



STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Behavioral Health Administration  
Office of Forensic Mental Health Services  
PO Box 45330, Olympia, WA 98504-5330

**Redacted**

March 29, 2022

**COMMUNITY FORENSIC EVALUATION SERVICE**

**COMPETENCY EVALUATION REPORT**

**RE: STATE OF WASHINGTON CAUSE NO: 22-1-00517-0 SEA**  
**vs. 22-1-03073-5 SEA**  
**JOHN MASCI WSH NO: Outpatient**  
**DOB: 03/05/88**

**The forensic mental health evaluation, as reflected in this report, was conducted pursuant to court order under the authority of RCW 10.77.060. This document has been released only to the Court and other persons legally authorized to receive it, and it is intended for their use only. Any other use of this report is not authorized by the undersigned.**

**REFERRAL INFORMATION:**

The King County Superior Court, in orders dated 3/9/22 (Cause #22-1-00517-0) and 3/22/22 (Cause #22-1-03073-5), ordered that the above-referenced defendant be evaluated for his mental condition and whether he lacked the capacities to understand the nature of the proceedings against him or to assist in his own defense as a result of mental disease or defect. I am also required to provide an opinion regarding the necessity for an evaluation by a Designated Crisis Responder (DCR) for civil commitment under RCW 71.05.

The orders did not list any additional information supporting the request for this evaluation.

Mr. Masci is charged with Criminal Impersonation in the First Degree and Felony Harassment (Cause #22-1-03073-5) and Burglary in the Second Degree (Cause #22-1-00517-0) related to events that reportedly occurred, respectively, on 1/19/22 and 1/20/22.

The Court's order and discovery information for cause number 22-1-00517-0 was received on 3/10/22. The order indicated that "The evaluation may not proceed without the defense attorney present." The evaluation interview was scheduled with Mr. Masci's defense attorney, Reid Burkland, for 3/22/22. At the outset of that interview, Mr. Burkland informed me that the order in cause number 22-1-03073-5 had been signed earlier that day. Since I had not yet received the order and discovery information for that case, Mr. Burkland and I decided to postpone the interview so that both matters could be addressed at the same time. The order and discovery information for cause number 22-1-03073-5 was received later in the day on 3/22/22. The interview was rescheduled for 3/24/22.

**SUMMARY OF OPINIONS:**

The following are my opinions based on my evaluation of the defendant:

Diagnosis: Please refer to the Diagnostic Formulation section of this report.

Competency: Please refer to the Competency to Stand Trial section of this report.

DCR Evaluation: An evaluation by a DCR is recommended prior to Mr. Masci's release from custody.

**NATURE OF THE EVALUATION:**

**Rights and Confidentiality:**

On 3/24/22 I completed a 65-minute clinical interview via a secure videoconferencing system, with the defendant and Mr. Burkland attending from a private interview room in the King County Jail (KCJ) and this evaluator conducting the interview from a remote location. This videoconferencing system entails a live transmission, utilizes encrypted channels to ensure confidentiality, and does not record the communication. The use of videoconferencing had been tested prior to the evaluation with facility staff to ensure proper functioning of audio and video elements.

The videoconferencing connection was established and confirmed as operational at the time of the interview. Mr. Masci was housed on the 11<sup>th</sup> floor of the KCJ. Prior to beginning the interview, I informed Mr. Masci of the purpose of the evaluation, who would receive copies of this report, the limits of confidentiality, the possibility of a recommendation for mental health treatment and his legal rights to not answer questions and to have his defense attorney present. With a reminder that mental health professionals in the KCJ and the King County community mental health system would receive copies of this report, Mr. Masci was able to restate the information I had provided to him. Mr. Masci appeared to have a basic understanding of the information.

**Database:**

The following information was reviewed and considered during the completion of this evaluation:

1. A 65-minute clinical interview with Mr. Masci conducted via telehealth on 3/24/22.
2. Discovery materials provided by the King County Prosecuting Attorney's Office.
3. A review of the [REDACTED] medical records.
4. A review of the KCJ medical records.
5. A review of the Behavioral Health Administration's Behavioral Health Reporting System database.

**RELEVANT CLINICAL HISTORY:**

The following information was obtained directly from Mr. Masci during my interview with him at the KCJ on 3/24/22 and, thus, is limited by his credibility. Please refer to the Collateral Sources of Information section of this report for information obtained from other sources.

