



Restoration to Competency Skills Patient Workbook



A “world class” system of competency restoration that honors strengths, inspires hope, and builds confidence

A judge has sent you to this Regional Psychiatric Hospital because you were found unable to understand the legal process or assist your attorney in your defense. You may hear the phrase “incompetent to stand trial”. This means that the judge decided that it may be unfair for you to have a trial until you can understand the court process and work with your attorney, usually after an evaluation by a psychologist or psychiatrist. The Constitution of the United States says that everyone has the right to a fair trial. If you are found incompetent to stand trial, you are not able to have a fair trial.

There are many reasons a judge may have thought that you were unable to stand trial or proceed with your case:

- You may not have been thinking clearly during a hearing or trial.
- You may have been unable to understand your charges or were unable or unwilling to cooperate with your lawyer.
- You may not have understood what your options were.
- These are just to name a few. Whatever the reason, opening this workbook is the first step to moving on with your life.

This workbook is designed to help you to become able to assist in your competency evaluation and criminal case, so that you may return to court and continue with your case. The workbook will be used in your forensic groups, in addition to being a resource that you may use during your personal time.

There are nineteen modules (sections) in this workbook, beginning with the module that will help you understand why you are here and ending with a module that will give you tips on how to stay out of the criminal justice system. Each module offers a unique topic and includes different activities to complete, as well as a post-test for some of the modules to help you know which topics you may need to spend more time studying. The modules’ outlines are as follows:

- Topic to present
- Critical thinking questions
- Post-test (for most of the modules)

The Appendix in the back has even more information to help you review and understand the legal skills materials.

Workbook Modules

Module One- Why Am I Here? This module is to help you adjust to being at the hospital.

Module Two- What Now? This module will give you information about what treatments are available to you, in addition to your rights.

Module Three- Your Treatment Team: This module will help you get to know the people who can help you through your treatment while you are at the hospital.

Module Four- Your Legal Case: This module will help explain what you need to do in order to be able to leave the hospital

Module Five- Ohio Revised Code 2945.38: This module will help you to understand the law that allows the judge to send you to the hospital for competency restoration and treatment services.

Module Six- People of the Courtroom: This module will help you get to know all the people who work in the courtroom.

Module Seven- The Courtroom and Court Proceedings: This module will help you understand what happens in the courtroom.

Module Eight- Working with Your Attorney: This module will help you build a successful and professional relationship with your attorney.

Module Nine- Plea Options and Mental Health Defenses: This module will help you learn and understand your options when you return to court.

Module Ten- Not Guilty Plea: This module will give you the definition and the outcome for the not guilty plea.

Module Eleven- Guilty Plea: This module will give you the definition and the outcome for the guilty plea.

Module Twelve- No Contest Plea: This module will give you the definition and the outcome for the no contest plea.

Module Thirteen- Not Guilty by Reason of Insanity: This module will give you the definition and the outcome for the NGRI defense.

Module Fourteen- Plea Bargaining: This module will give you the definition of what a plea bargain is and how plea bargains work.

Module Fifteen- Questions to Consider before You Return to Court: This module will give you some example questions that will help you participate in your defense.

Module Sixteen- Appropriate Courtroom Behavior: This module will give you information about how you should act in court.

Module Seventeen- The Evaluation: What to Expect: This module will give you information about some of the topics that may be asked about during the competency restoration evaluation.

Module Eighteen- Evaluation Results: This module will explain what happens after the evaluation.

Module Nineteen- Staying Out of the System: This module will give you some helpful hints about how to find and keep a healthy lifestyle.



Module One: Why Am I Here?



When most people first get to the hospital, they don't want to be here. They may not know why they are here in the first place. They often don't think that they have a problem. The judge may have sent you here for reasons you don't agree with. Sometimes people are mad at their attorney, the judge, their family, or just mad at everyone. When people are mad or don't care, they often do not want to participate in anything anyone says they should. They may not want to even listen to anything anyone has to say.

Sometimes, people are sad or upset about being in the hospital. They may be sad for something they lost when they came into the hospital or upset about the disruption to their life. Sometimes, people experience grief for the loss of family, friends, pets, homes, jobs, and much more.

It is natural and understandable that you may be feeling strong, difficult emotions when things change in your life. You may be experiencing many emotions over the next couple of days as you begin to get used to your surroundings, the new people, the rules, even the food.

You also may have many questions that you want answered. "Why am I here?" "How do I get out?" "Who are all of these people?" These questions are natural. There are many people who can help you through this part of your life, if you are willing to accept the help.

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Materials adapted from existing Oregon State Hospital materials, the Florida State Hospital Comp-Kit, the Slater Method developed in Rhode Island, and other forensic restoration programs across the nation.

What are some emotions that you felt when you first came to the unit?

What are some healthy ways that you can express these emotions?

What are some things that you feel you have lost or may lose after you were incarcerated and/or sent to the hospital?

What are some healthy ways that you can cope with these losses?

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Sometimes, it is hard to focus on the task or job at hand when there are other things on your mind. This is an opportunity to receive help with anything you need and talk about anything that may be upsetting or bothering you.

Are there any issues that are currently on your mind that you would like assistance with? If yes, what are they and who can help you?

Module Two: What Now?



This OhioMHAS psychiatric hospital has a goal to inspire hope, promote safety, and support recovery for all. While you are at the hospital, you have the choice whether or not you want to participate in treatment. Treatment may include attending competency restoration groups or individual sessions, participating in psychological evaluations, and/or engaging in individual therapy. Some people may be experiencing symptoms of an illness that may be helped with medication. All of these pieces of treatment are ways to help you get out of the hospital and back to court as quickly as possible.

