

REPORT WRITING CHECKLIST FOR JUVENILE CST REPORTS (WARREN, 2012)

CONSIDERATIONS	
___	<p>Have you ensured that there is no account of the offense included in the report?</p> <ul style="list-style-type: none">○ It is important to obtain an account of the offense to see if the youth can provide one to his attorney, but it should not be included in the report as it would inappropriately turn the competency report into a confession.
___	<p>Have you ensured that responsibility for the crime is not implied in the competency sections?</p> <ul style="list-style-type: none">○ For example, you would not include such as “when asked about the time period surrounding the offense, Jimmy was able to describe the manner in which he obtained the gasoline and matches used in setting the fire.”○ Is responsibility implied for some other youth involved in the crime? For example, you would not include such as “Tommy had just met the 13 year old girl who assisted him in breaking into the storefront.”
___	<p>Have you removed all aggravating information and references to past criminal behavior?</p> <ul style="list-style-type: none">○ In the referral section, where you report the nature of the current charge (e.g., it is not necessary to include, “the charge of sodomy that resulted from Tommy using an inanimate object to rape his three year old sister”).○ In a past legal history section, which is unnecessary and irrelevant to current competency.○ Under peer influences, in statements such as, “Tommy reported spending most of his time with his older brother and his friends, all of whom are members of the Southeast Crip gang.”○ Under educational history, in statements such as, “Johnny has been suspended three times, once for assaulting his teacher, once for making bomb threats, and another time for setting fire to the school bag of a class peer.”
___	<p>Have you listed all the relevant sources of information you used, along with individuals you tried to reach unsuccessfully or records that might be important that could not be found or accessed in time for the report?</p> <ul style="list-style-type: none">○ It is important to include reference to information that you tried to obtain but were unable to obtain, so that on cross examination any deficits cannot be used to suggest a lack of thoroughness on your part.
___	<p>Have you included relevant information about past psychiatric contact, diagnosis and medications, and past educational testing, including IQ scores and estimates of daily functioning if there is a MR diagnosis?</p> <ul style="list-style-type: none">○ It is important to remember that there must be a reason that a youth is incompetent, so you need to point out the relevant deficits in the front part of the report so that the reader can track your opinion formation when you apply these deficits to your final opinion concerning competency.○ This is important for instances in which you opine competency or incompetency. For example, the reader will want to know why you believe the youth is competent, even though you have outlined their deficits. If there are deficits and you think the youth is incompetent, in what way do the impairments impact the requisite competency related abilities?
___	<p>Do you indicate that you have tried to teach the youth some information if his/her performance is spotty or inconsistent so that you can comment on his/her capacity, and not just current state of</p>

	<p>knowledge?</p> <ul style="list-style-type: none"> ○ In this inquiry, it is important to remain cognizant of that fact that <i>knowing</i> the definition of abstract legal terms is not a prerequisite for trial competency (e.g., knowing the 5th Amendment or the definition of a plea colloquy). The youth needs to know that he has some protections against self-incrimination (i.e., he does not have to testify or to confess to the crime) and that if he pleads guilty he will need to go before the Judge and accept the plea formally.
___	<p>Does your mental status examination use enough descriptors to convey the experience of being in the room with the youth (not just dry serial sevens type questions)?</p> <ul style="list-style-type: none"> ○ It is a real service to the reader to provide enough description to give a vivid sense of the youth. ○ If any jargon is required in this section, it should be defined for the reader either in parentheses or as a footnote.
___	<p>Have you included quotes and descriptions of the main competency questions relevant to understanding court procedure and working with ones' attorney?</p> <ul style="list-style-type: none"> ○ Direct quotes convey the essence of the level of capacity being demonstrated, rather than simple reference to legal constructs. ○ Double check your quotes to be sure they do not convey guilt for the offense.
___	<p>Have you addressed practical requirements (e.g., the youth getting and wearing glasses, having gotten and taken his medication regularly prior to any court hearings, his mother's attendance at court if the youth is particularly scared and is only able to calm down and think if she is present)?</p> <ul style="list-style-type: none"> ○ There is a tendency to think in terms of professional jargon and sophisticated recommendations (e.g., "The youth requires a thorough neuropsychological assessment") believing that this is more important to say as a professional than, "The youth needs to find and wear his glasses."
___	<p>Have you included a five axis diagnosis? Most often, this type of diagnosis is unnecessary and reflects an adherence to prior training rather than an astute assessment of what is required in a competency assessment.</p> <ul style="list-style-type: none"> ○ This type of diagnostic summary is somewhat artificial in these circumstances, as there is no way to reach an accurate PD diagnosis in the context of assessing competency. ○ The diagnosis of Antisocial PD must <i>never</i> be included, as it can be used to argue future dangerousness, which is not the goal of this type of assessment. ○ In addition, if you don't include ASPD, it is inconsistent to include other Axis II diagnoses.
___	<p>Have you integrated all this information into a thoughtful opinion section concerning the youth's adjudicative competency, identifying the two primary dimensions of the <i>Dusky</i> standard in penultimate form?</p> <ul style="list-style-type: none"> ○ This opinion section should emerge naturally from everything that you have included in the report and integrate the clinical material with the legal standards in a straightforward manner.
___	<p>If you are opining that the youth is incompetent, have you commented in your opinion regarding whether the youth is likely to be restored to competency and suggested particular interventions that might contribute to and support the remediation process?</p> <ul style="list-style-type: none"> ○ You are likely to have some very clear ideas of what might benefit this youth in being restored to competency, and these should be included to guide future interventions. ○ If you believe that the youth is unlikely to be restored, it is also helpful to convey this to the court. They will undoubtedly order an attempt at restoration, but the service team will be given a heads up early on as to the type of case and the alternative interventions

that may need to be identified to address this particular youth.

___ Have you contextualized your opinion in terms of the complexity of the charges and legal situation facing the youth?

- This is not meant to imply that there are “sliding scales” of competency, but that there are very relevant differences between what a youth needs to know if they are facing a minor crime or a charge of murder.

___ Have you carefully re-read and edited your report—ideally after putting it aside for 24 hours?

- Did you run a spell check for the word “trail” (which should be “trial”)?
- Did you read with an ear toward aggravating information in disguised form?
- Have you removed any extraneous information which may be interesting yet is irrelevant to competency? If your report is too long, no one will read it; instead, they will turn to the end and only read the last two pages.
- On review you should be able to associate every fact with a listed source of information and be able to make an argument for how it is relevant to competency.
- All readers will be very busy professional and therefore do not burden them with information that is unnecessary.