMHP or the Treatment Facility, as the case may be, in conducting the evaluation for  
20 purposes of filing a petition under chapter 71.05 RCW. To the extent permitted by RCW Chs.  
21 10.77 and 71.05 (including but not limited to 10.77.065, 10.77.097, and 71.05.390) or other  
22 applicable law, the CDMHP or the Treatment Facility, as the case may be, is hereby granted  
23 access to all the Defendant’s medical records, whether they are located at the King County  
24 Correctional Facilities, at Western State Hospital, or elsewhere, for the purpose of conducting  
25 the evaluation for the purposes of filing a petition under chapter 71.05 RCW.  
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