

***Competency Restoration:
Knowledge is only the Beginning.***

Sarah E. Hunter, MSW, LMSW
Fulton State Hospital

DISCLAIMER!!

Admission Types

- ☐ Short term
 - Evaluation
 - Observation
 - Stabilization

- ☐ Admission types:
 - Pre-trial
 - Incompetent to Stand Trial

Pre-Trial

- ☐ The Court questions the competency of person to stand trial.
- ☐ Most are completed on an outpatient basis.
- ☐ Discharged as soon as report is complete.
- ☐ Some clients are recommended to “roll over” into IST status.

Incompetent to Stand Trial (IST)

- ☐ Pretrial evaluation states they either...
 - Do not understand the court system or how it works, or
 - Cannot assist their attorney in preparing a realistic defense.
- ☐ Can be medicated voluntarily or involuntarily.
- ☐ Certified Forensic Evaluator (CFE) meets with client to recommend competency.

How long is an admission?

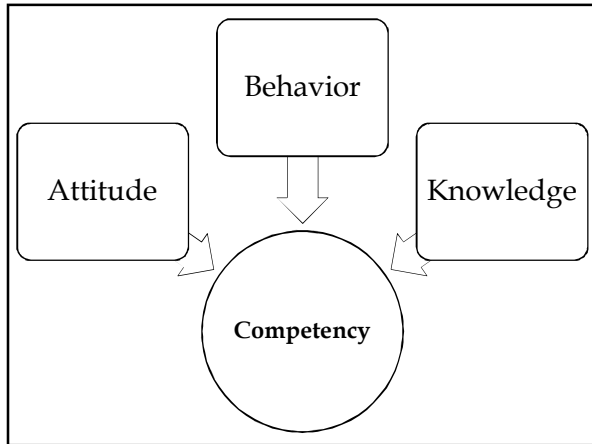
- ☐ Clients will be seen 6 months from the date of the signed IST order.
- ☐ After the evaluation, the report will need to be dictated signed and sent to DMH Central Office and then to the court.

Competency Education

DISCLAIMER!!

To be Competent you must

- ☐ Be able to work with your attorney.
- ☐ Understand the charges against you.
- ☐ Understand the possible penalties.
- ☐ Behave correctly in court.
- ☐ Understand the roles and titles of Court Personnel.
- ☐ Want to defend yourself.



Attitude

- ☐ Defending yourself against the charges to get the ***BEST*** possible outcome.
 - Dismissal
 - Reduction
 - Probation
 - Least amount of time
- ☐ Be realistic
 - Serious crime, Serious time

Behavior

EVERYONE is expected to behave well in court

- | | |
|--|--|
| <ul style="list-style-type: none"> ☐ Dress appropriately. ☐ Follow all court instructions. <ul style="list-style-type: none"> ▪ No gum ▪ Turn off Cell Phones ☐ Be polite and show respect. ☐ Use titles. | <ul style="list-style-type: none"> ☐ Pay attention. Listen to what is going on. ☐ Be Quiet ☐ Do not speak without permission ☐ Show that you are calm by remaining calm; hide strong emotions. |
|--|--|

Knowledge

People in the court and their roles

- ☐ Lawyer/ Attorney
 - Prosecutor
 - Public Defender or Defense Attorney
 - **CONFIDENTIALITY**
 - **YOU MUST BE ABLE TO WORK WITH YOUR ATTORNEY!**

Knowledge

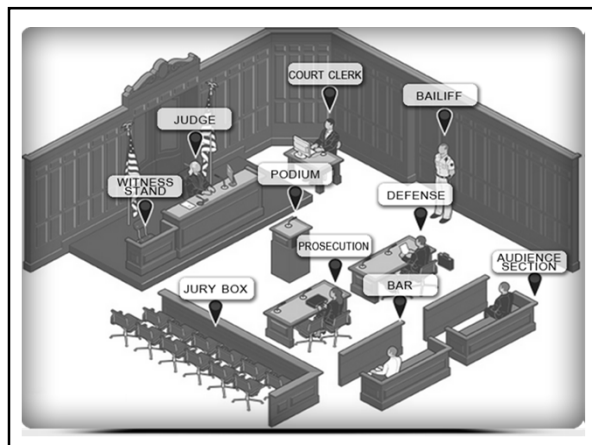
People in the court and their roles

- ☐ Judge
- ☐ Jury
 - A jury usually is selected on the first day of trial in a process known as voir dire.
- ☐ Bailiff
- ☐ Court Clerk/Secretary
- ☐ Court Reporter
 - VIP
- ☐ Defendant

