Department of State Hospitals – Napa

The Honorable \_\_\_\_\_\_\_\_ (or Commissioner \_\_\_\_\_\_\_)

\_\_\_\_\_\_\_County Superior Court

[address]

Re: [LAST, First Middle]

Court Number:

CII:

Maximum Commitment Date:

Next Court Report Due Date:

Your Honor:

This report is written pursuant to Penal Code section *PC 1370(b)(1) or PC 1372(a)(1).*

## Opinion on Competency

It is my opinion that the above-named patient is not yet competent to stand trial and should be retained for further treatment. **If the patient has an IMO please include** “The treatment team recommends continuation of the IMO to support competency restoration. The treatment team is also of the opinion that there is a substantial likelihood that Mr./Ms. \_\_\_\_\_\_\_\_\_\_ will achieve trial competence in the foreseeable future. The following data support this opinion:

*Or*

We recommend that the above-named individual be returned to court as competent to stand trial pursuant to PC 1372(a)(1). **If the patient has an IMO please include** “The treatment team recommends continuation of the IMO to support sustained competence. We have considered the possible recommendation of PC 1372(e) and do not believe that recommendation is indicated at this time. The following data support this opinion.

# SOURCES OF INFORMATION

In preparation for this report, I reviewed charging documents, police reports, court-ordered evaluations, the nursing and physician’s notes in Mr./Ms. \_\_\_\_\_\_\_\_\_\_ medical chart and consulted with the members of his treatment team. Should additional information become available for review, I reserve the right to adjust my findings accordingly.

# NOTIFICATION OF PURPOSE/LIMITS OF CONFIDENTIALITY

To prepare this report, I interviewed Mr./Ms. \_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_. I advised him/her of the non-confidential nature of the evaluation and the purpose of my interview. I informed him/her that I would be evaluating his competency to stand trial and that information from our interview may be used in a report to the Court. I also advised him/her that he did not have to speak with me, but I would be reporting my findings to his/her treatment team and may submit a report to the Court, stating my opinion regardless of his/her participation in the interview with me. He/she expressed an understanding of the purpose and non-confidential nature of the evaluation and agreed to participate.

# IDENTIFICATION DATA

Mr./Ms. \_\_\_\_\_\_\_\_\_\_\_\_\_ is a \_\_\_\_year-old (D.O.B.) male/female who was committed to the California Department of State Hospitals by \_\_\_\_\_\_\_County on *[commitment date]*. S/he was admitted to DSH-Napa on *[admission date]* pursuant to PC 1370, incompetent to stand trial. S/he is charged with violation of PC *[number, e.g., 245(a)(1)], [definition of PC, e.g., assault with a deadly weapon].*

# DSM-5-TR DIAGNOSIS

Please list diagnoses including codes, with primary diagnosis listed first. Only include medical diagnoses if they affect mental status.

Below your bulleted list of diagnoses, each diagnosis should be explained in more detail separately.

# CURRENT PSYCHOTROPIC MEDICATIONS

*List ALL psychotropic medications with appropriate dosages.*

There is/is not a court order permitting administration of psychotropic medications if the patient refuses to take them. The defendant is/is not compliant with medications at this time. **If the patient has an IMO please include** “The treatment team recommends continuation of the IMO.

**\*\*\*IF THE PATIENT HAS A COURT ORDER AUTHORIZING INVOLUNTARY ANTIPSYCHOTIC MEDICATION, THE FOLLOWING ADDITIONAL AREAS NEED TO BE ADDRESSED:**

**(This section is not needed in a PC 1372 Court Report)**

1. Does the patient have the capacity to make decisions concerning antipsychotic medications?
2. If the patient lacks capacity to make decisions concerning antipsychotic medications, does he/she risk serious harm to his/her physical or mental health if not treated with antipsychotic medication?
3. Does the patient present a danger to others if he or she is not treated with antipsychotic medication?
4. Does the patient have a mental illness for which medications are the only effective treatment?

1. Are there any side effects from the medication currently being experienced by the patient that would interfere with his or her ability to collaborate with counsel
2. Are there any effective alternatives to medication?

g./I. How quickly is the medication likely to bring the defendant to competency? Alternatively, indicate that no medication is likely to restore the defendant to trial competency.

1. Does the treatment plan include methods other than medication to restore the patient to trial competency?

# CLINICAL PROGRESS AND REASONING FOR RECOMMENDATION

Initial Clinical Presentation that Caused Defendant to be Deemed Incompetent to Stand Trial

Dr. X evaluated Mr./Ms. \_\_\_\_\_ on [date]. S/he described the defendant as “ \_\_\_\_\_\_\_\_\_\_\_\_” (e.g., actively hallucinating, screaming at the top of his/her lungs, having persecutory delusions, etc.) and concluded that s/he was incompetent to stand trial. Consequently, Mr./Ms. \_\_\_\_\_ was admitted to DSH-Napa for stabilization and further competency evaluation.

Patient’s Response to Treatment(Please address all of the following in this section.)

Give a description of the hospital course—any pertinent details regarding his/her symptoms that initially rendered him/her IST. Have the sx’s worsened? not changed since admission? decreased/remitted with psychotropic medication(s)?

*Has there been any progress made with regard to competency to stand trial with the competency classes or individual therapy?*

Current Mental Status

Competency to Stand Trial Assessment

# OPINION THAT DETERMINES DISCHARGE READINESS

*[Ideally this information will come from the individual’s conference, where responses were documented to provide clear support for the opinion.]*

"Section 1367 of the California Penal Code provides the following standard for competence to stand trial:  “The defendant is mentally incompetent for purposes of this chapter if, as a result of a mental disorder or developmental disability, the defendant is unable to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a rational manner.”

Ability to Assist Counsel in the Conduct of a Defense in a Rational Manner

The Defendant’s Ability to Understand the Nature of the Criminal Proceedings

# RECOMMENDATIONS

Based on the above data, It is my opinion that Mr. Ms. \_\_\_\_\_\_\_\_\_is not yet competent to stand trial and should be retained for further treatment. The treatment team is of the opinion that there is a substantial likelihood that Mr./Ms. \_\_\_\_\_\_\_\_\_\_\_\_ will achieve trial competence in the foreseeable future. **If the patient has an IMO please include** “The treatment team recommends continuation of the IMO to support competency restoration.

Or

We recommend that the above-named individual be returned to court as competent to stand trial pursuant to PC 1372(a)(1). **If the patient has an IMO please include** “The treatment team recommends continuation of the IMO to support sustained competence.

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| --- |
|  |
|  |
| [Title] |

**The following personnel, who are not currently treating this individual, administratively reviewed this report:**

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|  |
| Medical Director or Designee |
|  |

cc: Health Information Management Department, Unit Chart, Program File, CONREP