

Competency Restoration: Knowledge is only the Beginning.

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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?

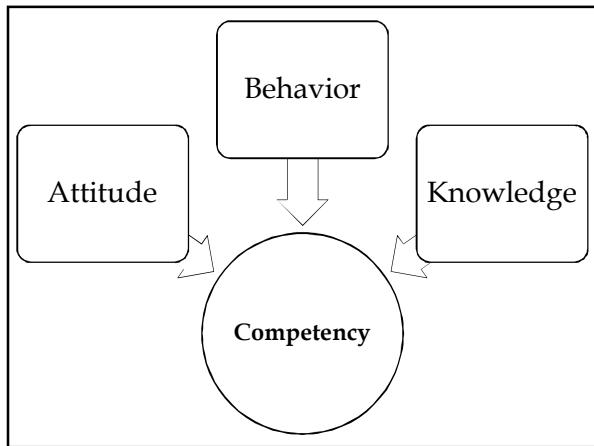
- Clients will be seen 6 months from the date of the signed IST order.
- After the evaluation, the report will need to be dictated signed and sent to DMH Central Office and then to the court.

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

<input type="checkbox"/> Dress appropriately.	<input type="checkbox"/> Pay attention. Listen to what is going on.
<input type="checkbox"/> Follow all court instructions. <ul style="list-style-type: none"> ▪ No gum ▪ Turn off Cell Phones 	<input type="checkbox"/> Be Quiet
<input type="checkbox"/> Be polite and show respect.	<input type="checkbox"/> Do not speak without permission
<input type="checkbox"/> Use titles.	<input type="checkbox"/> 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!**

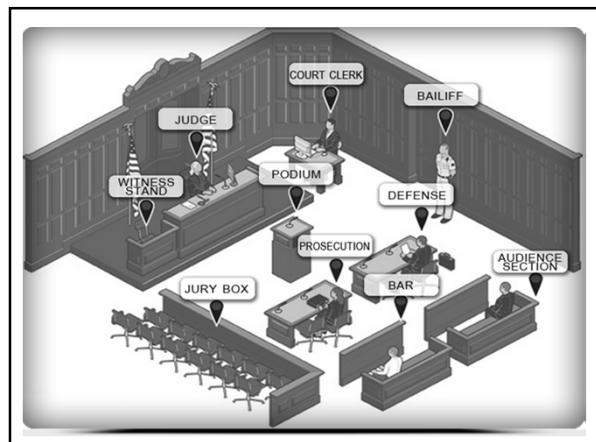
Knowledge**People in the court and their roles**

