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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

Defendant.

)
) No.
)
)
) ORDER FOR PRETRIAL
) COMPETENCY EVALUATION BY
) WESTERN
) STATE HOSPITAL
)
)
)
)

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

THE COURT FINDS the defendant is in need of forensic mental health evaluation for the items listed below; 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 two experts from Western State Hospital, who are designated by the Secretary of the Department of Social and Health Services, including both a psychiatrist and a psychologist, if

ORDER FOR PRETRIAL COMPETENCY
EVALUATION BY WESTERN
STATE HOSPITAL - 1

Daniel T. Satterberg, Prosecuting Attorney
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516 Third Avenue
Seattle, Washington 98104
(206) 296-9000, FAX (206) 296-0955

1 necessary. The examination 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 PLACE OF EXAMINATION:

5 **A.(1) KING COUNTY JAIL.** The examination shall take place in the King County
6 Jail. If the expert determines that the examination should take place or be completed at Western
7 State Hospital, the expert shall notify the parties in writing, and defendant shall be transported to
8 Western State Hospital, and at the end of such period of examination and testing, return the
9 defendant to the custody of the King County Jail. The written report shall be provided as soon as
10 practical following the receipt of all of **(a.) this order, (b.) the charging documents and (c.)**
11 **the prosecutor's discovery** by Western State Hospital, unless the court grants further time. If
12 the defendant is transferred to another detention or correctional facility or a treatment facility
13 under RCW 71.05, the jail &/or the parties are to immediately inform Western State Hospital at
14 253-761-7565 and the facility is ordered to make the defendant available for the purposes of this
15 evaluation order. If the defendant is released from jail prior to the examination, the defendant
16 shall contact the staff at Western State Hospital at (253) 761-7565 within the next working day
17 following his/her release from jail to schedule an appointment for examination at Western State
18 Hospital or an agreed facility.

19 **A.(2) OUT OF CUSTODY.** As the defendant is not currently in custody, the
20 defendant shall contact the staff at Western State Hospital at (253) 761-7565 within the next
21 working day following the date of this order to schedule and arrange an appointment for
22 examination at Western State Hospital or an agreed facility. If the defense attorney requests to
23 be present, Western State Hospital staff shall give defendant's counsel reasonable notice of the

1 time and place of the evaluation. If the defendant is committed to a treatment facility before the
2 evaluation, the facility is ordered to make the defendant available for the purposes of this
3 evaluation order. The examination shall occur, and the written report shall be provided, as soon
4 as practical following the receipt of all of **(a.) the order, (b.) the charging documents and (c.)**
5 **the prosecutor's discovery** by Western State Hospital, unless the court grants further time. A
6 new order must be entered to authorize inpatient examination if necessary to complete the
7 evaluation.

8 **A.(3) INPATIENT at WESTERN STATE HOSPITAL.** The examination is to
9 occur at Western State Hospital and the defendant is hereby committed to the care of the
10 Division of Social and Health Services for up to fifteen days from the date of admission to the
11 hospital and the hospital's receipt of all of **(a.) the order, (b.) the charging documents and (c.)**
12 **the prosecutor's discovery.** Following the examination the defendant is to be returned to the
13 King County Jail for further proceedings in this matter. The initial or final written report shall be
14 provided in not less than twenty-four hours preceding the transfer of the defendant back to jail,
15 unless further time is granted by the court.

16 King County Department of Adult and Juvenile Detention shall transport the defendant to
17 Western State Hospital as soon as possible for the purposes set forth above, and at the end of
18 such period of examination and/or testing return the defendant to the custody of the King County
19 Jail to be held pending further proceedings against the defendant.

20 EXAMINER REQUIREMENTS:

21 **B(1). DEVELOPMENTAL DISABILITIES PROFESSIONAL:** The court has
22 been advised by a party to the proceedings that the defendant may be developmentally disabled
23 and hereby orders that one of the expert(s) qualify as a Developmental Disabilities Professional.

24 ORDER FOR PRETRIAL COMPETENCY
EVALUATION BY WESTERN
STATE HOSPITAL - 3

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1 [] **B(2). INTERPRETER REQUIRED:** The parties have determined that the defendant
2 requires the assistance of a qualified interpreter of the _____ language, to
3 be arranged by Western State Hospital.

4 [] **B(3). NUMBER OF EXAMINERS:** The parties stipulate that the in-jail or out of
5 custody examination may be performed by only one examiner, for purposes of expediting the
6 proceedings waiving the RCW 10.77.060(1) requirement of two examiners for this in-jail or out
7 of custody examination only.

8 **REPORT REQUIREMENTS:**

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

13 **C(1).** A description of the nature of the examination;

14 **C(2).** A diagnosis of the defendant's mental condition;

15 **C(3). COMPETENCY:** an opinion as to the defendant's capacity to understand the
16 proceedings and to assist in defendant's own defense; If the report concludes the defendant is
17 incompetent to proceed, an opinion whether psychotropic medications are necessary and
18 appropriate to restore the defendant's competency;

19 **C(4).** An opinion as to whether the defendant is a substantial danger to other persons or
20 presents a substantial likelihood of committing criminal acts jeopardizing public safety or
21 security, unless kept under further control by the court or other persons, as required by RCW
22 10.77.060(3);

1 C(5). An opinion as to whether the defendant should be evaluated by a County Designated
2 Mental Health Professional under RCW 71.05.

3 RECORDS:

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

10 The next hearing date is scheduled for: _____.

11
12 DONE IN OPEN COURT this _____ day of _____ 20____.

13 _____
14 JUDGE

15 _____
16 Deputy Prosecuting Attorney

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

18 **PHONE NUMBER:** _____ **FAX Number** _____

19 _____
20 Attorney for defendant

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

22 **PHONE NUMBER:** _____ **FAX Number** _____

23
24 **ORDER FOR PRETRIAL COMPETENCY
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STATE HOSPITAL - 5**

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