

ATTACHMENT 2

Outpatient Competency Risk Assessment Criteria

It is recognized that the ultimate placement decision is made by the court and will include clinical, public safety considerations, and risk management considerations

The competency restoration treatment recommendation will be made with consideration of the least restrictive, clinically appropriate setting consistent with public safety

Outpatient competency restoration will generally be considered appropriate if:

- Defendant is (or will be at the time of OCR) on pre-trial release (released on bond, personal recognizance) and living in a community-based setting
- Defendant is not posing an imminent risk of violence to self or others by assessment conducted by mental health professional. Such risk is opined to be appropriately managed by level of supervision and nature or proposed outpatient care
- Defendant has a stable housing situation or housing situation does not interfere with the ability to consistently engage in treatment activity
- Defendant is not actively using illicit (non-prescribed) substances and is willing to abstain from such substance use throughout the duration of competence restoration, or defendant is not presenting with substance abuse issues may interfere with competency-related abilities.
- Defendant is willing to adhere to outpatient treatment recommendations, including taking psychotropic medications if determined medically necessary
- Defendant's clinical condition (e.g., behavioral presentation and acuity level) can be adequately managed at outpatient level of care
- Defendant is not considered at risk of elopement or fleeing supervision
- Restoration treatment at the outpatient level of care is feasible (i.e., both available and acceptable for defendant's condition)