



## **COCHISE COUNTY PROCUREMENT DEPARTMENT**

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**20-18-SUP-02**

### **Attachment 2 – Scope of Work**

In accordance with 20-18-SUP-02, the Contractor (“Provider”) shall provide all labor, materials, transportation and expertise in order to accomplish Restoration to Competency services to the satisfaction of the County. The Provider shall complete the following:

#### **1.0 RESTORATION TO COMPETENCY AND RULE 11 PROVIDER RESPONSIBILITIES**

Provider shall evaluate the mental competency of the defendant and prepare and submit a written report to the Superior Court indicating whether the defendant is competent to stand trial. Provider shall provide educational services to the defendant with the purpose of creating a legally sufficient understanding of the court system, and processes to allow the defendant to effectively assist counsel in his/her own defense.

Provider agrees to provide Restoration to Competency (“RTC”) services and submit a written Rule 11 Report to the Superior Court indicating whether defendant is competent to stand trial, as described in Arizona Revised Statutes 13-4501 through 13-4515 and Arizona Rules of Criminal Procedure 11.1 to 11.8. For in custody restoration services and Rule 11 valuations, all defendant contact will be provided at the Cochise County Adult Detention Center located in Bisbee, Arizona or at detention facilities located in Willcox and Sierra Vista, Arizona. Provider will confer with jail and jail medical staff, as needed, to further the restoration process. Provider shall be aware that the jail facilities are high risk areas. In the event of a security, medical or other emergency, the Provider may be denied access to the facility or defendant. It is important for Provider to always remain aware of where the physical boundaries lie between staff and defendants, while treating him/her in a fair and friendly manner, where appropriate. If a judge orders an out of custody service to be held outside of the jail, but within Cochise County, a facility will be designated by the Superior Court Administrator or designee within Cochise County, typically in the Bisbee or Sierra Vista area, during normal business hours. If the defendant does not appear for one of the out of custody meetings, they will likely be ordered back to jail to complete the restoration process.

Provider will meet with the defendant within seven (7) business days of case appointment and conduct at least one (1) two-hour evaluation session each month during the duration of the RTC enrollment.

The educational component of the RTC program will be the responsibility of the Provider. The Provider or educational subcontractor of the Provider shall meet with the defendant at least four (4) times per month for at least two hours. The first educational session will occur within two (2) weeks of case acceptance. Provider shall use the Cochise County Superior Court Defendant Workbook or equivalent. Provider shall retain the completed workbook and make it available to the court upon request.

Provider shall maintain any and all required licensure and otherwise remain in good standing as specified by the Arizona Revised Statutes and Arizona Rules of Criminal Procedure.

## **2.0 CASE APPOINTMENT**

The Superior Court Administrator or designee shall notify the Provider of a case appointment within one (1) business day of appointment. The formal minute entry order will be forwarded as soon as practicable. Provider shall indicate case acceptance within one (1) business day of notification of appointment.

## **3.0 REPORTS**

Provider shall provide periodic status reports to the court, no less frequently than every 60 days, describing the patient/defendant/inmate's progress, either at the initiative of the Provider or upon the request/direction of the court.

Provider shall furnish time records documenting appearances at the jail to provide RTC services or at out of custody locations. Time records shall accompany all invoices.

The final report shall opine the following:

- The defendant is competent; or
- The defendant is not competent and not restorable.

In the event, the defendant is not competent and not restorable, the Provider shall opine as to the defendant's dangerousness. The Provider shall consult with the clinical coordinator or designee as to the discharge options for defendants found not competent and not restorable.

The final report shall contain all the legally required elements and be consistent with the sample report formats which will be provided by the court.

## **4.0 PSYCHOLOGICAL TESTING**

Provider shall administer tests to address the question of the defendant's competence. At a minimum, the Evaluation for Competency to Stand Trial ("ECST") shall be administered to all defendants, unless there are indications that the test is not valid for a defendant. In that case, the Provider will use an alternative test that will provide valid results. If no such test exists, the Provider shall note this in the Rule 11 report. Appropriate testing for malingering shall be administered where indicated. The court may direct specific testing where specific questions about competence require clarification.

## **COUNTY RESPONSIBILITIES**

The County shall house the defendant at one of the Cochise County Adult Detention Centers and provide all medical services to the defendant. The County will furnish the Provider with reasonable access to the jail, defendant, medical staff and medical records. The County designates the Jail Medical Director or his/her designee as the point of contact for all Providers inquiries regarding medical care of the defendant. The County will provide space at the jail to educate and evaluate defendants at the jail. The County will designate a physical location for out of custody services, typically in the Bisbee or Sierra Vista area during normal business hours.

## **SUPERIOR COURT RESPONSIBILITIES**

The Superior Court will serve as a liaison and will forward copies of court records to the Provider and will be the billing contact for RTC services. Billing for Rule 11 evaluations shall be forwarded to the Indigent Defense Coordinator specified in Exhibit C – Sample Professional Service Agreement.

The Superior Court or designee shall work with the jail staff to collect collateral information about the defendant for the use of the Provider. This information packet will be available five (5) business days after the case appointment.

If interpreter services are needed to conduct the RTC/Rule 11 evaluation, the Court will provide one. The Provider shall contact the Chief Court Interpreter at least forty-eight (48) hours in advance for a Spanish interpreter. Given the difficulty in procuring interpreters for exotic languages (other than Spanish), if one is required the Provider and the Court will jointly develop a Provider service schedule to ensure the attendance of a qualified interpreter.