

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER 03-06

(Remand and Probable cause hearings for incompetent Criminal Defendants)

WHEREAS, the Prevention of Premature Release of Mentally Incompetent Defendants Emergency Amendment Act of 2002, amends D.C. Code § 24-501 to require (in a new sub§ (a-1)) that persons found incompetent in criminal cases be remanded to the John Howard Pavilion at St. Elizabeths Hospital for further Mental Health proceedings, and

WHEREAS, until amended Superior Court Mental Health Rules are adopted, procedures as set forth below are necessary to govern the detention of persons who have been found mentally incompetent to stand trial or to participate in transfer proceedings and are to be released from detention in the criminal or transfer proceeding,

NOW, THEREFORE, it is hereby

ORDERED, that the procedures set forth below shall govern mental health proceedings of persons who have been found mentally incompetent to stand trial or to participate in transfer proceedings until an appropriate amendment to the Superior Court Mental Health Rules is adopted; and it is further,

ORDERED, that when a judge presiding in a criminal case orders the release from further detention in a criminal or transfer proceeding of a person who has been found incompetent and not likely to regain such competency in the reasonably foreseeable future and further orders the detention and the remand of the person to Saint Elizabeths Hospital pursuant to D.C. Code § 24-501(a-1), the Criminal Division clerk shall immediately provide a copy of such order to the Branch Chief, Mental Health and Mental Retardation Branch; and it is further

ORDERED, that upon receipt of the release order, the Branch Chief of the Mental Health and Mental Retardation Branch shall immediately notify the respondent and the respondent's counsel in the mental health case of the release order and the respondent's right to request a probable cause hearing in the mental health case within 7 days of the date of the release order in the criminal case; and it is further,

ORDERED, that if the respondent requests a probable cause hearing, the Mental Health and Mental Retardation Branch shall schedule such hearing before the Family Court within 24 hours after receipt of the request; and it is further,

ORDERED, that the probable cause hearing shall be conducted consistent with Superior Court Mental Health Rule 2(d).

SO ORDERED

BY THE COURT

February 28, 2003

Rufus G. King, III
Chief Judge