

Competency to Stand Trial Court Report *

Instructions *

General Instructions *

- Clearly state which psycho-legal issue you are assessing.
- Remember that you are writing this report for judges and attorneys, not clinicians. You should therefore try to avoid using clinical jargon (i.e. loose associations), or if it is included, include an explanation for the term and an example of how the defendant is evidencing a particular symptom (i.e. include a quotation from the defendant as an example).
- It is critical that you show the reasoning behind your conclusions by including the defendant's statements or description of behaviors that are relevant to your conclusion.
- If psychological or other testing was administered or assessment instruments were used, the report should describe the purpose and results of the testing or use of instruments in a manner easily understood by non-clinicians.
- Include in the report only information relevant and necessary to answer the question posed by the court and omit any information that is not relevant and necessary since it may be prejudicial (i.e. statements by the defendant that could be used as part of the prosecution). Statements made by the defendant about the alleged offense should NOT be included in a report addressing the defendant's competency to stand trial. Further, only answer the question posed by the court.
- The report should include any limitations or qualifications of which the evaluator is aware that might impact the evaluator's opinion. For example, it should be specifically noted in the report if there is uncertainty about the defendant's diagnosis, information such as prior psychiatric records were not available to the evaluator or the defendant refused to participate in the evaluation.

I. Identifying Information

This section should include the defendant's full name and date of birth, gender, the case name and case number, the court of jurisdiction, the charge[s] and whether the charge is a felony or misdemeanor, date and place of admission if the defendant was hospitalized and date of report.

II. Purpose of evaluation

This information concerning the type of evaluation should be found on the court order. This section of the report describes the purpose[s] of the evaluation (i.e. to evaluate defendant's competency to stand trial, to evaluate likelihood defendant will be restored to

competence, competence to waive right to counsel, etc.). It should reference the court order underlying the evaluation and the statutory authority for the evaluation referenced in the order.

This section should also include a description of any factual basis underlying the request for the competency evaluation, if known (i.e. defendant was acting erratically in courtroom; defendant would not communicate with attorney etc.).

III. Information reviewed/considered

This section of the report should list all interviews conducted as part of the evaluation. It should include the dates, time, location and length of all interviews of the defendant and other collateral sources (i.e. the defense counsel, member of defendant's family) interviewed.

In addition, this section should include the list of all records reviewed such as the police report, arrest warrant, court charging documents, defendant's statements, jail records, records of prior criminal history and competency evaluations, records of prior psychiatric treatment, current psychiatric assessment and treatment records, and educational records. If records were requested but not received (i.e. past medical records), this records requested but not available should be specifically noted as well.

The report should also identify in this section whether any psychological or other testing was administered to the defendant or if another formal assessment tool was utilized, and include the dates and location of administration.

IV. Forensic Advisement/Limits of confidentiality

This section of the report should include that the evaluator reviewed the limits of confidentiality with the defendant and the defendant's response thereto. It should include a description of what was explained to the defendant concerning the purpose of the evaluation and a statement confirming that the defendant was advised that the evaluation will result in a written report that will be submitted to the judge, defense counsel and prosecuting attorney.

It should also include a statement describing what the evaluator said to collateral sources regarding the limits of confidentiality and their responses thereto.

V. Relevant History

This section provides a summary of background information that is relevant to the evaluation and the evaluator's opinion. It should include a summary of the defendant's childhood, educational history, medical history if relevant (e.g., head trauma), and psychiatric history including past symptoms, diagnoses and treatments (and if they were

effective). It should identify the sources of the information (i.e. defendant, family, medical records etc.). Information learned from the defendant should then be compared with information obtained from collateral sources.

This section should also generally summarize any prior criminal history, prior evaluations related to criminal cases, and any unusual symptoms or behaviors noted during the pendency of the current charges. This can include symptoms or behaviors noted while the defendant has been incarcerated or, if the defendant has been on pretrial release, while the defendant has been in the community. It should also include information related to the defendant's interactions with defense counsel or behavior in the courtroom if relevant.

If the defendant is hospitalized this portion of the report should also describe his course of hospitalization, treatment and treatment response. Finally, this section should include a statement describing the defendant's level of cooperation with the evaluation.

VI. Mental Status Examination

This section of the report should include the results of the mental status examination completed by the evaluator. It should include the dates and locations of all interviews and note the defendant's level of cooperation during the interview[s]. It should include the diagnostic history and current diagnosis, and a description of the defendant's presentation and current functioning including quality of communication, behaviors, thought content/processes, potential mood or psychotic symptoms, and attention/concentration. In describing symptoms or behaviors, explain any clinical terms in a manner that non-clinicians can understand and give examples. It is helpful to link observations in the evaluation to concerns noted by the defense attorney or court (e.g. he did not appear confused during the interview as reported by his counsel). If the evaluator observes inconsistencies in symptoms or behaviors during the interview, those should be noted in the report as well. If any formal assessment tool was utilized or testing was completed that is relevant to the competency determination those should be noted and the results included.

This section should also address if the defendant was assessed for malingering and if so the results of the assessment.

