

# MEMORANDUM

TO: See Distribution Below

FROM: Morgan Christen  
Presiding Judge

RE: Centralized Competency Hearings in Misdemeanor and Felony  
Pre-Indictment Felony Cases in Anchorage District Court

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1. Competency Hearings in Misdemeanor and Pre-indictment Felony Cases in the Anchorage District Court will be centralized for hearings on the District Court Competency Calendar on Tuesdays, Wednesdays and Thursdays at 2:00 p.m. before one of the Coordinated Resources Project (CRP) judges. This policy will apply to the following cases:

- a) Misdemeanor and pre-indictment felony cases where there is reasonable cause to believe that the defendant is not competent for legal proceedings.

2. This procedure applies to the above cases:

- a) At any point in the processing of the above case types, when reasonable cause to believe that the defendant is not competent for legal proceedings, the court shall issue an Order for Psychiatric Examination by use of Court Form CR 260.
- b) The court shall schedule the case for a hearing on Competence for Legal Proceedings **within one week** on the District Court Competency Calendar on Monday, Wednesday or Thursday at 2:00 p.m. All competency hearings will be held in these case types at these times before the two judges currently assigned to preside over the CRP (Anchorage Mental Health Court).
- c) The in-court clerk shall distribute the Order for Psychiatric Examination CR-260 Form to the parties (AST, API, DA, PD as indicated on competency order) and, in addition, shall immediately route the file, with API fax confirmation sheet that Order for Psychiatric Examination has been sent, and to the CRP Project Manager, Kate Sumey, Room 226, Extension 886, fax # 264-0872.
- d) The Criminal Division shall immediately route all Misdemeanor or pre-indictment felonies in which an Order for Psychiatric Examination has been issued by any judge to the CRP Project Manager.

- e) The CRP Project Manager will serve as liaison with (DOC) and API for all Anchorage misdemeanor and pre-indictment felony cases for purposes of
- Review all Orders for Psychiatric Evaluation for Competence and Restoration for proper form
  - Assure all Orders are properly and immediately distributed
  - Coordinate provision of necessary documents by the prosecutor and defense to API in a timely fashion
  - Streamline defense communication with API re: reason evaluation requested
  - Assist API to schedule psychiatric examinations for in and out of custody defendants
  - Advance court hearing, with agreement of all parties, when evaluation or restoration is completed prior to the scheduled court date
  - Reschedule hearing date, with agreement of all parties, when the evaluation or restoration has not been completed prior to the scheduled court date but not exceeding 90 total days (per statute.)
  - Assist in scheduling the next court date in the CRP court for eligible individuals or schedule regular criminal proceedings immediately after defendant found competent to assure defendant's continued competence for proceedings
  - Maintain centralized competency evaluations and data
  - Flag new criminal cases involving defendants previously found not competent and not capable of restoration and alert the parties to this fact.

The following **INSTRUCTIONS FOR JUDGES** will be distributed to all Anchorage district court judges and posted on the arraignment courtroom benches:

**INSTRUCTIONS FOR ISSUING COMPETENCY ORDERS  
MISDEMEANOR AND PRE-INDICTED FELONY CASES**

1. Issue "Order for Psychiatric Examination," Form CR 260".
2. Check the box for 'Examination for Competency to Proceed, on page 1
3. Schedule for further hearing in **one week** as follows:

Tuesdays	2:00 p.m.	– Judge Rhoades
Wednesdays	2:00 p.m.	– Judge Lohff
Thursdays	2:00 p.m.	– Judge Rhoades
4. Order prosecutor to provide charging documents, criminal history and police report to API within 2 days of the date of the Order (page 2); remind prosecutor to take personal responsibility for immediately sending the

information to API on return to the office **by fax (907) 269-7129 Attn: Mary Martinez and Malinda Natanek.**

5. Remind the In-court to **IMMEDIATELY ROUTE THE FILE TO CRP Project Manager, Kate Sumey, 2<sup>ND</sup> Floor Nesbett** after distribution of the Order for Psychiatric Examination CR-260.
6. All competency hearings in these case types will be held by those judges assigned to preside over the Coordinated Resources Project (CRP – Anchorage Mental Health Court) calendars.

**Distribution:**

All Anchorage Judicial Officers  
Carol McAllen, Clerk of Court  
Jo Hall, In-Courts Supervisor  
Janice Ingalls, In-Courts Supervisor  
Mekesha Herrington, Court Operations Analyst  
Jill Kolberg, Calendaring Supervisor  
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Ronald Adler, CEO/Director API