

NEW: Effective October 1, 2015, BCOPD will be running a new batched evaluation program with Dr. Scott Mabee, a forensic psychiatrist from Spokane. Dr. Mabee will be coming to the Tri-Cities on a periodic basis for one or two days and we will be trying to schedule a number of evaluations for those days for cost and time effectiveness. All public defenders are strongly encouraged to take advantage of this program as much as possible. Please note the following additional points about this program:

- Scheduled evaluation dates will be publicized by email as well as by private Facebook event.
- Scheduling of evaluations for these scheduled evaluation dates will be coordinated through BCOPD staff.
- Compensation of evaluator for Scheduled Evaluations will be coordinated through BFOPD (evaluator will sign Claim for Compensation).
- After your case has been scheduled, you will receive an email confirmation approximately five days before the scheduled evaluation. When you receive this confirmation, **please contact your client if out of custody to confirm that they will be at the evaluation** and whether in or out-of custody, please confirm with BFOPD that the evaluation will still be necessary.

Policy Description

BCOPD has a need to ensure that expenditures for mental health evaluations (competency and capacity) are incurred in a cost effective and accountable manner. Furthermore, since, by virtue of RCW 10.77, certain costs associated with competency evaluations are payable by the State Department Social and Health Services (“DSHS”) BCOPD has a need to ensure that DSHS protocols are followed in order to ensure that agency will accept financial responsibility for the evaluations.

Applicability

This policy applies to all requests for funding or authorization to seek mental health evaluation services (competency and capacity) in any public defense defended criminal case in all jurisdictions (adult and juvenile) where BCOPD provides public defense services.

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COMPETENCY EVALUATIONS

Funding requests for competency evaluations must follow the procedure mandated by RCW 10.77. Specifically, funding for a “second-opinion” evaluation will only be authorized after an initial order directing an evaluation by Eastern State Hospital has been entered, the evaluation has been completed, and the attorney of record disagrees (for whatever reason) with the opinion in the evaluation.

1. Funding Request. As with other funding requests for expert services, the form of the funding request is to be an email sent to OPDAuthorizations@co.benton.wa.us.
2. Contents of Funding Request. The funding request must contain the following information
 - a. Case name and number;
 - b. Indication that the request is for funding to conduct a “second opinion” competency evaluation;
 - c. **Batched Evaluation Program:** If BCOPD has been working with an out-of-area evaluator who regularly travels to the Tri-Cities to conduct evaluations in a “batched” manner (“Scheduled Evaluator”), whether and the evaluator’s name, qualifications and next evaluation date has been publicized, whether or not that evaluator and next scheduled evaluation date will be acceptable;
 - d. If the Scheduled Evaluator is not acceptable, your choice of a different evaluator who will be willing to evaluate within BCOPD’s fiscal parameters of no more than \$1,500 per evaluation;
 - e. Whether the client is in or out-of-custody and whether there are other circumstances requiring an expedited handling of the request.
3. ****Very important**:** Necessary Orders. Attorney requesting funding for competency evaluation is responsible for ensuring that the following orders have been entered:
 - a. Initial order directing competency evaluation at Eastern State Hospital.
 - b. Second order directing independent competency evaluation by private

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evaluator of attorney's choice. **This second order must** contain the following language: "DSHS shall pay for the examination or shall reimburse Benton County for its expenditure of funds for the examination, pursuant to its obligations contained in Chapter 10.77, RCW."

CAPACITY EVALUATIONS

Funding requests for capacity evaluations shall be made utilizing the following procedure:

1. Funding Request. As with other funding requests for expert services, the form of the funding request is to be an email sent to OPDAuthorizations@co.benton.wa.us.
2. Contents of Funding Request. The funding request must contain the following information
 - a. Case name and number;
 - b. Indication that the request is for funding to conduct a capacity evaluation;
 - c. **Batched Evaluation Program**: If BCOPD has been working with an out-of-area evaluator who regularly travels to the Tri-Cities to conduct evaluations in a "batched" manner ("Scheduled Evaluator"), whether and the evaluator's name, qualifications and next evaluation date has been publicized, whether or not that evaluator and next scheduled evaluation date will be acceptable;
 - d. If the Scheduled Evaluator is not acceptable, your choice of a different evaluator who will be willing to evaluate within BFCOPD's fiscal parameters of no more than \$2,000 per evaluation;
 - e. Whether the client is in or out-of-custody and whether there are other circumstances requiring an expedited handling of the request.

APPROVAL

1. If your request for funding authorization is approved, then you will receive an email from OPDAuthorizations@co.benton.wa.us indicating the services approved, the dollar limit, the vendor to be used, and an approval tracking number.
2. Scheduled Evaluator if your case has been put on the schedule with a Scheduled Evaluator for the next Evaluation Event, then you will receive an

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emailed authorization from OPDAuthorizations@co.benton.wa.us **BUT it will state the scheduled evaluation date at the top of the email and all scheduling coordination will done through BCOPD.**

3. Other Evaluator if your case has been approved for an evaluator other than the Scheduled Evaluator, then you will receive an emailed authorization from OPDAuthorizations@co.benton.wa.us and you will be responsible for all aspects of coordination of the evaluator directly with the selected evaluator.

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