

The Fitness to Stand Trial Interview Test: How Four Professions Rate Videotaped Fitness Interviews

Ronald Roesch,* Margaret A. Jackson,** Rebecca Sollner,** Derek
Eaves,*** William Glackman,** and Christopher D. Webster****

Legal procedures allowing the postponement of trial for defendants who are unable fully to participate in a criminal trial have long been a part of English and North American jurisprudence (Hale, 1736, cited in Silten & Tullis, 1977). The courts have typically called upon mental health professionals to provide assistance in reaching decisions about fitness to stand trial, but unfortunately, neither the legal statutes nor the courts have been clear about the criteria for determining unfitness. (Bazelon, 1975; McGarry, 1965; Roesch, 1979). *Dusky v United States* (1960), for example, does specify the legal requirement (e.g., be able to consult lawyer with a reasonable degree of rational understanding), but it does not suggest how a mental health evaluator, or anyone else, would make judgments about a defendant's capabilities in these areas. Thus, there is considerable ambiguity and disagreement about the criteria for a determination of fitness, which has led to a lack of uniformity in the evaluation and decision-making process and the real possibility that the final decisions are unreliable and invalid. For example, how does one decide if a defendant is able to make strategic decisions with respect to the defence, or that he or she is able to understand the personal import of the proceedings? Are some criteria more important than others? That is, could evaluators find defendants fit because they can communicate with counsel even though they may be incapable of giving evidence?

Empirical studies of the decision process have suggested that evaluators often ignore these specific questions and instead make a general decision about the severity of a defendant's mental illness. For example, several studies in the United States have shown that a psychiatric diagnosis of some form of psychosis is highly associated with a finding of unfitness (Cooke, 1969; McGarry, 1965; Roesch & Golding, 1980). If defendants are seen as psychotic,

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Beating A Rap Defendants Found Incompetent To Stand Trial

José A. Valciukas



Beating A Rap Defendants Found Incompetent To Stand Trial:

Evaluation of Competence to Stand Trial Patricia Zapf, Ronald Roesch, 2008-12-19 Forensic mental health assessment FMHA has grown into a specialization informed by research and professional guidelines This series presents up to date information on the most important and frequently conducted forms of FMHA The 19 topical volumes address best approaches to practice for particular types of evaluation in the criminal civil and juvenile family areas Each volume contains a thorough discussion of the relevant legal and psychological concepts followed by a step by step description of the assessment process from preparing for the evaluation to writing the report and testifying in court Handbook of Forensic Assessment Eric Y. Drogin, Frank M. Dattilio, Robert L. Sadoff, Thomas G. Gutheil, 2011-06-24 The first handbook to explore forensic assessment from psychiatric and psychological perspectives The editors have assembled a magnificent collaboration between psychiatrists and psychologists to bring forth critical knowledge and insight to the core competency of forensic assessment This handbook is essential reading and a comprehensive resource for both newly minted and seasoned forensic practitioners Robert I Simon MD Director Program in Psychiatry and Law Georgetown University School of Medicine This long awaited resource blows the dust off traditional standards shakes the cobwebs out of our old ways of thinking and shows the practical steps in producing work that will make sense to juries and withstand the most skillful cross examination There is no better resource Kenneth S Pope PhD ABPP Diplomate in Clinical Psychology coauthor *Ethics in Psychotherapy and Counseling* Fourth Edition From preparation to collection to interpretation to communication of the results this excellent comprehensive treasure shows how to conduct forensic assessments Each splendid evidence based chapter is presented from the collaboration between psychologists and psychiatrists It is a must have resource for forensic experts as well as general practitioners or anyone wishing to understand standard of care in forensic assessment Melba Vasquez PhD ABPP 2011 American Psychological Association President The practitioner oriented coverage in the *Handbook of Forensic Assessment* examines The current state of psychology and psychiatry including requisite clinical competencies ethical guidelines and considerations of multidisciplinary collaboration Various approaches to assessments in criminal and civil matters The principles of effective preparation data collection and interpretation as well as communication for each special situation Topics including competence to stand trial sexual offender evaluations addictions child abuse and education Overarching practice issues such as practice development retention compensation consultation and forensic treatment Includes sample reports that demonstrate the integrative potential of both psychology and psychiatry Incorporating a wealth of current and multidisciplinary research the *Handbook of Forensic Assessment* is destined to become every mental health professional's most valuable one stop reference for their forensic work Mentally Disordered Offenders John Monahan, Henry J. Steadman, 2013-11-11 In its narrowest sense mentally disordered offender refers to the approximately twenty thousand persons per year in the United States who are institutionalized as not guilty by reason of insanity incompetent to stand trial