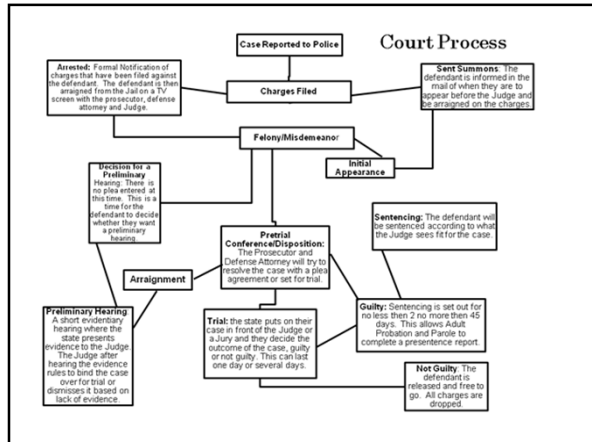
Testifying

- ☐ Witnesses also may have to testify:
 - At depositions
 - At hearings on pretrial motions, such as hearings on motions to suppress the victim’s identification of the defendant
 - At sentencing
- ☐ Should I testify in my own defense?

Witnesses		
Eye	Character	Expert





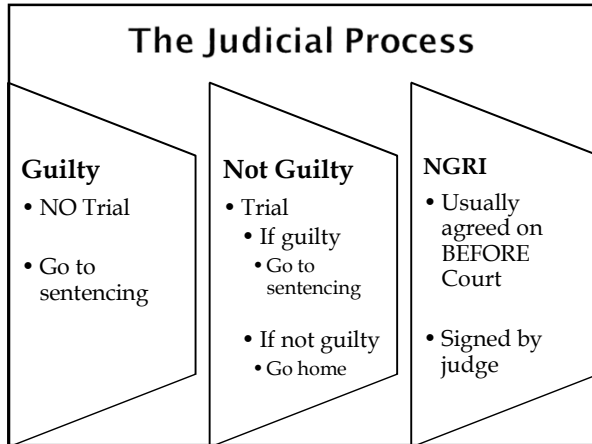


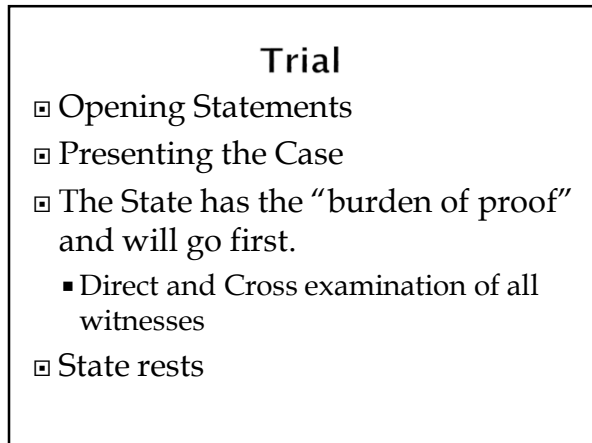
The Judicial Process

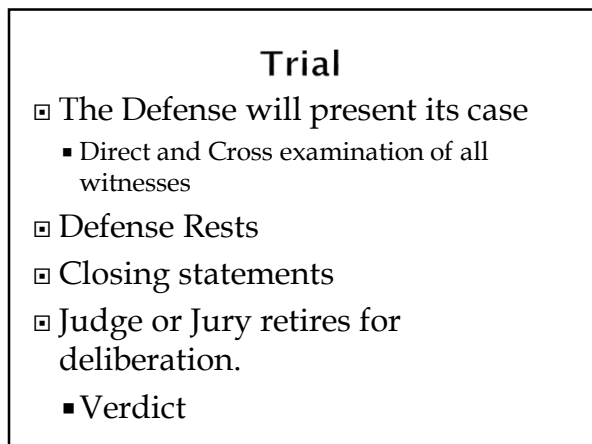
- ☐ A crime was committed and reported.
- ☐ Police investigate.
- ☐ Suspect is arrested
 - Probable cause
- ☐ Booking
- ☐ Initial appearance
 - Rights and charges are read aloud, bail is set.

The Judicial Process

- ☐ Indictment
 - Prosecutor could have a grand jury decide if there is enough evidence to go to trial
- ☐ Preliminary Hearing
 - Prosecutor could have a hearing in front of the judge who will decide if there is enough evidence to go to trial.
 - Kind of like a mini trial.
- ☐ Arraignment
 - Enter your plea







Sentencing

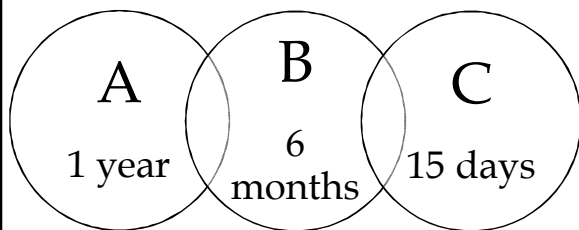
- ▣ Prior convictions
 - the judge will impose a sentence without a jury recommendation.
- ▣ Presentence Investigation
