Competency through Music (CTM) requires patients being treated in a trial competency restoration program to listen to a song, answer questions on a work sheet and discuss the crimes and legal subjects found in the songs. The songs used in CTM are selected based on their content and story line. Patients will play the role of public defender or district attorney for the characters found in the story. Patients will identify what crimes main characters may be accused of. The MacArthur Competence Assessment Tool (MacCAT-CA), a widely used assessment requires the examinee to make such judgments. The MacCAT-CA contains a story in which a hypothetical offense involving an aggravated assault at a pool hall is read by the examiner. Like the MacCAT-CA, CTM requires individuals to make comparative judgments about the story contained in the lyrics and to explain their reasoning.

Reasoning exercises based on the stories found in the songs used in CTM can help the treatment team evaluate the patient’s ability to discern the legal relevance of information and their capacity to reason about specific choices that confront the characters in the song during the course of a typical criminal proceeding. Patients are asked to distinguish between more and less legally relevant or factual information. This requires patients to reason through hypothetical legal scenarios (e.g., identifying felony crimes vs. misdemeanor crimes, plea bargain, when to use and how to interact with legal counsel...) and reach rational decisions. The 12 week design provides a forum in which attendees can demonstrate their ability to focus, acquire new knowledge, interact appropriately and recognize rights. Patients should demonstrate new knowledge session to session. Patients demonstrate competency abilities through identifying competency terminology such as testify, judge, determinant sentencing and other terms found in the Napa State Hospital (NSH) Trial Competency Packet.

This group is designed for patients who are 1) otherwise poorly engaged in the competency restoration process, 2) have limited verbal expression/comprehension 3) not motivated to engage in traditional trial competency training 4) thought to be malingering or feigning symptoms of mental illness 5) difficult to assess with routine instruments.

Membership in this group is fluid, with members joining as necessary to meet their interest and treatment needs. Patients will be assisted in managing materials, reading, and engaging in the group process to meet their cognitive needs. Interventions include lyric and music analysis and discussion of themes that relate to court competency through characters, situations and legal themes in the songs. Though the information addressed is largely general and not always specific to the patients case, patients will be encouraged to link the content of the lessons to their legal situation.

Facilitator expertise to provide Competency thru Music should include knowledge of P.C. 1370 Incompetent to Stand Trial and the ability to make good clinical judgment while conducting the group. Provider should have basic knowledge of courtroom proceedings and trial competency.

Finally, music is an expression of current societal issues and language. It reflects the concerns, emotions, prejudices, and verbiage of the times within the styles and interests of the identified audience. Therefore it is felt that this type of exercise may evoke thought process that is beneficial to the patient going thru trial competency restoration. It can be a useful tool in helping the patient buy into an otherwise very formal and constrained evaluative process.
**Topic:** Witness testimony, hearsay, evidence, and the Fifth Amendment thru the song “Hey Joe”

**Objective** Individual will demonstrate knowledge of competency concepts: witness testimony, hearsay, and evidence, by correctly answering 4 of 5 questions regarding the story in “Hey Joe” on the Competency Thru Music (CTM) work sheet with minimal prompting from the facilitator and or adjunctive staff.

**Methods:**

1. Introduce providers and group members.
2. Provider will introduce the day’s topic related to **witness testimony, hearsay, evidence, and 5th Amendment**; facilitate initial discussion and ask general questions to motivate interest and assess prior understanding.
3. Hand out lyric sheets, worksheets and pens; and play a recorded version of the song “**Hey Joe**”. Give participants time (approx. 5-20 minutes) to complete the worksheet, providing individual assistance, as needed.
4. Facilitate a discussion by having the group members read their answers to the work sheet out loud. Facilitator may guide the discussion on the meaning of **Witness testimony, hearsay, evidence, and the Fifth Amendment** (see pp. 21-26 of Resource Section Provider should offer supportive feedback and acknowledgment of accurately identified information found in the lyric analysis worksheet. Provider will summarize key elements/themes from group session and good points that individuals made on the white board, including different types of legal facts or mental health barriers to competency identified by participants.
5. Provider will summarize key elements/themes from group session and good points that individuals made on the white board, including different types of legal facts or mental health barriers to competency identified by participants.