Here at the hospital, we want to respect your rights. Some basic hospital rights that you have, and that can help you along the way, are:

- You have the right to contact your attorney. This can be done from the patient phone on the unit. The unit direct staff or social worker can assist you.
- You have a right to file a grievance if you feel any of your rights have been violated. The hospital Rights and Recovery Administrator can assist you.

- You have a right to be involved in the development of your treatment plan. Your treatment team will help you decide what you would like to work on while you are in the hospital.

You also have constitutional rights such as:

- You have the right to discuss with your attorney if you should engage in the treatment and evaluations at the hospital.
- Once found to be Competent, you have the right to choose your legal strategy/defense, to decide if to take a plea bargain or go to trial and to choose to testify or not.

What are some rights that are important to you?

What are some rights that you had to give up after becoming incarcerated and/or hospitalized?

Participating in treatment is often hard work. What are some ways that you can stay motivated to participate in treatment?

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Some people here are diagnosed with a mental illness. If you have been, do you know what your diagnosis is? Do you know what it means?

Do you have goals that you would like to work on while you are at the hospital? If yes, list one or two below.

What are some ways that you can work on those goals?

Module Two Self-Test

1. You have the right to contact by using the phone on the .

2. If you believe that your rights are being violated, you can file a

3. You have the right to:

- a.) Contact your Attorney
- b.) File a grievance
- c.) Participate in your treatment plan
- d.) All of the above

Module Three: Your Treatment Team



There are many people at the hospital that are willing to help you, if you are willing to accept the help. Your Interdisciplinary Treatment Team is here to help guide you through treatment, and to help you gain, regain or maintain the ability to return to court. You are a very important part of the process. You have the ability to shape your treatment and help the team identify goals for you to work on.

There are several members of your team who all can help you with different issues or needs you may have.

Psychiatrist- Conducts an assessment for mental illness, makes a mental illness diagnosis, if applicable, prescribes medication that can help you cope with your mental illness, and recommends treatment.

Social Worker- Assists with contacting family members, guardians, social supports and attorneys, and coordinates information between the hospital and your county. Sets up ongoing services you can participate in after your discharge.

Psychologist- Provides individual and group therapy to help you cope, conducts psychological testing, and assists with Behavioral Support Plans, if necessary.

Adjunctive or Occupational Therapists- Provides individual or group therapies to help you learn ways to cope through recreation, art, music and other modalities.

Nurse- Carries out the doctor's orders, provides patient care on the units, administers medications, monitors your health.

Therapeutic Program Workers (TPWs)- Provides patient care on the unit, assists with basic daily needs, monitors the unit environment

In addition to your treatment team, there are other professionals that may be involved in your care while you are at the hospital. These include: pharmacist, medical doctor, chemical dependency counselor, and a dietician.

Getting to know the members of your treatment team is a great first step to success.

What is the name of your psychiatrist?

What is the name of your social worker?

What is the name of your psychologist?

What is the name of your adjunctive therapist(s)?

What is the name of the unit nurse(s)?

Name at least 2 regular unit staff members that you have met:

All of the above people can help make your stay at the hospital as short as possible. Remember, the best kind of work is teamwork. **All you have to do is ask!**

Module Three Self-Test

Match the person with the correct job by drawing a line from the person to the job. There may be more than one response per person.

- | | |
|--------------------------------------|--|
| 1. Psychiatrist | |
| 2. Social worker | |
| 3. Psychologist | |
| 4. Medical doctor | A. Provides individual and group therapy, psychological testing, and assists with Behavioral Support Plans. |
| 5. Nurse | B. Leads the Competency Restoration groups and/or 1:1 therapy. |
| 6. TPW | C. Assists with contacting family members and attorneys, and coordinates information between the hospital and your county. |
| 7. Adjunctive/Occupational Therapist | D. Carries out the doctor's orders, patient care on the wards, administers medications. |

- E. Assists with all medical needs.
- F. Helps you with day-to-day issues.
This is the first person you should make requests to.
- G. Prescribes medication that can help you cope with your mental illness, makes a mental illness diagnosis, recommends treatment

Module Four: Your Legal Case



The judge wrote an order that sent you to the hospital for treatment because he or she believed you were unable to cooperate with your attorney, understand what happens in court, and/or participate in your defense. While here, you have the opportunity to attend Competency Restoration groups that will help you learn all the different things that you need to know in order to go back to court. Before you can return to court you must be found able to understand basic facts about the court and work with your attorney. This book will cover the materials that will be important to understand prior to your next evaluation. If you attend the groups or individual sessions, you will have a better chance at being found able to proceed with your court case at your next evaluation.

Forensic Evaluation Timelines

The circumstances for each patient are unique, and depending on the situation, the time needed for your treatment may vary. At the

appropriate time, a forensic evaluator will schedule an interview with you and then submit a report to the court with an opinion regarding your capacity to stand trial for the judge to consider.

If you were sent here for competency restoration, the time frame for your treatment will vary depending on the level of your charges.

If your charges are serious, such as a Felony – 1 or Felony – 2 offense, your treatment may last up to one year. You will be re-evaluated after 6 months and again at the end of the year.

If your charges are less serious felony offenses, such as Felony 3, 4, or 5, your treatment may last up to six months. For misdemeanors the time frames for restoration are much shorter, up to 30-60 days.

Although there are required report timelines, early evaluations may be completed based upon a variety of factors:

- Are you clinically stable? (For example: no outbursts, acts of physical aggression or emergency medications, mood stable – no irritability, thinking and “voices” significantly improved.)
- Do you know your charges and what they mean?
- Are you able to talk in a “rational” way with your attorney?

The law limits the amount of time a person can be hospitalized for competency restoration. Once a person is found by the Judge to be Competent to Stand Trial, they will proceed with their case from the jail or while on bond in the community.