Mr. Masci told me that prior to his current incarceration he had been “staying with a girl I met in Ballard”. He referred to this woman as “a roommate”. He also described staying in various “hotels throughout town”. Mr. Masci went on to report that he had been “on [his] own” since arriving in Seattle and that he had relocated to Seattle from “down south” to pursue work. Mr. Masci stated that he was employed in the area of “freelance journalism”. He denied being on probation/community supervision prior to his current incarceration.

Mr. Masci was born in Key West, Florida. He denied experiencing any developmental problems during his upbringing. Mr. Masci had been living in the Seattle area for approximately 9 ½ months at the time that this report was completed. Regarding his educational history, Mr. Masci denied ever being diagnosed with a learning disability or attending special education classes. He denied ever being suspended/expelled from school for serious disciplinary problems such as fighting but he noted that he “liked to joke around” and that he had been sent to detention due to his classroom behavior. Mr. Masci described his grades as “good”. He graduated from high school and took some college classes in Florida. Mr. Masci explained that he stopped attending college in order to work and support his wife and daughter.

Mr. Masci had never served in the military. He reported being married with a fifteen-year-old daughter and eight-year-old son, who resided with their mother.

Mr. Masci denied that he was experiencing any medical problems at the time of the interview. He also denied a history of seizures or serious head injuries. Mr. Masci told me that he was not prescribed any medications in the KCJ and that he had never taken psychiatric medications in the past.

Mr. Masci described his pattern of substance use prior to his incarceration as consuming alcohol on a daily basis and occasional marijuana use. He said that he would usually consume the equivalent of “a couple of rum and Cokes and a couple of Heinekens” each day and that his marijuana use occurred sporadically (“when I have it, I use it”). Mr. Masci told me that he had most recently used marijuana in November/December, 2021. He denied the use of other drugs such as cocaine or methamphetamine. Mr. Masci said that he had not experienced serious alcohol withdrawal symptoms in the past (“just hangover stuff...dehydrated, headache...no seizures or shakes”). He noted that he had participated in [REDACTED] in Florida between October, 2020, and February, 2021. Mr. Masci explained that since that time his alcohol consumption had “slowed down a lot” but that it was “picking up again because of stress”.

Mr. Masci denied a history of inpatient or outpatient mental health treatment.

**COLLATERAL SOURCES OF INFORMATION:**

The Western State Hospital (WSH) medical records did not list Mr. Masci as ever having been admitted to the hospital and no prior forensic evaluations were located in the records.

The KCJ medical records indicated that Mr. Masci was booked into the facility on 3/4/22. At the time of booking he was described as “calm and cooperative”, in “no apparent distress” and exhibiting “linear thought process”. Mr. Masci denied having any medical, dental or mental health concerns at the time of booking. He reported daily alcohol consumption with his last use that day. The Assessment indicated that Mr. Masci was “at risk for alcohol withdrawal complications” and “at risk for seizure activity”. He was approved for housing in the general population with observation for alcohol withdrawal and assignment to a lower bunk until release. At the time I interviewed Mr. Masci on 3/24/22, he had not been referred to the jail’s mental health staff for an assessment and he was not prescribed any psychiatric medications.

The Behavioral Health Reporting System database did not return any information related to Mr. Masci. There was no information in the database indicating any inpatient or outpatient mental health treatment in Washington state.

**MENTAL STATUS EXAMINATION AND OBSERVATIONS:**

Mr. Masci presented as a friendly and cooperative Caucasian man who appeared his chronological age. He was dressed in a jail uniform and his hygiene and grooming appeared average for the jail setting. Mr. Masci wore a facial mask throughout the interview due to COVID-19 precautions. No gross impairments were noted in his gait or motor activity.

Mr. Masci was alert and fully oriented to person, place, time and situation. His attention and concentration were intact and he had no difficulty tracking changes in topics throughout the interview. His thought processes were organized and goal-directed. His speech was within normal limits regarding rate and volume. The content of Mr. Masci’s speech revealed paranoid delusions that he directly tied to his current legal matters. For example, he voiced very intense and strongly held convictions that he had been “spied on” in various public restrooms by the Seattle Police Department (SPD) who, he believed, had been working in a coordinated manner with employees of various shops and hotels to violate his civil rights. Mr. Masci repeatedly described during the interview how he had recorded many of these episodes on his cell phone. He went on to explain how these same SPD officers were involved in his arrests and the false accusations against him that led to his current charges.