VII. Competency evaluation

A defendant must have a rational and factual understanding of the proceedings against him or her and must have the sufficient present ability to consult with his or her lawyer with a reasonable degree of rational understanding in order for a criminal case to proceed to trial. In general, this section of the report should include data and observations describing the defendant's knowledge, beliefs, and behaviors relevant to his competence to stand trial. This should include the defendant's specific responses to the evaluator's inquiries designed to elicit information as to the defendant's factual and rational understandings of the proceedings against him, and his ability to consult with his lawyer with a reasonable degree

of rational understanding. It should be noted in this section of the report if the defendant did not participate in the evaluation, or was unable to do so because of his or her mental state.

This section of the report should specifically describe the defendant's factual knowledge of the charge[s] against him or her and whether the charge is a misdemeanor or felony; the roles of the judge, jury (if applicable), defense attorney, prosecutor and witness; the type of pleas and what they mean; the general process involved in a trial (e.g. witnesses may be testify, each side may question the witness etc.); the process and meaning of plea bargaining; and the rights of the defendant in a criminal case and during court proceedings. It should include the defendant's specific responses (using quotes whenever possible so long as they do not implicate the defendant) to questions seeking to determine his or her factual understanding. It should be noted if the defendant required prompts to respond to questions eliciting his factual understanding, and if he could recall later in the interview the information for which prompts were previously needed.

This section report should also address the defendant's rational understanding of the allegations underlying the charges and the implications of those charges and the court process. This should include information about defendant's ability to communicate or understand the evidence that may be offered by witnesses in a rational manner; the impact of the various pleas; and the presence or absence of behaviors, delusional beliefs or hallucinations that may significantly impact on the defendant's ability to make legal or strategic decisions. Similarly, the report should address the defendant's ability (versus willingness) to work with his attorney, including his understanding of the attorney's role, and ability to discuss issues with the attorney in a rational manner. The report should describe defendant's specific responses when given hypotheticals or options that explore his rational understanding or his ability to work with counsel. The evaluator should also report in this section the presence or absence of evidence of paranoia or delusions related to the court process or participants; if present, specific examples or statements should be included. Finally, the report should address the defendant's ability to work with counsel and include behaviors or statements that are relevant to this determination. In addressing two components related to rational understanding and the ability to work with counsel with a reasonable degree of rational understanding (and recognizing there may be some overlap), the report should be as specific as possible and include the defendant's responses to questions, hypotheticals or other strategies designed to assess the defendant's rational understanding and ability to work with counsel or maintain appropriate behavior in the courtroom.

It is noteworthy that in the event the defendant is found incompetent, information in this section of the report will be critical to the treatment providers charged with restoring the defendant's competence and therefore a clear description of deficits is critical.

VIII. Summary and Opinion

This section of the report should reflect the evaluator's synthesis of the information, clinical interpretations and ultimate opinion of the defendant's competence, not merely a listing of symptoms. It should refer to key data from the Competency Evaluation, Mental Status Examination and Relevant History sections, and include a brief statement describing the basis as to why the evaluation was ordered (i.e. defendant appeared confused and made bizarre statements to his lawyer), the current diagnoses and treatment if any, and a brief description of the results of the evaluation relating to defendant's factual and rational understanding of the proceedings against him or her and the ability to assist counsel. The reasoning underlying the evaluator's opinion should be clearly stated.

The report should include a clear statement of the evaluator's opinion as to the defendant's competence with the reasons that support the opinion. The opinion should specify if the defendant:

- 1) displays a factual and rational understanding of the legal proceedings against him and the ability to consult with counsel with a reasonable degree of rational understanding (competent) and if so, whether treatment or accommodation is needed to maintain competence and where such treatment is recommended¹ or what accommodation is needed; or
- 2) lacks a factual or rational understanding of the legal proceedings or is unable to consult with counsel (incompetent) but is restorable, in which case the report should describe the specific deficits that remain and provide a recommendation as to where restoration should occur and what kind of treatment should be considered to restore competence; or
- 3) lacks a factual or rational understanding of the legal proceedings or is unable to consult with counsel (incompetent) and not restorable, in which case the report should include a description of what deficits remain, why treatment will not result in sufficient improvement to restore the defendant to competence within a reasonable period of time and recommendations related to civil commitment, discharge or review as a sexual violent predator).

IX. Signature

The report should be signed and dated.

¹ The report should also specifically address if the individual should remain in the hospital in order to maintain competency or whether if continued treatment, if needed, could be provided elsewhere (the jail or community).

Competency to Stand Trial Court Report Template

I. Identifying Information

Defendant's Name
Date of Birth
Gender
Court of Jurisdiction
Case Name and Number
Charge(s)
Date of admission and place if hospitalized (or if incarcerated, date of detention)
Date of report

II. Purpose of evaluation

Determination of competency to stand trial

III. Information reviewed/considered

Dates and times of interview[s] of defendant, including length of interview[s]
List of records reviewed
Dates and times of any interviews of collateral sources
Psychological testing administered if any

IV. Forensic Advisement, Limits of Confidentiality notice

V. Relevant History

VI. Mental Status Examination

VII. Competency evaluation

VIII. Summary and Opinion

IX. Signature and Date