If a person is not found to be Competent to Stand Trial after treatment, he or she can be civilly committed if a judge determines that a patient’s mental illness makes them a danger to themselves or others. If you have a violent F1 or F2 charge, your judge may find you Incompetent to Stand Trial – Unrestorable – Court Jurisdiction (IST-U-CJ). If you are found IST-U-CJ, you will have to move through “forensic levels” 1-5

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before you can be considered for a “conditional release” from the hospital to the community. You will continue to have court hearings and the judge will approve your levels and release.

You cannot return to court to enter a plea or stand trial on your case until you are found competent to stand trial. You may return to court for hearings related to competency. Until then, your court case is suspended, which means that it is on hold until you are found competent. You can still contact your attorney on the patient phone located on your unit. You can ask someone in the nurse’s station to help you make the call.

You can return to court with mental illness symptoms, as long as they do not interfere with your participation and understanding of what is happening in court. Your psychiatrist can prescribe medications for you that will assist you with learning how to manage your symptoms. In addition, there are several groups that can help you manage your mental illness.

For the evaluation, you will need to know your charges. During the arraignment, you were appointed an attorney and given your formal charges. These are the names of the crimes you have been accused of committing. You will also need to know the maximum amount of time you could face if convicted. If you are unsure of your charges, you can ask the unit social worker or psychologist who will find out for you.

There are two classifications of crimes. **Felonies** are the more serious classification of crimes. **Misdemeanors** are not as serious as felonies.

What are the names of the crimes you have been accused of committing?

Charges:

Are they Felonies or Misdemeanors? What level are they?

What is the Maximum Sentence you could receive if convicted:

Notes:

Module Four Self-Test

1. Who wrote the order that sent you to the hospital for competency restoration?

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2. About when will your evaluation be?

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3. Can you return to court with mental illness symptoms?

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4. Can you enter a plea or stand trial even if the forensic evaluator thinks you are still not yet competent to stand trial?

5. What are the names of the charges against you?

6. What is the more serious classification of crime?

7. What is the least serious classification of crime?

8. In general, what is the maximum sentence for:

Felony 1

Misdemeanor 1

Felony 2

Misdemeanor 2

Felony 3

Misdemeanor 3

Felony 4

Misdemeanor 4

Felony 5

Minor Misdemeanor

*Sentencing laws can be complicated. Ask your attorney or have the treatment team check with the Legal Assurance Administrator for your specific case.

Module Five:

Ohio Revised Code 2945.38 - Competence to Stand Trial

You are here because at the time of your arrest, in jail, or during court proceedings, someone questioned whether or not you were able to understand the court processes or assist your attorney with your defense.

Ohio Revised Code Statute 2945.38 allows the judge to send you to a state psychiatric hospital for treatment that will help you:

- 1) **Cooperate** with your attorney. In order to prepare for your defense, you need to be a part of the team. You need to be honest with your attorney, who will work to get the best outcome for you.
- 2) **Understand** the nature and seriousness of your charges and how court works. This workbook will help you understand the different plea options, the people of the court, court proceedings, and much more.

- 3) **P**articipate with your attorney in your legal defense. Your attorney will give you legal advice and information that will help you make an informed decision about what options you have in your case. Participation also means being able to make good choices about your legal defense.

Treatment is focused on three principles: **C**ooperation, **U**nderstanding, and **P**articipation. Remembering the acronym **CUP** will help you remember what the goal of treatment is and what you need to know before you can return to court.

What does the word “cooperation” mean to you?

What are some ways you can show that you can cooperate?

What does the word “understand” mean to you?

What are some ways that you can show that you understand?

What does the word “participate” mean to you?

What are some ways that you can show that you can participate?

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Remember to practice your “CUP” skills!

Module Five Self- Test

1. Why are you here at the hospital instead of jail?

2. What does “CUP” stand for?

3. What does the Competence to Stand Trial statute allow the judge to do?

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Module Six: People of the Courtroom



It is important to know who the people in the court are, and what they do. It will make it easier to understand what your job is in the courtroom.

The Defendant- You, the person charged with a crime. Sometimes called “The Accused” or alleged perpetrator.

The Defense Attorney- His or her job is to help to get you the best outcome possible. Sometimes called Public Defender. This is your attorney/lawyer.

The Judge- Referred to as “Your Honor” or “The Honorable [Judge’s last name].” This is the boss of the courtroom. He or she is a neutral party, meaning they are not for or against you. The judge makes sure that everyone is following the rules of the courtroom. He or she will also decide the sentence if you are convicted.

The Prosecutor- Also known as the District Attorney, his or her job is to prove that you are guilty.

The Jury- 12 of your peers who listen to testimony, look at evidence, and will decide whether you are guilty or not guilty (the verdict) in a jury trial. The jury is not for or against you.

The Witness- A person who knows something about the case and will answer questions during a trial. They swear to tell the truth, the whole truth and nothing but the truth. There can be witnesses for the prosecution and witnesses for the defense.

Expert Witness- Someone who is considered an expert in his or her field or work. For example, a psychologist or psychiatrist could be considered an expert witness. An expert witness will give his or her professional opinion about topics they are experts in.

The Bailiff- Keeps order in the courtroom and may be a member of the sheriff’s department or appointed by a judge.

The Court Clerk- An assistant to the judge who brings files, administers oaths, and prepares forms. Sometimes the bailiff does this as well.

The Court Reporter- Records and writes every word that is said in court, word for word.

You may or may not meet all of the people in the courtroom. Some of these people will only appear in court when there is a trial. Some of these people, such as the judge and your attorney, you have already met.

Module Six Self-Test

Match the person with their job in the court by drawing a line from the person to their job.

