



FILED
ALAMEDA COUNTY

APR 19 2019

CLERK OF THE SUPERIOR COURT
By *[Signature]* Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

STEPHANIE STIAVETTI, *et al.*,
Plaintiffs,

CASE NO.: RG15779731

ASSIGNED FOR ALL PURPOSES TO
JUDGE WINIFRED SMITH
DEPARTMENT 21

v.

PAMELA AHLIN, AS DIRECTOR OF THE
CALIFORNIA DEPARTMENT OF STATE
HOSPITALS, *et al.*,

JUDGMENT

Defendants.

Hearing Date: March 15, 2019
Hearing Time: 10:00 a.m.
Judge: Winifred Smith
Department: 21
RES ID: R-1929086

Action Filed: July 29, 2015

JUDGMENT

Plaintiffs Stephanie Stiavetti, Kellie Bock, Kimberly Bock, Rosalind Randle, Nancy Leiva, American Civil Liberties Union of Northern California, and American Civil Liberties Union of Southern California ("Plaintiffs") filed a Verified Petition for Writ of Mandate (the "Petition") and Complaint for Declaratory and Injunctive Relief against Defendants Pamela Ahlin, in her position as Director of the California Department of State Hospitals ("DSH") and Santi Rogers, in his position as Director of the California Department of Developmental Services ("DDS") (together, "Defendants") for constitutional violations under Article I, §§ 7 and 15 of the California Constitution, and under the 14th Amendment to the United States Constitution, and for violation of Section 526A of the California Code of Civil Procedure. The matter came for a hearing on Plaintiffs' Petition on December 7, 2018 and

1 March 15, 2019, Judge Winifred Smith presiding. The appearances of counsel for each hearing are
2 noted in the record.

3 On March 15, the Court took the Petition under submission. The Court read and
4 considered Plaintiffs' and Defendants' points and authorities and the evidence, as well as the oral
5 argument of counsel. On March 22, 2019, the court issued an Order Granting in Part the Petition for
6 Writ of Mandate (the "Order"). On April 19, 2019, the court issued an Amended Order that corrected
7 typographical errors in the Order (the "Amended Order").
8

9 By reason of the Order and Amended Order, which are incorporated by reference,
10 Judgment is entered in this matter as follows:

11 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

12
13 **I. DUE PROCESS UNDER UNITED STATES AND CALIFORNIA CONSTITUTIONS (FIRST**
14 **AND THIRD CAUSES OF ACTION)**

15 Judgment is entered in favor of Plaintiffs for the reasons stated in the Order and
16 Amended Order.

17 If a person has been charged with a criminal offense and is found to be incompetent to
18 stand trial ("IST") and then committed to DSH or DDS solely on account of his or her incapacity to
19 proceed to trial, then under the California and United States Constitutions the person may not be
20 "confined more than a reasonable period of time necessary to determine whether there is a substantial
21 likelihood that he will recover that capacity in the foreseeable future." (*In re Davis* (1973) 8 Cal.3d 798;
22 *Jackson v. Indiana* (1972) 406 U.S. 715, 738.) Further, "due process requires that the nature and
23 duration of commitment bear some reasonable relation to the purpose for which the individual is
24 committed" and the commitment's purpose is to enable the IST defendant to regain his or her
25 competence to stand trial. (*Davis*, 8 Cal.3d at 804; *Jackson*, 406 U.S. at 738.)
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28

1 To conduct the due process analysis presented in this case, for the reasons stated in the
2 Order and Amended Order, the Court: (1) identified the point in time when responsibility for an IST
3 defendant transfers to DSH or DDS and (2) determined the maximum constitutionally permissible delay
4 between the transfer of responsibility and when DSH or DDS must commence substantive services
5 reasonably designed to restore the IST defendant to competency.
6

7 **II. SPEEDY TRIAL UNDER CALIFORNIA CONSTITUTION (SECOND CAUSE OF ACTION)**

8 Judgment is entered in favor of Defendants for the reasons stated in the Order and
9 Amended Order. The evidence in this case does not support Plaintiffs' speedy trial claim.
10

11 **III. TAXPAYER CLAIM (FOURTH CAUSE OF ACTION)**

12 Judgment is entered in favor of Plaintiffs for the reasons stated in the Order and
13 Amended Order. Plaintiffs Stephanie Stiavetti, Kellie Bock, Kimberly Bock, Rosalind Randle,
14 American Civil Liberties Union of Northern California, and American Civil Liberties Union of Southern
15 California are California taxpayers. Judgment on the First and Third Claims that Defendants are
16 violating the due process rights of IST defendants supports a taxpayer claim under the "illegal" standard
17 of CCP 526a.
18

