

## **2. Order Mandating Observation and Treatment of NGRI Acquittee Who Has Refused to Cooperate with a Psychiatric Evaluation of Dangerousness**

The following order is to be used after an acquittal by reason of insanity is found by the trial court where the NGRI acquittee refuses to cooperate with the psychiatric examination. Pursuant to N.J.S.A. 2C:4-8(a) the acquittee shall undergo a psychiatric examination by a psychiatrist of the prosecutor's choosing.

In cases where the Department of Health is to provide the psychiatrist, this order may be used. For the examination to occur by a psychiatrist in the Department of Health the acquittee shall be committed to one of the State psychiatric hospitals.<sup>1</sup> The order provides that the examination is conducted to provide an opinion as to current dangerousness to self, others or property as a result of mental illness and to recommend a disposition to the court. The examining psychiatrist would need all discovery in the matter and that should be transferred simultaneously with the order to the Department of Health, Office of Court Coordination in the designated State psychiatric hospital where the evaluation shall be conducted.

Medical clearance will need to be coordinated with the Department of Health prior to an admission into a State psychiatric hospital.

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<sup>1</sup> N.J.S.A. 2C:4-5(c) provides that the court may permit examination without cooperation, may appoint a different psychiatrist or may commit the defendant for observation for a period not exceeding 30 days except on good cause shown, or exclude or limit the testimony of defense psychiatrist or licensed psychologist (as applicable).