- | | |
|---------------------|--------------------|
| 1. Judge | 7. Defendant |
| 2. Bailiff | 8. Jury |
| 3. Court Clerk | 9. Witness |
| 4. Court Reporter | 10. Expert Witness |
| 5. The Prosecutor | |
| 6. Defense Attorney | |

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|---|--|
| | E. Also referred to as “Your Honor” or “The Honorable” |
| | F. 12 of your peers who will decide the verdict in a trial |
| | G. An assistant to the judge |
| A. You, the person charged with a crime: Sometimes called “The Accused” | H. Also known as the District Attorney (against you) |
| B. A person who knows something about the case and will answer questions in court | I. Records every word that is said in court |
| C. Keeps order in the courtroom | J. Someone who can state their professional opinion |
| D. His or her job is to help get you the best outcome possible | |

Module Seven: The Courtroom and Court Proceedings



Once the judge has found that you are Competent to Stand Trial, you will be able to return to court, where you will continue with your case.

Here are some common words you might hear in a courtroom and what they mean:

Acquittal- found not guilty

Appeal- if you have been found guilty in trial, you can request to have a higher court review your case if you feel that the law was not followed correctly

Arraignment- the judge tells the defendant what he or she is charged with and asks the defendant to enter a plea

Attorney- a lawyer; an expert in the practice of law. There are attorneys for the defense and attorneys for the prosecution.

Burden of Proof- the prosecution must prove you are guilty for you to be convicted of a crime

Charge- the formal names of the crimes you have been accused of

Competent to Stand Trial - the ability to understand court processes and assist your attorney at a hearing or a trial

Concurrent sentences- if you are sentenced for more than one crime, you will complete all sentences at the same time

Consecutive sentences- if you are sentenced for more than one crime, you will complete the sentence for the first crime before your time starts for the next one

Contempt of Court- any behavior, such as talking, yelling, or moving, during trial that could interfere with court proceedings; contempt of court is a crime and may result in formal charges a fine or time in jail

Conviction- a court finding of guilty following a trial or a plea bargain

Courtroom- the place where a hearing or trial happens

Evidence- things presented to the jury or judge, including the testimony from witnesses, which help prove guilty or not guilty

Felony- more serious classification of crime

Fine- money to pay to the court as a punishment for breaking the law

Misdemeanor- a crime that is less serious than a felony

Plea Bargain- a deal between yourself and the Prosecuting Attorney, with assistance and advice from your lawyer. The deal says if you plead guilty, you will be offered lowered charges, reduced number of charges and/or a recommendation for a lesser sentence to the judge.

Perjury- Lying in court; not telling the truth under oath

Privilege- certain information that cannot be shared with other people. Similar to confidentiality. The communication you have with your lawyer is privileged communication

Rights- laws to protect you

Suspended Sentence- the judge has given you a sentence, but based on his or her belief that you can turn yourself around, states that you don't have to serve the time if you stay out of trouble

Testimony- verbal evidence; what witnesses say under oath

Trial- the court process to determine whether the defendant is not guilty or guilty in a criminal case. There are two types of trial: A jury trial and a bench trial.

- In a **jury trial**, 12 of your peers will listen to testimony, look at evidence, and will decide if a person is guilty or not guilty (verdict). If the finding is for a guilty verdict, the judge will then pass down a sentence.
- In a **bench trial**, the judge will listen to testimony, look at evidence, and will decide if a person is guilty or not guilty (verdict). If the finding is for a guilty verdict, the judge will then pass down a sentence.
- The defendant (with advice from their attorney) chooses which type of trial they would like

Verdict- Decision by the jury or judge of guilty or not guilty

Module Seven Self-Test

1. What is an appeal?

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2. What is a plea bargain?

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3. What does contempt of court mean?

4. What does competency mean?

5. What does privileged communication mean?

6. With whom do you have privileged communication?

Module Eight: Working with Your Attorney



Your attorney was appointed to represent you in a court of law, answer any questions you may have, help you decide how to plea, and work to get you the best outcome possible. Sometimes, it may feel that your

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attorney and you do not see eye-to-eye. Here are some helpful hints to help you work with your attorney to get the best outcome possible.

- Be honest with your attorney. Your attorney can help you best if he or she knows as much information as possible.

- Be prepared to tell your attorney what you know about the events related to your case. This helps your attorney to be able to gather information to help you in your case.

- Ask your attorney what evidence the Prosecuting Attorney has against you.

- Ask your attorney what evidence you have to support your case.

- Evaluate the pros and cons of each of the four plea options with your attorney. They can offer legal advice that you may not know about.

Remember, the only person you should be talking to about your case is your attorney. Although your charges are public information, what you believe happened on the day of the crime is confidential information between you and your attorney. Do not discuss the details of your case with anyone other than your attorney, unless your attorney tells you that you can.

Sometimes, you may feel that your attorney is not doing the best possible job for you. Negative comments about your attorney may show the evaluator that you are not ready to cooperate with an attorney and participate with your defense. Even if you have had a negative experience, there are ways to make more positive comments.

Instead of saying, “My attorney does not do anything for me”, you could say, “I keep trying to get a hold of my attorney but haven’t been able to talk to him/her yet”.

Instead of saying, “My attorney is lazy”, you could say, “Nothing is happening with my case at the moment because I am working on passing my evaluation first.”

How would you say, “I have a Public Pretender” in a more constructive way?

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How would you say, “I hate my attorney” in a more constructive way?

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Remember, part of the evaluation is to see if you are able to work with an attorney. Although it may be difficult at the time, or you may be working on getting another attorney, it is still important to show you can cooperate.

Module Eight Self- Test

1. What is your attorney’s job?

2. What are some ways you can work with your attorney?

3. Who should you talk to about your case?

4. Is it important that you show that you can work with your attorney?
Why or why not?

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Module Nine: Plea Options and Mental Health Defenses



Plea Options:

-Guilty

-Not Guilty

-No Contest

-Not Guilty by Reason of Insanity (NGRI)

You will need to know and understand what each of these means. In addition, you will also need to know what the outcomes are for each plea option. The next four modules will go over in detail what each of these means, the pros and cons if you were to plead each one, and the outcomes for each one.

