

Recommendations for treatment in jail of 15b defendants being discharged after the evaluation period (or after restoration to competency).

Not infrequently, after completion of the competency evaluation (or after restoration to competency of a patient committed pursuant to section 16(b) or (c), the Care and Treatment section includes recommendations for the type of treatment or monitoring necessary *if* the defendant is to be incarcerated. For example, reports may include recommendations that the defendant continue to receive mental health treatment, including psychotropic medications and/or that the defendant should be monitored for decompensation or suicidal behavior if incarcerated. The DFP Committee has discussed the limitations of making these recommendations in the report, without taking additional steps to increase the likelihood that these recommendations will indeed be implemented. Since the reports are not sent by the Court to the correctional facility, there is no clear mechanism for the jail or house of correction to be made aware of these recommendations. The DFP Committee recommends that in such situations, where there are concerns about the defendant posing a risk of harm to self or others within the correctional facility, the forensic evaluator should work in conjunction with the treatment team, to consider mechanisms for conveying these concerns to the correctional facility. The particular mechanism used will likely vary depending on the practices of each facility, including who is responsible for the communication. It is recommended in these cases that the court clinic to which the defendant is returning, or other appropriate court personnel, be contacted to alert them to the recommendation so that they may be able to assist the court in understanding and implementing the recommendations. \

The DFP Committee recognizes that, even when these, or other steps, are taken, the information may not be conveyed to the relevant parties in the correctional facility and that the forensic evaluator cannot ensure that the recommendations will be followed.