19 **IV. RELIEF ORDERED**

20 For the reasons stated in the Order and Amended Order, the Court orders the following
21 relief:
22

23 Constitutional due process requires that DSH must commence substantive services to
24 restore an IST defendant to competency within 28 days of the transfer of responsibility for an IST
25 defendant to DSH. For DSH, the "transfer of responsibility" date is the date of service of the Penal
26 Code 1370(a)(3) commitment packet. The service date is extended by the means of service.
27

28 Constitutional due process requires that DDS commence substantive services to restore
an IST defendant to competency within 28 days of the transfer of responsibility for an IST defendant to

1 DDS. For DDS, for commitments under Penal Code 1370.1(a)(1)(B)(i), the “transfer of responsibility”
2 date is the date of service of the Penal Code 1370.1(a)(2) order directing the IST defendant be confined
3 in a DDS facility or placed on DDS outpatient status. For commitments under Penal Code
4 1370.1(a)(1)(B)(ii) or (iii), the “transfer of responsibility” date is the date the IST defendant and the Penal
5 Code 1370.1(a)(3) documentation are delivered to a DDS facility. The service date is extended by the
6 means of service.

7
8 Substantive services are services and medication reasonably designed to promote the
9 defendant’s restoration to mental competence. The baseline medical services provided by county jails
10 under Penal Code 6030 and 15 CCR 1200 *et seq.* are not substantive services.

11 The court will phase in the requirement that DSH and DDS meet the constitutional due
12 process standard:

- 13 1. Within 12 months of March 22, 2019, DSH and DDS must commence substantive services for
14 all IST defendants within 60 days from the transfer of responsibility date.
- 15 2. Within 18 months of March 22, 2019, DSH and DDS must commence substantive services for
16 all IST defendants within 45 days from the transfer of responsibility date.
- 17 3. Within 24 months of March 22, 2019, DSH and DDS must commence substantive services for
18 all IST defendants within 33 days from the transfer of responsibility date.
- 19 4. Within 30 months of March 22, 2019, DSH and DDS must commence substantive services for
20 all IST defendants within 28 days from the transfer of responsibility date.
- 21

22 The court does not constrain the discretion of the DSH or the DDS regarding how they
23 might meet the constitutional minimum due process standard. DSH or DDS may provide substantive
24 services through a state hospital, treatment facility, outpatient program, jail based competency program,
25 or other facility or program under their supervision. DSH and DDS will not be in violation of the
26 Judgment if they show good cause for not admitting a few IST defendants within the required
27 timeframes.
28

1 DSH and DDS must file status reports to the Court two months after each progress point
2 identified above. The status reports must contain:

- 3 1. Number of IST defendants for whom DSH and DDS have responsibility at the start of the period
4 with breakdown of how many were:
- 5 a. In a state hospital
 - 6 b. In a state treatment facility
 - 7 c. In an outpatient program
 - 8 d. In a jail based competency program
 - 9 e. In other identified facilities or programs under DSH or DDS supervision
 - 10 f. Not yet receiving substantive services.
- 11
- 12 2. Number of IST defendants for whom DSH and DDS have responsibility at the end of the period
13 with the same breakdown as above.
- 14 3. Number of new IST defendants for whom DSH and DDS have responsibility added during the
15 period.
- 16 4. Mean (average) wait time during the period.
- 17 5. Median wait time during the period.
- 18 6. Minimum wait time during the period.
- 19 7. Maximum wait time during the period.
- 20

21 This Judgment applies to Defendants, their successors in office, agents and employees. (CCP
22 368.5; *Ross v. Superior Court* (1977) 19 Cal. 3d 899, 906.

23
24 Plaintiffs must submit a Writ of Mandate to the clerk of the court with a \$25 filing fee. (Gov.
25 Code 70626(a)(1).) Plaintiffs must serve the writ. Plaintiff may serve counsel for DSH and DDS.
26 Plaintiffs must file a proof of service. (CCP 1096.)

27 DSH and DDS must file a return to the writ of mandate within 60 days of service of the writ.
28 The return on the writ must state whether DSH and DDS complied with the writ and, if not, state what

1 efforts they have made to comply with the writ or, if applicable that they have sought relief in the Court
2 of Appeal.

3 Any party may file a memorandum of costs. (CCP 1032 and 1033.5; CRC 3.1700.)

4 Any party may file a motion for an award of attorneys' fees. (CCP 1033.5(c)(5); CRC 3.1702.)

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6 Dated: April 19, 2019

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8 WINIFRED SMITH
9 Judge of the Superior Court
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