After you are found able to be Competent to Stand Trial, you will return to court and enter a plea before the judge. Understanding these terms will help you and your attorney decide the best outcome for you.

Module Nine Self- Test

Name the four standard plea options:

1.	
2.	

3.
4.

1. Will you need to know all of these for your evaluation?

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2. Will you need to know the outcomes for the plea options?

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3. Why is it important to know these?

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4. What happens after you are found to be Competent to Stand Trial?_____

Ten: Not Guilty Plea



You are saying you did not do the crime you are accused of doing

If you enter in a plea of **not guilty**, you keep your right to a trial. You have the right to either a jury trial or a bench trial. In most cases, it will be your decision to choose which one you would like. You keep your right to an appeal.

During the trial, the prosecution has the “burden of proof.” That means they have to prove that you are guilty “beyond a reasonable doubt.” The hospital does not help you to prove your case.

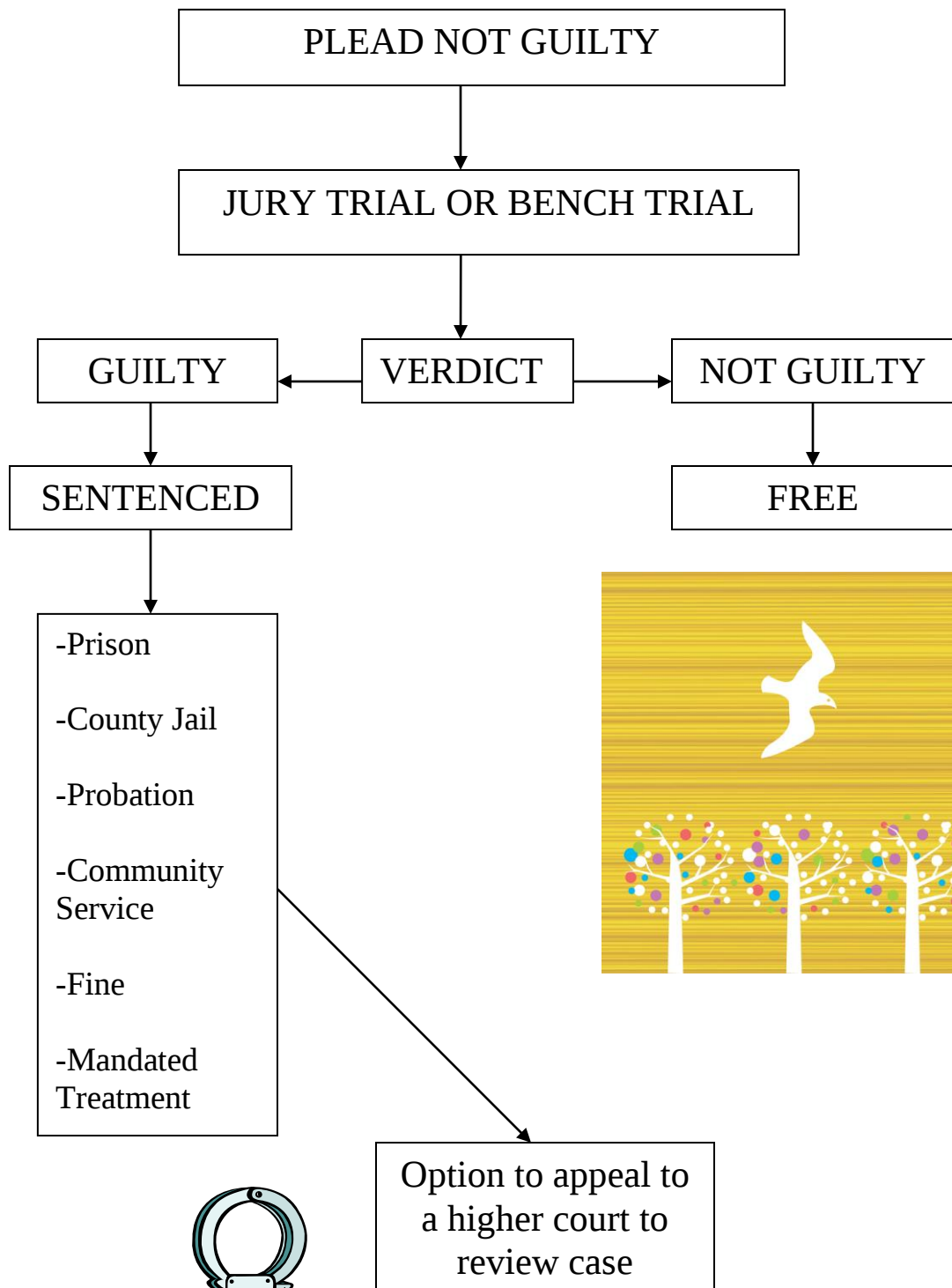
In a jury trial, there are 12 people who will decide whether or not you are guilty or not guilty (the verdict).

In a bench trial, the judge listens to testimony given by witnesses, views evidence, and decides whether you are guilty or not guilty. He or she will also give the sentence if you are found guilty.

If you are found not guilty (acquittal), you are set free.

If you are found guilty (convicted), the judge will order one or more of the following sentences:

- | | |
|--------------------|---------------------|
| -Prison and parole | -Mandated treatment |
| -County jail | -Community service |
| - Probation | -Fine |



What would be the pros (benefits) to entering a plea of not guilty?

What would be the cons (costs) to entering a plea of not guilty?

What would be the pros (benefits) to a jury trial?

What would be the cons (costs) to a jury trial?

What would be the pros (benefits) to a bench trial?

What would be the cons (costs) to a bench trial?

Why might someone decide to enter a plea of not guilty?