 - Before sentencing, the state Board of Probation and Parole may investigate to determine if the defendant is an appropriate candidate for probation and may make a recommendation to the judge.

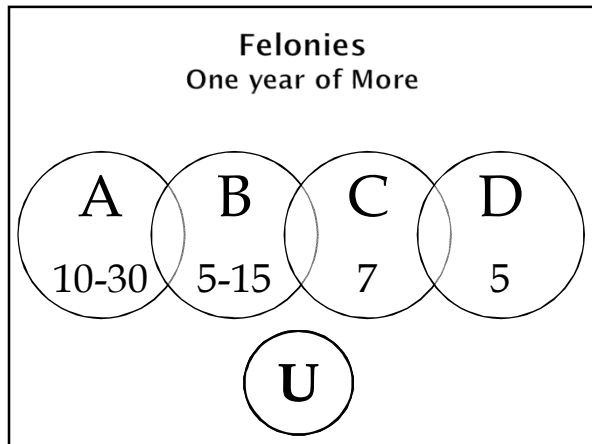
Sentencing

- ▣ Specific ranges for crimes
- ▣ If the defendant was sentenced by a jury, the judge cannot increase the punishment specified by that jury but can reduce it.

Misdemeanors

One year or Less





Fines
Class C or D felony: Up to \$5,000 not to exceed \$20,000.
Class A misdemeanor: Up to \$1,000.
Class B misdemeanor: Up to \$500.
Class C misdemeanor: Up to \$300.
Infraction: Up to \$200.

Competency Evaluation

<https://youtu.be/HOKGS-XuFqk>

<http://www.mentalcompetency.org/index.php>

<http://www.mentalcompetency.org/resources/videos/index.html>

Not Guilty by Reason of Mental Disease or Defect

- ▣ “Insanity” vs “Mental Disease or Defect”
- ▣ **MUST** be Recommended Competent by CFE and then **FOUND** Competent by the Judge.
- ▣ Responsibility Evaluation.

Permanently Incompetent to Stand Trial

- ▣ **NOT** a plea
- ▣ It is NOT likely in the foreseeable future that the client will regain Competency.
- ▣ Possible Reasons for a PIST Recommendation
 - TBI
 - Intellectual Disabilities
 - Severe Symptoms of Mental Illness
 - Fixed delusions

Questions?

Email: Sarah.hunter@dmh.mo.gov