and mentally disordered sex offenders as well as those prisoners transferred to mental hospitals The real importance of mentally disordered offenders however may not lie in this figure Rather it may reside in the symbolic role that mentally disordered offenders play for the rest of the legal system The 3 140 persons residing in state institutions on an average day in 1978 as not guilty by reason of insanity see Chapter 4 for example are surely worthy of concern in their own right But they represent only 1% of the 307 276 persons residing in state and federal prisons in the same period U S Dept of Justice 1981 From a purely numeric point of view the insanity defense truly is much ado about little Pasewark Pasewark 1982 The central importance of understanding these persons however is that they serve a symbolic function in justifying the imprisonment of the other 99% The insanity defense as Stone 1975 has noted is the exception that proves the rule By exculpating a relatively few people from being criminally responsible for their behavior the law inculcates all other law violators as liable for social sanction

Insanity on Trial Norman J. Finkel, 2012-12-06 The insanity defense debate has come full circle again The current round began when John Hinckley opened fire in 1981 it was Daniel M Naghten who pulled the trigger the acts of both would be insanity acquittees provoked the press the populace a President and a Queen to expressions of outrage and triggered Congress the House of Lords judges jurists psychologists and psychiatrists to debate this most maddening matter Insanity which has historically been surrounded by defenses defen ders and detractors found itself once again under siege on trial and undergoing rigorous cross examination Treatises were written on the sub ject testimony was taken and new rules and laws were adopted The dust has settled but it has not cleared What is clear to me is that we have got it wrong once again The full circle analogy and historical parallel to M Naghten 1843 warrant some elaboration Hinckley s firing at the President captured by television and rerun again and again rekindled an old debate regarding the allegedly insane and punishment Caplan 1984 Maeder 1985 Szasz 1987 a debate in which the insanity defense is centrally situated The smolderings ignited anew when the Hinckley 1981 jury brought in its verdict not guilty by reason of insanity NGRI Adjudicative Competence Norman G. Poythress Jr., Richard J. Bonnie, John Monahan, Randy Otto, Steven K. Hoge, 2012-09-08 Adjudicative competence remains an important topic of research and practice in psychology and law In the five sections of Adjudicative Competence The MacArthur Studies the authors present not only a summary of the research of the MacArthur studies on competence but also an examination of the underlying theoretical work of Professor Richard Bonnie It is the first publication to encapsulate the scope and significance of both the studies themselves and Bonnie s contributions There is no other source available that addresses this range of topics Given its breadth and scope this book will be a must have for forensic mental health professionals an important volume for lawyers and a vital academic reference work

A Prescription for Dignity Michael L. Perlin, 2016-03-16 Examining the treatment of persons with mental disabilities in the criminal justice system this book offers new perspectives that are crucial to an understanding of the ways in which society projects onto criminal defendants prejudices and attitudes about responsibility free will autonomy choice public safety and the meaning and purpose of

punishment all with a focus on ways to enhance dignity in the criminal trial process It is a detailed exploration of issues of adequacy of counsel the impact of international human rights law following the ratification of the United Nations Convention on the Rights of Persons with Disabilities CRPD the role of mental health courts and the influence of therapeutic jurisprudence procedural justice and restorative justice on the legal process It considers all of these perspectives in the context of criminal justice system issues such as competency findings the insanity defense and sentencing Demonstrating how the question of treatment of persons with mental disabilities in the criminal justice system is not only a vital one for both scholars and practitioners but also a central facet of international human rights law this book suggests policy development further scholarly inquiries and newly invigorated thinking and action to place dignity at the core of the criminal justice system

