

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In the Matter of:

Rule 20.01 Evaluations to
Hennepin County Medical Center

**STANDING ORDER AUTHORIZING
DISCLOSURE OF RECORDS FOR
MISDEMEANOR RULE 20.01 CASES**

Whereas, Psychological Services provides the court-ordered competency examinations and reports pursuant to Rule 20.01 in the Fourth Judicial District; and,

Whereas, in the case of a Misdemeanor, the criminal charge is dismissed if the defendant is found to be incompetent; and,

Whereas, the judge finding the defendant incompetent stays the finding and order for dismissal for two days in order to give the civil commitment proceeding time to begin; and,

Whereas, when the criminal case is dismissed, the Hennepin County Public Safety Facility does not keep the defendant in custody; and

Whereas, when a defendant is in custody when found incompetent, the civil commitment judge will order placement at an appropriate treatment facility; and,

Whereas, the jail looks first to Hennepin County Medical Center (“HCMC”) for that placement and an appropriate bed at HCMC must be coordinated; and,

Whereas, in order to appropriately place the Defendant, HCMC needs information from the Rule 20.01 Report prepared by Psychological Services; and,

Whereas, the Government Data Practices Act authorizes disclosure of private data pursuant to Court Order, after finding that the benefit of access to the data outweighs any harm to the privacy interest of the data subject (Minn. Stat. § 13.03, subd. 6); and,

Whereas, HCMC will get the report as an attachment to the civil commitment petition two days after the finding, but needs more time to organize an appropriate placement within the facility,

It is therefore ordered that:

1. Psychological Services shall release a copy of the Rule 20.01 Report to HCMC when a defendant is in custody at the Hennepin County Public Safety Facility and is found incompetent in a criminal case with only Misdemeanor charges.
2. The report shall be used by the recipients only in preparation for providing that defendant an appropriate placement at HCMC.

Dated: January 26, 2016

Peter A. Cahill
Chief Judge, Fourth Judicial District