Mr. Masci’s responses to questions about how he would respond in hypothetical situations revealed the capacity for recognizing appropriate problem-solving abilities and utilizing good judgment. His language abilities and higher-level cognitive functioning were intact as evidenced by his ability to name objects, repeat a phrase and follow simple verbal and written directions. His fund of information was good and he appeared to be functioning in at least the average range of intellectual abilities based on his vocabulary, history, and erudition.

Mr. Masci denied experiencing any major problems with his memory. His immediate recall and memory for recent and remote events appeared generally intact but distorted by the

symptoms of his mental illness. Mr. Masci reported a history of alcohol-related blackouts, with the most recent experience of such having occurred five or six months prior to the time of this report. He denied ever experiencing periods of amnesia.

Mr. Masci described his mood as “okay” and he went on to explain that his mood was actually “a little unstable” but better than it had been. He described poor sleep and concluded that his mood was “average for where I’m at”. His mood appeared pleasant and cooperative with periods of intensity when describing his delusional beliefs. His affect was full and appropriate to the situation. Mr. Masci denied experiencing suicidal or homicidal ideation at the time of the interview. He denied experiencing any major problems with his appetite or energy level (“adequate for what I eat...I don’t do very much.”).

Mr. Masci did not believe that he has ever had a mental illness. When I asked about specific psychiatric symptoms, Mr. Masci denied ever experiencing auditory or visual hallucinations, ideas of reference or thought broadcasting/insertion. When I asked if he believed anyone was conspiring against him or out to cause him harm, Mr. Masci reluctantly described his beliefs about the SPD that were previously mentioned in this report. He told me, “I have the police on cell phone footage spying on me in public bathrooms with the help of other employees.” I asked Mr. Masci if that had anything to do with his current legal matters and he replied “yes”. More details of Mr. Masci’s beliefs and how they impact his capacity to assist in his defense are provided in the Competency to Stand Trial section of this report.

### **DIAGNOSTIC FORMULATION:**

When interviewed on 3/24/22, Mr. Masci appeared pleasant and cooperative, his thought processes were organized and goal-directed and he was able to remain focused and track changes throughout the 65-minute interview. Mr. Masci voiced very strong, paranoid beliefs about the SPD conspiring with employees of local establishments to spy on him while using public restrooms. Mr. Masci believed these same SPD officers then brought false accusations against him, leading to the current charges he is facing. Mr. Masci denied a history of other psychotic symptoms such as auditory/visual hallucinations, ideas of reference or thought broadcasting/insertion.

The records available at the time that this report was completed did not reveal a history of mental health symptoms or treatment and Mr. Masci denied a history of inpatient or outpatient mental health treatment. Mr. Masci reported the daily consumption of alcohol and he noted that his alcohol use had recently been increasing due to stress. He described having completed [REDACTED] program between October, 2020, and February, 2021. The presence of paranoid, delusional beliefs without other symptoms such as disorganized thinking or hallucinations supported a diagnosis of [REDACTED]. Mr. Masci reported that he had been in the Seattle area for only approximately 9 ½ months at the time of the interview and the available records did not reveal a history of mental health treatment in the Seattle area. More detailed historical and clinical information, including the length of time that he has been experiencing paranoid/persecutory symptoms and any possible psychotic symptoms related to alcohol intoxication/withdrawal, would aid in diagnostic clarification.

Based on Mr. Masci's history and functioning at the time of this evaluation, my clinical diagnoses are as follows:

- [REDACTED]
- [REDACTED]

**COMPETENCY TO STAND TRIAL:**

Mr. Masci told me that he is charged with “burglary in the second degree, criminal impersonation and felony harassment”. He correctly identified the charges as felonies and he understood that a felony charge is more serious than a misdemeanor charge. Mr. Masci believed that sentencing options if he were to be found guilty of the charges could include prison, probation, jail and dismissing the charges. He accurately described what probation means and some of the conditions people usually have to follow while on probation such as meeting with a probation officer, paying fines and “doing whatever the court has ordered you to do for whatever length of time”.