The Psychology and Law of Criminal Justice Processes Roger J. R. Levesque, 2006 Psychological science now reveals much about the law's response to crime This is the first text to bridge both fields as it presents psychological research and theory relevant to each phase of criminal justice processes The materials are divided into three parts that follow a comprehensive introduction The introduction analyses the major legal themes and values that guide criminal justice processes and points to the many psychological issues they raise Part I examines how the legal system investigates and apprehends criminal suspects Topics range from the identification searching and seizing to the questioning of suspects Part II focuses on how the legal system establishes guilt To do so it centres on the process of bargaining and pleading cases assembling juries providing expert witnesses and considering defendants' mental states Part III focuses on the disposition of cases Namely that part highlights the process of sentencing defendants predicting criminal tendencies treating and controlling offenders and determining eligibility for such extreme punishments as the death penalty The format seeks to give readers a feeling for the entire criminal justice process and for the role psychological science has and can play in it

Criminal Mental Health and Disability Law, Evidence and Testimony John Parry, 2009

The Oxford Handbook of Clinical Psychology David H. Barlow, 2011 The exponential growth of clinical psychology since the late 1960s can be measured in part by the extensive perhaps exhaustive literature on the subject This proliferation of writing has continued into the new century and the field has come to be defined as much by its many topics as its many voices The Oxford Handbook of Clinical Psychology synthesizes these decades of literature in one extraordinary volume Comprising chapters from the foremost scholars in clinical psychology the handbook provides even and authoritative coverage of the research practice and policy factors that combine to form today's clinical psychology landscape In addition to core sections on topics such as training assessment diagnosis and intervention the handbook includes valuable chapters devoted to new and emerging issues in the clinical field including health care reforms cultural factors and technological innovations and challenges Each chapter offers a review of the most pertinent literature outlining current issues and identifying possibilities for future research Featuring two chapters by Editor David H Barlow one on changes during his own 40 year odyssey in the

field the other projecting ten themes for the future of clinical psychology The Oxford Handbook of Clinical Psychology is a landmark publication that is sure to serve as the field's benchmark reference publication for years to come It is an essential resource for students clinicians and researchers across the ever growing clinical psychology community *Forensic Neuropsychology* José A. Valciukas, 1995 Forensic Neuropsychology presents in depth knowledge about brain function and the state of the art techniques for the assessment of brain function in a legal forensic context It also explores how successfully or unsuccessfully experts use this knowledge to defend the notion that my brain caused me to commit the crime in criminal and civil courts This source book gives readers a panoramic view of the science technology and art and advocacy on brain disorders crime and personal responsibility Author Jose Valciukas focuses on the difficulties of extracting accurate medical and psychological information from individuals who are motivated to suggest that there is nothing wrong with them or that everything is wrong with them This is clearly illustrated through case histories woven into each chapter *The Handbook of Forensic Psychology* Irving B. Weiner, Randy K. Otto, 2013-12-16 A revised new edition of one of the top references for forensic psychologists This top professional and academic reference in forensic psychology is an established presence as both a professional reference and graduate text This Fourth Edition is completely revised and updated for the new and rapidly growing demands of the field to reflect the new tools available to and functions required of present day practitioners The new edition expands coverage of neuropsychological assessment eyewitness testimony ad jury competence and decision making including selection process and authority In addition the new ethics guidelines approved by the American Psychological Association APA are included and interpreted Updated to include reframed content and the introduction of new chapter topics and authors Ideal for professional forensic psychologists and graduate students Written by experts in the field a clinical professor of psychiatry and an associate professor of mental health policy *The Aggressive Adolescent* Daniel L Davis, 2014-06-03 Maximize your effectiveness with troubled kids The Aggressive Adolescent Clinical and Forensic Issues provides mental health professionals with a comprehensive text that covers both theoretical and practical applied knowledge of aggressive youth in a specific problem focused way Through case histories and practical treatment interventions this unique book will give you information to help you provide improved services to adolescents who have experienced neglect physical abuse and or sexual abuse The Aggressive Adolescent offers you a new model for practical and functional assessment treatment planning and service delivery for aggressive youths The book also explores legal and forensic issues that frequently accompany these cases to bring you insight into the whole picture surrounding problem adolescents Compelling and comprehensive The Aggressive Adolescent shows you how some behaviors once attributed to mental illness are now seen as criminal and how this view is pushing mentally ill youths into the criminal justice system This vital guide will help you as a mental health professional to bolster your understanding of forensic mental health issues and effectively assist in criminal justice settings The Aggressive Adolescent will help you become a better more connected youth