**Materials:** Copies of song lyrics and Lyric Analysis Worksheets, media equipment: mp3, CD or DVD will be used to provide a listening portion of the activities. A white board is also used to make notes. White board markers. Safety pens.

**Outcome Measures:** Through completion of activities, ensuing discussions, and overall participation in session, members will successfully meet lesson objectives as measured by accurate completion of worksheets and/or provider assessment of members' performance, answers and comments.
Anatomy of a Good Song for Use in Competency Thru Music

There are many songs that contain situations to which trial competency training concepts can be applied hypothetically. The excerpt of the song ‘I shot the sheriff’ by Bob Marley below is an example of a song used in the CTM group. It contains terms, concepts and pleas emphasized in traditional competency training. References to legal rights, rationale for certain pleas and conceptual information are contained in the song.

If I am guilty I will pay.
(I shot the sheriff,)
But I say (But I didn't shoot no deputy),
I didn't shoot no deputy (oh, no-oh), oh no!
(I shot the sheriff,) I did!
But I didn't shoot no deputy. Oh!
Reflexes had got the better of me
And what is to be must be:

The therapist then uses the scenario in the song to engage the patient in answering work sheet questions and a discussion that pertains to general trial competency information and to the rationale that the patient uses to discuss these concepts. Questions test the defendant's present ability to demonstrate factual information regarding the adjudication process and consult with a lawyer in a reasonable degree of rational understanding.

Here are sample questions for the song “I shot the sheriff”.

1.) Could the main character be charged with a felony?
   A: Yes

2.) Which of the 5 Pleas contains a rationale of self defense?
   A: Not Guilty

3) Can the defendant in this story help his attorney by just saying “what is to be will be”?
   A: No

4) If you are the P.D. how would you help the defendant if they said “what is to be will be…”
   A: Remind the defendant that they must help by being flexible, cooperating with the legal system and show that they understand their charges and the possible sentencing if they are found guilty. Questions 3 and 4 can help demonstrate whether the patient has rational as well as factual understanding of trial proceedings. With some individual patients questions can be tailored to integrate questions that address their own barriers to trial competency readiness.
Use these guidelines when documenting on an individual’s abilities and behaviors. Documentation of these abilities can play an important role in determining a patient’s level of trial competency.

Focus:
• Positive:
  – Listened attentively
  – Concentrated on task
  – Provided appropriate answers to questions
  – Demonstrated organized thinking
• Negative:
  – No evidence of auditory hallucinations
  – No evidence of visual hallucinations

Acquires Knowledge:
• Nurse’s name
• Hospital and ward
• Providers’ names
• Other patients’ names
• Group names
• Medication name
• Unit rules
• Requirements for off unit passes
• Evening activities
• Visiting times
• Daily activities

Interacts Appropriately
• Good eye contact
• Easy to understand speech
• Calm behavior
• Attention to hygiene
• Asks appropriate questions
• Accepts directions
• Waits turn
• Gets along with peers

Recognize Rights
• Right to use phone
• Right to refuse medication
• Right to refuse UDS without cause
• Right to patient advocate
• Right to be present at team conference
• Rights provided in unit rules
Here is an example of Dr. Scott’s guide applied to Competency Thru Music coursework:

<table>
<thead>
<tr>
<th>ACTIVITY CTM</th>
<th>FOCUS</th>
<th>ACQUIRES KNOWLEDGE</th>
<th>INTERACTS APPROPRIATELY</th>
<th>RECOGNIZES RIGHTS</th>
</tr>
</thead>
</table>
| **CTM General Behaviors** | • Listened to the song with no interrupting behavior  
• No evidence of hallucinations | • Remembered conversation from last week  
• Stated opinions that reflect prior group discussions | • Raised hand in group  
• Able to provide reasons for opinion in organized manner  
• Responding rationally to questions | • Stated what the Fifth Amendment was  
• Commented that it is a right to not talk about the crime |

<table>
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</table>
| **CTM Specific Behaviors** | • Turned pages of the song sheet while listening  
• Able to identify specific lines of a song during the discussion | • Knew that a bench trial might be an option the characters P.D. could request in a song. | • Does not sustain a ridged and hostile tone while discussing whether or not the character in "I shot the sheriff " had the right to shoot a police officer. | • States that Janie has a right plea the dual plea based on the story in "Janie’s Got a Gun" |

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