- 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

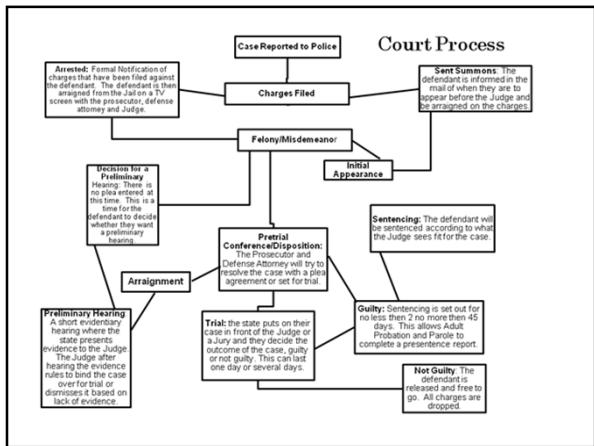
Testifying

- 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





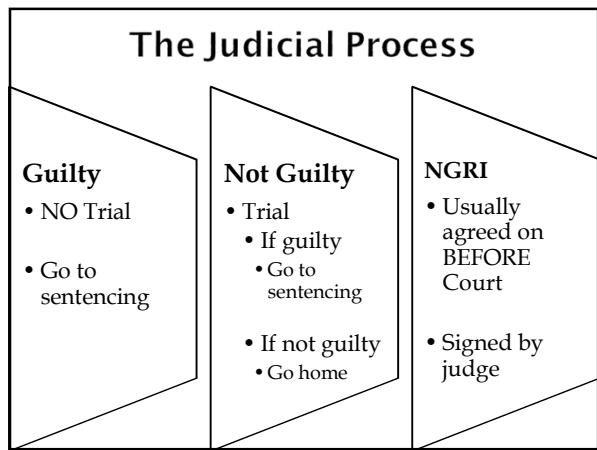


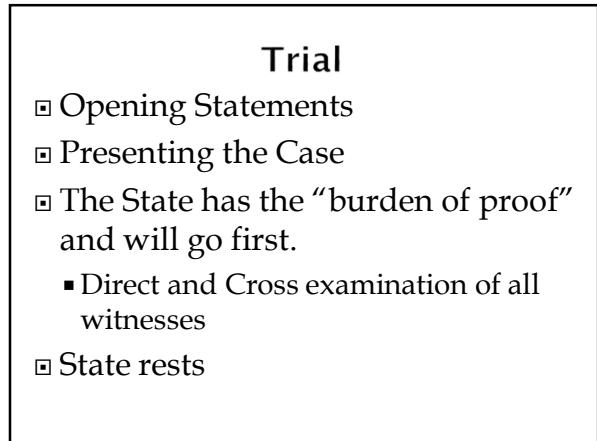
The Judicial Process

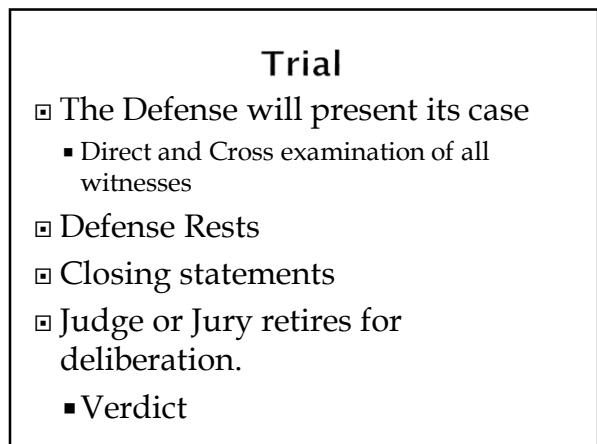
- ❑ A crime was committed and reported.
- ❑ Police investigate.
- ❑ Suspect is arrested
 - Probable cause
- ❑ Booking
- ❑ Initial appearance
 - Rights and charges are read aloud, bail is set.

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

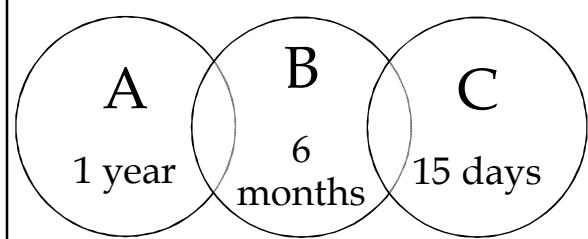
- Before sentencing, the state Board of Probation and Parole may investigate to determine if the defendant is an appropriate candidate for probation and may make a recommendation to the judge.

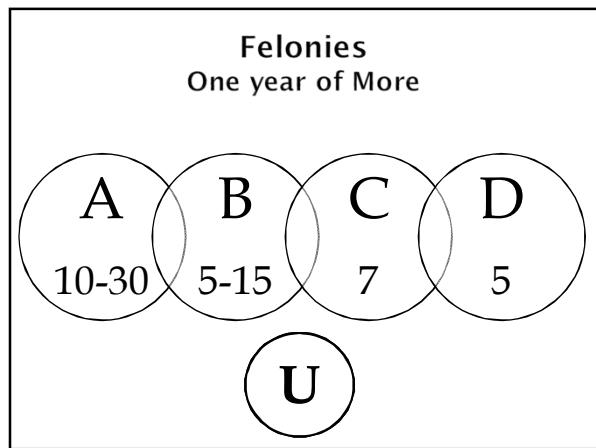
Sentencing

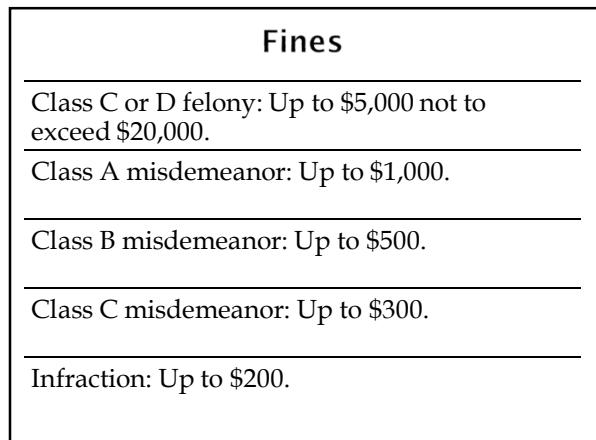
❑ Specific ranges for crimes

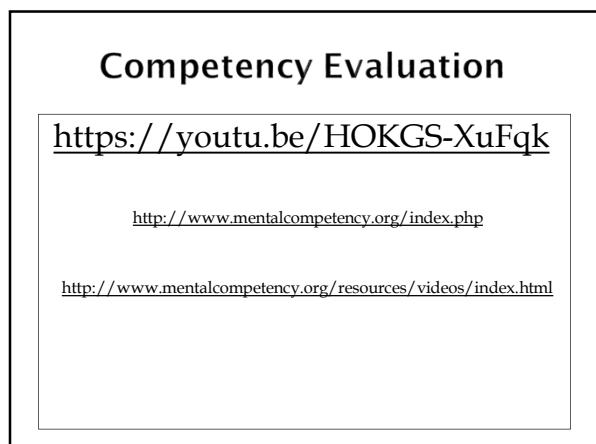
❑ If the defendant was sentenced by a jury, the judge cannot increase the punishment specified by that jury but can reduce it.

Misdemeanors One year or Less









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?

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