Module Ten Self-Test

1. What does not guilty mean?

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2. Which right(s) do you keep if you enter a plea of not guilty?

3. What are the two types of trials?

4. What happens if you are convicted?

5. What happens if you are acquitted (found not guilty)?

6. What is a bench trial?

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7. What is a jury trial?

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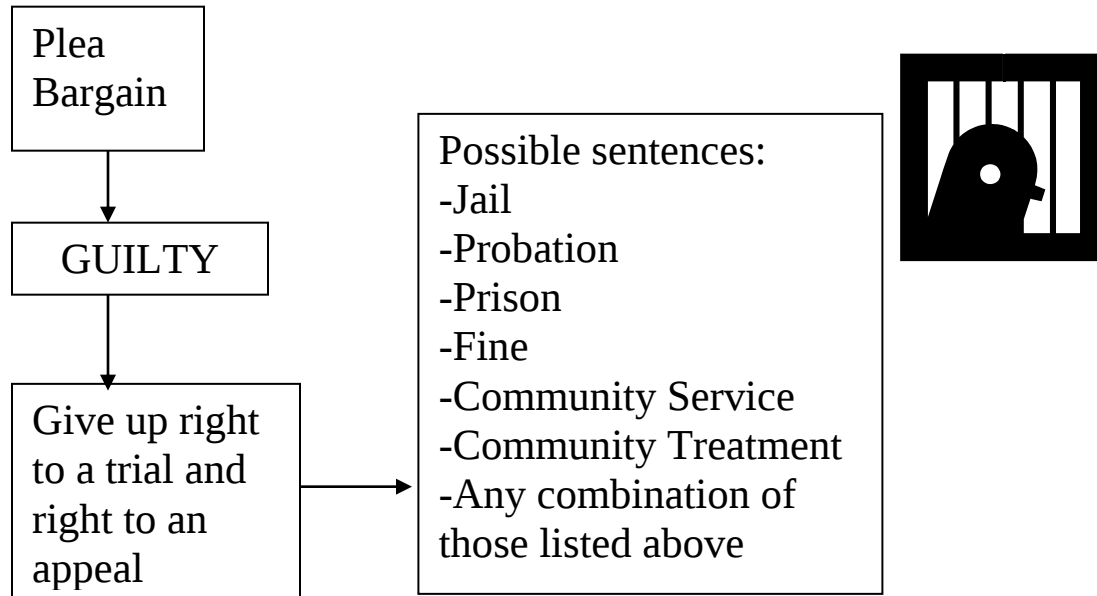
Module Eleven: Guilty Plea



You are saying you did the crime you are accused of doing

If you choose to enter a plea of **guilty**, you give up your right to a trial and an appeal. You keep the opportunity to ask for a plea bargain but must ask for a plea bargain before you enter a plea of guilty. The judge will determine your sentence. He or she will take into consideration some of the following factors: criminal history including past convictions, severity and type of crime you are pleading guilty to, number of crimes you are pleading guilty to and your ability to turn your life around. You will learn more about plea bargains in Module 14.

You may have also heard about the Alford Plea. This plea acts like a guilty plea but you are not admitting guilt. You are admitting that the prosecutor can likely prove the charge against you. After this plea, the Court may pronounce you guilty.



What would be the pros (benefits) to entering a plea of guilty?

What would be the cons (costs) to entering in a plea of guilty?

Why might someone decide to enter a plea of guilty?

--

--

What questions should you ask your lawyer before entering a plea of guilty?

Module Eleven Self- Test

1. What does guilty mean?

--

2. Which right(s) do you give up if you enter a plea of guilty?

3. What happens if you plead guilty?

4. What are some factors the judge will consider when giving a sentence?

5. What is an “Alford Plea?”

--

Module Twelve: No Contest



You are not saying that you did the crime you are accused of doing, but that you do not want to fight against the accusation.

If you choose to enter a plea of **no contest**, you give up your right to a trial and an appeal. You keep the opportunity to ask for a plea bargain but must ask for a plea bargain before you enter a plea of no contest. The judge will determine if you are guilty or not based upon the facts of your case. If he finds you guilty, he will determine your sentence. He or she will take into consideration some of the following factors: criminal history including past convictions, severity and type of crime you are pleading no contest to, number of crimes you are pleading no contest to and ability to turn your life around.



Plea
Bargain

NO CONTEST

Give up right
to a trial and
right to and
most appeals

Possible
sentences:

- Jail
- Probation
- Prison
- Fine
- Community Service
- Mandated Treatment
- Any combination of those listed above



In your own words, what does no contest mean?

--

What would be the pros (benefits) to entering in a plea of no contest?

What would be the cons (costs) to entering in a plea of no contest?

Why might someone decide to enter in a plea of no contest?

What questions should you ask your lawyer before entering a plea of no contest?

--

Module Twelve Self-Test

1. What does no contest mean?

--

2. What right(s) do you give up when you plead no contest?

--

3. What opportunity do you keep when you plead no contest?

4. What happens if you plead no contest?

5. Who determines the sentence?

--

6. What are some possible sentences?

Module Thirteen: Not Guilty by Reason of Insanity (NGRI)



You are saying that if you did the crime you are accused of doing, your mental illness was a significant factor in committing the act (did not understand what you were doing was wrong due to a mental disease or defect)

The **Not Guilty by Reason of Insanity** defense means that you did not understand what you were doing was wrong due to your mental illness. A mental illness can include depression, bipolar, and schizophrenia to name a few.

Most people who are charged with misdemeanors will not use the NGRI defense. The NGRI defense may be decided by trial or through a plea bargain. If you are found to be NGRI by a judge or jury, you are acquitted (found not guilty) of your offense. Despite this, the court can still commit you to ongoing treatment.