Mr. Masci correctly defined the pleas of guilty and not guilty. He demonstrated a good understanding of the roles of various courtroom participants such as the defense attorney, prosecuting attorney, judge, jury and witnesses. He initially identified “the state” as the defendant and I explained that the person charged with a crime is the defendant. Mr. Masci then identified himself as the defendant. When I asked Mr. Masci if he thought that the judge would treat him fairly, he replied “so far, yeah”.

Mr. Masci demonstrated a good understanding of court procedures such as the purpose of the direct and cross-examination phases of a trial, the adversarial nature of a trial and that defendants are not required to testify in their own case. He acknowledged the Court's authority over him and he was able to accurately define what evidence means and that evidence could be used against him or in his favor. Mr. Masci also demonstrated the ability to comprehend and retain information that I explained to him such as that his defense attorney would question him first if he testified.

During the interview Mr. Masci described the accusations against him and his descriptions were consistent with information contained in the discovery materials I received for this evaluation. He told me that he remembered everything that had occurred at the time of the alleged offenses. He did not believe that he would have any difficulty telling his defense attorney everything that he remembered about the alleged offenses.

Mr. Masci knew that Mr. Burkland is his defense attorney. When I asked Mr. Masci questions about whether he had confidence in Mr. Burkland and whether he thought Mr. Burkland was trying to do a good job representing him, Mr. Masci appeared reluctant to answer candidly. Mr. Burkland assured him that he could answer truthfully, and Mr. Masci began talking about how he did not believe that Mr. Burkland was putting enough emphasis on Mr. Masci's claims that the SPD was involved in spying on him, coordinating with employees of various establishments and falsely accusing him of crimes, even though Mr. Masci stated that he had video evidence that the SPD and various employees had been coordinating their efforts. Mr.

Masci was able to accurately describe what confidentiality between him and his defense attorney means.

Mr. Masci demonstrated a good understanding of how a plea bargain works and he indicated that he would consider a plea bargain, depending on the terms of the agreement. When I asked Mr. Masci what he would like the outcome of his legal cases to be, he answered, "I'd like the charges to be dropped..." He went on to explain that the charges being dropped would be "reasonable", given the information he had and that if the charges were not dropped the "worst" that he believed would happen is that he would take the matter to trial and be found innocent.

Mr. Masci understood that appropriate behavior is required in the courtroom and that he is only supposed to speak "when being questioned by the state or public defender or when the judge asks you a question". He understood that inappropriate behavior in the courtroom "wouldn't look good and you could be reprimanded by the judge". Mr. Masci denied a history of inappropriate courtroom behavior. He exhibited appropriate behavior throughout the 65-minute interview on 3/24/22.

At the end of the interview, Mr. Burkland asked additional questions related to Mr. Masci's delusional beliefs. Mr. Masci was insistent that the video evidence he had on his phone would need to be presented in court. Mr. Masci spoke in an intense manner about the same SPD officers being involved in spying on him and bringing the current "false charges" against him. When asked what he would do if his defense attorney advised him not to talk about his beliefs, Mr. Masci insisted that he would have to talk about the beliefs anyway because he had talked to people in the Denver State Attorney's Office and the Phoenix Bureau of the FBI, who told him that he should bring the information to the Court's attention. Mr. Masci went on to explain that he had gone to these out-of-state agencies after being turned away from the Seattle FBI field office when he tried to bring the information to their attention. Mr. Masci also talked about his belief that the University of Washington officers present when he was arrested on 1/20/22 failed to include information in the police report about the SPD officers (who had been spying on him) also being present at the time of his arrest. Mr. Masci believed the only way to get to the truth of how the SPD officers had brought false charges against him would be to question the SPD and UW officers. Mr. Masci also stated that the UW officers said things to him such as, "I can't believe this. They're [SPD officers who had been spying on him in the restrooms] going to have me take you to jail." Mr. Masci insisted that "the guy questioning me on video was SPD", even though Mr. Burkland reminded him several times that there was nothing in the police reports about that.

I asked Mr. Masci several follow-up questions to determine if he might have been mistaken in his beliefs about what occurred when he was being "spied" on and why the SPD would be doing this to him. Mr. Masci explained that these were not, as I had suggested, situations in which employees of various establishments were concerned about his behavior/appearance and called the police. Mr. Masci was "100% certain" that the same SPD officers who were spying on him were the officers falsely accusing him of the crimes for which he is currently charged. He was reluctant to talk to me about why he believed the SPD officers would be doing this to him. He told Mr. Burkland that he "might" share that information with him privately.

