



DATE FILED: January 8, 2024

Amanda S. Edwards, Division Director

January 8, 2024

The Honorable Ingrid S. Bakke
Judge, 20th Judicial District
Boulder County Combined Court
1777 6th St., Boulder, CO 80302
Boulder, CO 80306

RE: Defendant: ALISSA, Ahmad Al Aliwi
MRN: 1010831
District Court of: Boulder County
Criminal Action No: 21CR497

Dear Judge Bakke:

On January 5, 2024 the Colorado Department of Human Services (CDHS) received an order filed on January 4, 2024 regarding the extension request for the mental condition and sanity evaluation of Mr. Alissa. In response to the People's Notice filed and received on January 5, 2024, the Court ordered any responses to the notice and objection be filed with the Court no later than January 8, 2024.

CDHS appreciates the sensitive nature of this case and the impact it has had on our local communities, as well as the importance and necessity of maintaining the integrity and fidelity of the complex evaluation process. As such, each decision associated with this process has been thoughtfully determined to uphold our duty to the courts and the public.

On November 22, 2023 an encrypted USB drive with more discovery was received by Court Services from the Boulder County District Attorney's Office. The memo sent with the USB drive gave instructions to contact Adam Kendall, the chief trial deputy district attorney, for the password. It was during this time CDHS learned the November 14th Court order for a mental condition and sanity evaluation was never submitted to our Department. CDHS requested a copy of the order the same day.

On November 22, 2023, CDHS received the order for the mental condition and sanity evaluation, which was confirmed via email receipt. At that time, efforts began to secure two board certified evaluators, with the highest credentials, equipped to address a high level case that would require a significant time commitment. In order to do so and between the receipt of the court order and December 13, 2023, the department expedited the execution of a contract with an external board certified psychologist and rearranged an additional full time employee's obligations and other evaluation cases to assign a board certified full time employee, of which there is one within the department. Both individuals are considered subject matter experts, meet Colorado statutory requirements for eligibility to complete such an evaluation, and represent a small portion of psychological professionals and CDHS employees. On December 12, 2023, the contract was signed and executed and on December 13, 2023, the assignments of both doctors were completed. At that time, the assigned doctors collaborated, determined their course of action, and requested an extension from leadership. On December 29, 2023, the formal request for that extension was submitted to the court. CDHS sincerely apologizes for not communicating these processes and updates prior to the December 29th letter.

CDHS is charged with ensuring each defendant receives ethical, fair, and thorough evaluations. Our doctors are specially trained in determining what must be included in each evaluation and do their best to offer estimates for work products. The course of such evaluations can vary depending upon many



variables and there are times when the evaluation process results in earlier completion or additional extension requests. All efforts will be made to complete the evaluation and offer the court a well-informed opinion as soon as possible. With regard to the status of Mr. Alissa's evaluation, the evaluators have begun reviewing the discovery material over the last several weeks and anticipate using the majority of January to continue doing so. In addition to reviewing discovery materials throughout the month of January, the evaluators will make efforts to schedule meetings with both the prosecution and defense, which they anticipate will occur on or after the week of January 14, 2024. Their first interview of Mr. Alissa is tentatively scheduled for the beginning of February 2024 and will inform the need for additional interviews with the defendant, which would occur throughout February and March. Simultaneously, collateral interviews will attempt to be scheduled and will likely occur within February and March as well. Should additional interviews of Mr. Alissa be necessary, they would then be scheduled and conducted in the subsequent weeks. The remaining time will be used to analyze and synthesize all data into a comprehensive report for the court, with all efforts to submit by the date of the requested extension. Importantly, those assigned to this case are also carrying other employment obligations for the department including ongoing court ordered evaluations, directing the training department, and already scheduled testimony for unrelated matters.

The concerns raised by the prosecution are addressed below in an effort to further contextualize and explain the process and request:

Discovery Materials: While the discovery materials were previously provided to CDHS, when one transitions from a competency and/or restoration order to a mental condition and sanity order a new request is submitted to the court to ensure all materials are received in full and in adherence to statutory timeframes. In this matter, the full size of each discovery submission significantly differed (i.e. tripled) between the competency evaluation and the mental condition and sanity evaluation for unclear reasons. In addition, the use of those discovery materials in a competency and/or restoration evaluation differs significantly from a mental condition and sanity evaluation. Competency evaluators utilize discovery materials to ensure they have a reasonable understanding of the allegations, evidentiary issues, seriousness of their respective situations, and can apply that information in a logical manner. Mental condition and sanity evaluators utilize discovery materials much more extensively, assessing for nuanced content potentially indicating the presence of a mental illness and mens rea, neither of which are assessed within competency evaluations and require a more in-depth analysis. This requires analyzing voluminous discovery materials in full with a new lens and purpose.

Interviews: While Mr. Alissa has intermittently engaged in interviews of varying lengths, all efforts should and will be made to engage him during this evaluation process. His engagement or lack thereof offers important data points for both clinical and legal consideration in this new evaluation and entirely new sets of questions are utilized in mental condition and sanity evaluations than in a competency evaluation. In order to gather the most accurate picture of Mr. Alissa's mental condition and sanity, rapport building is critical and may require multiple engagements. Not doing so could result in significant pieces of information being omitted or missed for the court. In addition, third-party interviews are an integral source of information used in these assessments. It is important to make all efforts to engage collateral contacts associated with the defendant and/or events in order to create a well-rounded view of his mental state. Importantly, such interviews can be extensive, detailed, and occur on multiple occasions and depending upon information gathered may require further engagements with the defendant directly.

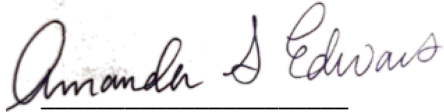
Professional Roles: There is an intentional and clear delineation between treatment providers at CMHHIP, responsible for the treatment of Mr. Alisa, and the Court Services evaluators, who are objective individuals tasked specifically with assessing individuals who may be in the care of CMHHIP treatment providers. This structure is national best practice and ensures objectivity. Due to this delineation, the evaluation team does not engage in any defendant's treatment nor do they review treatment records unless and until one is ordered to receive a particular evaluation. Evaluators do not have reason or legal authority to access one's treatment records without such an order in place and doing so would violate ethics and privacy laws. In addition to the discovery materials mentioned above, the evaluators will also be tasked with reviewing Mr. Alissa's treatment records from CMHHIP in detail



and interviewing treatment providers as well. The length of time Mr. Alissa has received care has no bearing on the length of time an evaluator may need to complete such an evaluation other than the potential volume of treatment records associated with longer duration stays.

In summary, this request was made in order to contribute to the fair and complete furtherance of the legal process. To expedite any step within this evaluation would compromise the validity and integrity of the results. The evaluation process has been initiated and should any barrier interfere with completion, it will be immediately communicated to the court.

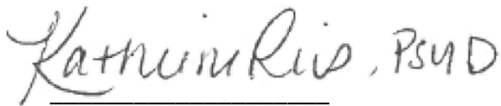
Sincerely,



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