Most people who are charged with felonies who successfully use the NGRI defense will return to the hospital. You will remain under the Court's jurisdiction until the maximum amount of time you would have served if you had been convicted. You may be granted certain privileges during your hospitalization, such as being able to take on-grounds walks and being able to participate in groups and events out in the community.

After you have successfully participated in treatment while being Not Guilty by Reason of Insanity you may be granted conditional release from the hospital by the

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judge. Conditional release means that you could be granted the privilege of living outside of the hospital. You must follow all of the conditions of release, such as taking your medications, abstaining from drugs and alcohol, participating in urine (drug) analysis testing and participating in group or individual therapy. If you do not follow the conditions of the release, your release may be revoked, and you could be sent back to the hospital.

In your own words, what does not guilty by reason of insanity mean?

--

What would be the pros (benefits) to using the NGRI defense?

What would be the cons (costs) to using the NGRI defense?

Why might someone decide to use the NGRI defense?

What questions should you ask your lawyer before using the NGRI defense?

Module Thirteen Self- Test

1. What does not guilty by reason of insanity mean?

2. What right(s) do you give up when you use the NGRI defense?

3. What happens if you use the NGRI defense?

4. Where would you most likely be committed?

5. How long could you be hospitalized?

6. What is conditional release?

--

Module Fourteen: Plea Bargaining



A plea bargain is a deal between the Prosecuting Attorney and you, with assistance and advice from your attorney. The deal says if you plead guilty, you will be offered lowered charges, reduced number of charges and/or recommended lesser sentence to the judge.

When you leave the hospital and have been found competent to stand trial, you may begin plea negotiations with your attorney and the Prosecuting Attorney. Plea negotiations means you and your lawyer take a look at your case and decide how you can get the best outcome for yourself. It is also a time to look at the plea bargains being offered to you.

In a plea bargain, each side gives up something and gains something. The prosecutor gives up getting a full conviction on the charges. The defendant gives up fighting the charges in a trial. The prosecutor gains a guilty plea (to a lesser charge) and a conviction. The defendant gains a lighter sentence, less time, possibility of probation, etc.

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Both sides don't have to take it to trial (a time and money saver for prosecutor and court, and a stress saver for you, the defendant).

After negotiations, if successful, your lawyer and the Prosecuting Attorney will inform the judge of any plea bargains that have been agreed upon, and you will tell the judge how you would like to plead.

You can ask for a plea bargain in a **guilty plea**, and a **no contest plea**.

In most cases if you agree to the deal, you give up your right to a trial and your right to an appeal.

In your own words, what is a plea bargain?

--

What would be the pros (benefits) to agreeing to a plea bargain?

What would be the cons (costs) to agreeing to a plea bargain?

--

Why might someone agree to a plea bargain?

What questions should you ask your lawyer before agreeing to a plea bargain?

Module Fourteen Self-Test

1. What is a plea bargain?

--

Who is involved in a plea bargain?

2. Which pleas can you plea bargain with?

Module Fifteen: Questions to Consider Before You Return to Court

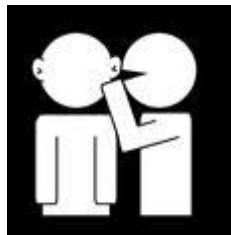


Even though your case is suspended until you are found competent to stand trial, you can start preparing yourself to go back to court. There are some questions that you can ask yourself and write down if you need to. Answering these questions may help you and your lawyer decide what the best outcome for you is.

- What do I remember about my arrest?
- What do I remember about the time of the alleged crime?
- Do I have anyone who can testify for me?
- Do I have any evidence that can help me with my case?
- What evidence does the prosecution have against me?
- What do I think my best option is?
- What does my attorney think my best option is?

All of these questions can assist you and your attorney with deciding how you would like to plead and why you would like to plead that way. Having all the information possible will help you make the best decision.

Module Sixteen: Appropriate Courtroom Behavior



Showing appropriate courtroom behavior is a good way to show that you are ready to assist your attorney and that you can participate in your defense. Below are some examples of appropriate courtroom behavior and inappropriate courtroom behavior:

Do:

- Shower and put on clean clothes if possible
- Sit quietly in your seat
- If you have to speak with your attorney, lean over and whisper in his or her ear or slide a note over
- Use appropriate language
- Be respectful to all members of the court

-Speak only when it is your turn

Don't:

- Stand up or walk around without permission
- Speak without permission
- Yell or use profanity
- Disrespect any member of the courtroom

If you are unable to act appropriately, the judge may hold you in contempt of court, which could add an additional charge and can cause more time to be added to your sentence.

These are also good guidelines for you to follow during your evaluation. This will show that you can be respectful and cooperative.

Module Sixteen Self-Test

1. Is good hygiene important when you go back to court?

--

2. What are the appropriate names to call the judge?

When should you speak in court?

3. If you disagree with something a witness says about you in court should you:

- a) Stand up and yell at the witness
- b) Get up out of your chair and walk out of the room
- c) Quietly pass a note to your attorney

Module Seventeen: The Evaluation- What to Expect



The evaluation is more like an interview than a test. You will be in a room with a psychologist or psychiatrist – perhaps even one whom you have not met before. He or she will ask you questions to get to know you better. His or her job is to find out if you understand the court process and can assist your attorney. The evaluator will continue to ask you questions until he or she can make a decision about your competency.

There are three main types of questions that the evaluator will ask you during the evaluation: legal skills questions, mental health questions, and

general questions. Below are some things you will need to know for the evaluation. If you can answer “yes” to all of them, you are in pretty good shape!

Legal Skills Questions:

- Do you know the four plea options? Can you give the definition of each in your own words as well as the outcomes of each (what happens if you enter each plea)?
- Do you know the people of the court and what each person does?
- Do you know what a plea bargain is?
- Do you know what “contempt of court” means?
- Do you know the difference between a bench trial and a jury trial and what happens at each?
- Do you know and understand why you are at the hospital instead of jail?