Mr. Masci acknowledged that he had been involved in resolving previous criminal cases against him but he had never taken a case to trial. He told me that nothing like what has been occurring with the SPD had happened to him before. Mr. Masci then discussed a situation in which he has “video of police officers dropping off a known prostitute right where I was walking by. Then three days later I was charged.” I asked Mr. Masci if he thought that situation was related to his current legal matters. He said that it was not but it was an example of the police “trying to lure me”.

Overall, Mr. Masci demonstrated an understanding of the charges against him and possible penalties he could face if he were to be found guilty. His thought processes were organized and goal directed and he demonstrated a basic understanding of court procedures, legal strategies and the roles of various courtroom participants. Mr. Masci also demonstrated the ability to comprehend and retain information that I provided to him during the interview. However, Mr. Masci’s entrenched delusional beliefs would prevent him from being able to engage in reality-based discussions with his defense attorney about the facts of the cases. His adamant belief about needing to discuss his delusional beliefs in court would also prevent Mr. Masci from logically considering defense options and would make it difficult for him to work cooperatively with his defense attorney due to his insistence on the importance of his delusional beliefs being prioritized as a defense. Mr. Masci’s delusional beliefs also prevented him from having a reality-based understanding of why he has been charged with crimes. **Overall, it was my opinion that due to the symptoms of his mental illness, Mr. Masci lacked the capacity to understand the nature of the proceedings against him and he lacked the capacity to assist in his defense.**

Should the Court find that Mr. Masci is not competent to stand trial, inpatient psychiatric treatment is recommended in order to assist in improving his mental condition, so that his competency may be restored. A necessary component of psychiatric treatment would entail the use of psychotropic medications due to the nature of his mental disorder. There would be no less intrusive form of treatment other than psychotropic medications. **Given his paranoia, delusional beliefs and lack of insight into his mental illness and need for treatment; it is respectfully recommended that the Court grant the treating facility judicial authority to treat Mr. Masci against his will if deemed clinically necessary.** The prognosis is extremely poor for reduction of Mr. Masci’s mental symptoms without clinically indicated treatment. The potential side effects, if any, of psychotropic medications would not be expected to impair Mr. Masci’s capacity to assist in his defense.

The following information describes factors related to the need for a forced medication order:

- Mr. Masci is diagnosed with a mental illness for which the first line treatment is psychotropic medication.
- Mr. Masci’s response to psychiatric treatment is unknown.
- Mr. Masci’s compliance with psychiatric treatment is not known.
- Mr. Masci lacks insight into his mental illness and need for treatment.

- The prognosis is poor in the absence of psychotropic medications.
- Should side effects develop, they will be addressed by the psychiatrist in such a manner as to minimize their effect

Based on these factors, it is my opinion that the probability of restoration would be improved, and the length of time to restoration would be reduced, if the court granted judicial authority to treat Mr. Masci against his will if clinically indicated. If a pre-admission Sell hearing is being considered, the Center for Forensic Services at WSH may assist with providing a psychiatrist to review if the case may qualify for such a hearing. If the case qualifies, then WSH may assign a psychiatrist to provide telephonic testimony. For more information, please contact Nicole Law at 253-761-7633 or nicole.law@dshs.wa.gov.

**DCR OPINION:**

**An opinion is required as to whether the defendant should receive an RCW 71.05 civil commitment evaluation by a DCR. This opinion is based solely upon the above evaluation under RCW 10.77.060. Other reasons may exist to require a civil commitment evaluation, which fall within the scope of other standards outside the purview of this evaluation.**

Given Mr. Masci's ongoing paranoid and persecutory beliefs, combined with his lack of insight into his need for treatment and his reported history of threatening behavior at the time of the alleged offense, I am recommending that he be evaluated by a DCR prior to his release from custody.

As my evaluation is complete, I respectfully request that Mr. Masci return to court for further proceedings. If I can be of any further assistance, please feel free to contact me.

**Electronically Signed and Verified by Clinical Documents Manager (CDM):**

Robert W. Powers, Ph.D.

Licensed Psychologist

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Office of Forensic Mental Health Services-Northern Regional Office

cc: The Presiding Judge of the King County Superior Court  
King County Prosecuting Attorney's Office  
Reid Burkland, Defense Attorney  
Ben Sanders, M.D., King County Jail  
King Co. Crisis and Commitment Services