

Revised: COMPETENCY ASSESSMENT INSTRUMENT

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RATINGS

_____ 1. Understanding of Charge(s):

What are you charged with? _____

Is this a felony or misdemeanor? _____

Which is more serious? _____

What would anyone have to do to commit the crime of? _____

_____ 2. Appreciation of penalties:

If you are found guilty as charged, what are the possible sentences the Judge could give you? _____

Where would you serve such a sentence? _____

What does probation mean? _____

What are some of the conditions a person must follow on probation? _____

What happens if a person is found Not Guilty? _____

Where do they send people found Not Guilty by Reason of Insanity? _____

NAME: _____ DATE _____ PASS OR FAIL

_____ 3. Appraisal of Available Defenses:

What pleas can a person enter in court? _____

What does Not Guilty mean? _____

Guilty? _____

Not Guilty by Reason of Insanity? _____

_____ 4. Appraisal of Functions of Courtroom Participants:

In the courtroom during a trial, what is the job of?

a. Public Defender _____

b. District Attorney _____

c. Judge _____

d. Jury _____

e. Defendant _____

f. Witnesses _____

_____ 5. Understanding the Court Procedures:

Do defendants always have to testify in their own cases?

_____ If you do have to testify, who asks
you questions first? _____

Then who can ask you questions? _____

What is the district attorney trying to do? _____

What is the difference between a court trial and a jury
trial?

NAME: _____ DATE _____ PASS OR FAIL

_____ 6. Motivation to help self in the legal process:

What would you like to be the outcome of your trial?

Why? _____

_____ 7. Appraisal of Likely Outcome:

Does the court you are going to be tried in have authority over you?

What does evidence mean? _____

What evidence do they have against you? _____

How strong a case do they have against you? _____

What do you think your chances are to be found not guilty?

_____ 8. Planning of Legal Strategies:

What plea do you expect to enter in this case? _____

What else would you consider? _____

What is a plea bargain? _____

What plea do you have to make to get a plea bargain? _____

What rights do you give up to get a plea bargain? _____

NAME: _____

DATE _____

PASS OR FAIL

Would you accept a plea bargain if your lawyer could get the DA to accept it? _____ Would you consider a plea of Not Guilty by Reason of Insanity (NG, NGI) if advised to do so by your lawyer? _____

Why? _____

If your lawyer decided not to have you testify, could you go along with that? _____

9. Ability to Cooperate Rationally with Counsel:

Do you have an attorney now? _____ What is your attorney's name _____ . How can you help your lawyer? _____

Do you have confidence in your lawyer (Public Defender)? _____

How can you help your lawyer? _____

Is there anything you disagree with in the way your lawyer is handling your case? _____

What can you do if you disagree with your attorney? _____

What does confidentiality between you and your attorney mean? _____

Who raised the issue of your trial competency? _____

How do you feel about this person? _____

10. Capacity to Disclose Pertinent Information to Counsel:

Do you remember everything that happened? _____

NAME: _____ DATE _____ PASS OR FAIL

Will you be expected to tell your attorney everything you know and remember? _____

Do you expect any problems in telling him/her everything?

____ 11. Capacity to Testify

What does the police report say you did? _____

What led the police to arrest you, and what did you say to them? _____

Did you confess to the crime(s)? _____

What do you say happened? _____

____ 12. Capacity to Challenge Prosecution Witnesses:

What should you do if a witness tells lies about you in the courtroom? _____

Is there anyone likely to tell lies about you in this case? _____ Why? _____

What should you do if you do not understand something a witness is saying? _____

____ 13. Ability to Manifest Appropriate Courtroom Behavior:

How are you expected to act in court? _____

NAME: _____ DATE _____ PASS OR FAIL

When can you speak in the courtroom? _____

What do you think would happen if you spoke out or moved around in the courtroom without permission? _____

Have you ever had difficulty behaving right in court? _____

14. Capacity to Cope with the Stress of Incarceration Awaiting Trial:

(How are) How did you handle jail awaiting trial? _____

Are you taking medications now? _____

If prescribed, will you take your medications while awaiting trial? _____

What are these medications doing for you? _____

Do you think you are mentally ill? _____

Have you ever been mentally ill? _____

Do you feel you are Trial Competent? _____

If you have the choice, would you prefer staying in a mental health facility or jail while you are waiting for trial? _____

Why? _____

OBSERVATIONS: _____

NAME: _____ DATE _____ PASS OR FAIL