Mental Health Questions:

- Do you know what your diagnosis is and what it means?
- Do you know what medications you are taking and what you are taking them for?
- Can you share about your mental health history and family history of mental health?
- Can you share about your substance use history and family history of substance use?

*You will also be given some exercises to test your memory, brain functioning, and orientation (Do you know where you are? Who you are? What the date is?)

General Questions:

- Do you know your charges and what they mean?
- Do you know if they are felonies or misdemeanors?
- Do you know the maximum sentence for each charge?

- Do you know what your attorney's name is?
- Do you know what privileged communication is and whom you have it with?
- Do you know how to appropriately communicate with your attorney in the courtroom?

Module Seventeen Self-Test

Check off the items that you feel you know well:

- ☐ The names of your charges and classification (felony or misdemeanor)
- ☐ The maximum amount of time possible for your charges
- ☐ Why you are at the hospital instead of jail
- ☐ What ORC 2945.38B means
- ☐ The people of the court and their jobs
- ☐ What a plea bargain is
- ☐ The names of the four plea options
- ☐ The definitions for the four plea options
- ☐ The outcomes for the four plea options
- ☐ What privileged communication is and whom you have it with
- ☐ Can you show that you can work with your attorney?

- ☐ The names of your mental health diagnoses (if any)
- ☐ The meaning of your mental health diagnosis
- ☐ Your personal symptoms of your mental health diagnosis
- ☐ The names and purposes of the medications you are taking (if any)
- ☐ Mental health history
- ☐ Today's date

Module Eighteen: Evaluation Results



There are two evaluation results that you may see: competent to stand trial and not competent to stand trial.

Competent - means that the evaluator believes that you are now ready to return to court and assist your attorney in your defense. If you are found competent, you will be sent back to your county where you will wait to return to court.

Not competent - means that, at the moment, the evaluator believes that you were not ready to return to court and proceed with your case. However, in some cases, the evaluator may recommend that you could become competent to stand trial in the future, but that you may need more time or attention in order to do so.

If you are found not competent to stand trial, you could continue to stay at the hospital until your next court date.

If you are found Incompetent to Stand Trial- Unrestorable and you have low felony or misdemeanor charges, your case may be reviewed by the Probate Court for ongoing treatment.

If you are found Incompetent to Stand Trial – Unrestorable – Court Jurisdiction, you will be committed to the hospital or community treatment for up to the same amount of time you would have received had you been found guilty in court. You will continue to have periodic evaluations during your continued hospitalization and the Court may grant you increasing levels of movement including community outings and conditional release to the community.

Prior to the end of your commitment, if you become competent to stand trial, the Court may have you move forward with your case.

At the end of your commitment, if you are found to be a danger to yourself others, or cannot care for yourself, you may be civilly committed to the hospital by the probate court or you may be released to live in the community.

It may take a couple of weeks before you receive the results of your evaluation. The evaluator will write a report after the evaluation. A copy of the report goes to the judge who will share the report with the prosecutor and defense attorney. The results of the evaluation may be shared with you by your defense attorney.

Module Nineteen: Staying Out of the System



It is beneficial to have strategies to maintain the abilities that you have developed while you were at the hospital. It is most important to keep taking care of yourself, mentally, emotionally, and physically. Having a plan in place before you leave is a good way to start your road to recovery. Below are some helpful tips to help you be successful after leaving the hospital:

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- ☐ Attend all mental health aftercare appointments – with your Psychiatrist, Case Manager, Nurse, and / or therapist
- ☐ **Take your medication as scheduled and as prescribed**
- ☐ Find a good doctor out in the community who can help you with your medical needs
- ☐ Know your warning signs to a relapse
- ☐ Monitor your symptoms
- ☐ Pay attention to possible triggers
- ☐ Let others know how they can help you
- ☐ Attend support groups
- ☐ Make and use a plan for dealing with stressful situations
- ☐ Get some exercise
- ☐ Eat healthy
- ☐ Get plenty of rest
- ☐ Avoid drugs and alcohol
- ☐ Seek employment or volunteer in the community

These are just a few of the ways that you can make sure to stay out of the criminal justice system. As every one of us is different, not everything on the list will work for everyone. Find what works for you and keep doing it. Only you know what works for you.

My Relapse Prevention Plan

Name: _____

Date: _____

My Personal Goals

I want to prevent relapse because:

My Support People

These are people who I see often and trust to ask for help in emergency situations:

Support Person/Group	Phone Number	How they can help me

My Recovery Activities

These are activities that I need to do regularly to be healthy and continue in recovery:

Medication Benefits & Challenges

My main medications	What they do for me	Possible side effects

Medications I am allergic to:

Medications that do not work for me:

If I have serious side effects from my medications, I will call my doctor at:

If my medications cause unpleasant side effects, this is what I will do:

My Warning Signs of Relapse

My early warning signs (feelings, thoughts and behaviors) show me that something is not working for me or that I am heading toward trouble. This is what I experience or what other people see and what to do about it:

Warning sign	

What I need to do	

Warning sign	
What I need to do	

Warning sign	
What I need to do	

High Risk Situations for Relapse

These events in my life, which may place me at risk:

High Risk Situation	

How to deal with it	

High Risk Situation	
How to deal with it	

High Risk Situation	
How to deal with it	

Agreement

My support people and I agree that these are my warnings signs and high-risk situations. These people will tell me when they notice my warning signs. If needed, they have my permission to contact professional help for me.

My signature	Date	Support person's signature	Date
Support person's signature	Date	Support person's signature	Date

Congratulations on finishing this workbook. Hopefully, you feel ready for your evaluation and return to court so you can begin getting back to life outside of the system. Remember, people are willing to help you, but you have to be willing to ask for the help.