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Richard Rosner,2003-02-28 The second edition of this award winning textbook has been thoroughly revised and updated throughout Building on the success of the first edition the book continues to address the History and Practice of Forensic Psychiatry Legal Regulation of the Practice of Psychiatry Psychiatry in relation to Civil Law Criminal Law and Family Law Importan Principles and Practice of Forensic Psychiatry, 2Ed Yasuhiro Monden,2003-02-28 The second edition of this award winning textbook has been thoroughly revised and updated throughout Building on the success of the first edition the book continues to address the History and Practice of Forensic Psychiatry Legal Regulation of the Practice of Psychiatry Psychiatry in relation to Civil Law Criminal Law and Family Law Importan Modern Criminal Law Wayne R. LaFave,1988

Topical Bibliography National Criminal Justice Reference Service (U.S.),1985 *Criminal Law Series* ,1995 Petitions and briefs filed with the U S Supreme Court **Criminal Behavior** Elaine Cassel,Douglas A. Bernstein,2007-04-03 Criminal Behavior explores crime as a developmental process from birth through early adulthood It further examines the role that legal political and criminal justice systems play in the development of criminal behavior American Jurisprudence Proof of Facts, Second Series ,1974 Text and sample testimony to assist in preparing for and proving facts that may be in issue in judicial and administrative proceedings Law in the Practice of Psychiatry Seymour L. Halleck,2012-12-06 Once upon a time only forensic psychiatrists had much to do with law and the legal system Now hardly a day passes in the life of a clinician without some significant encounter with the interface between the law and the practice of psychiatry That interface extends all the way from the general regulation of clinical practice to the specifics of clinical management of individual patients It includes like the chapters of this book such important topics as informed consent right to treatment privilege and confidentiality patients rights competency psychiatric testimony malpractice and liability Dr Halleck is one of the professions most distinguished thinkers and authors in the field of psychiatry and law and is this year s recipient of the coveted Isaac Ray Award of the American Psychiatric Association Having spent his entire academic and professional life deeply involved in the clinical practice of psychiatry he is particularly well suited to understand and respond to the clinician s need for a clear and concise elucidation of those areas of psychiatry and law which are involved in the daily work of psychiatrists and all mental

health professionals

Beating A Rap Defendants Found Incompetent To Stand Trial Book Review: Unveiling the Power of Words

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Table of Contents Beating A Rap Defendants Found Incompetent To Stand Trial

1. Understanding the eBook **Beating A Rap Defendants Found Incompetent To Stand Trial**
 - The Rise of Digital Reading **Beating A Rap Defendants Found Incompetent To Stand Trial**
 - Advantages of eBooks Over Traditional Books
2. Identifying **Beating A Rap Defendants Found Incompetent To Stand Trial**
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an **Beating A Rap Defendants Found Incompetent To Stand Trial**
 - User-Friendly Interface
4. Exploring eBook Recommendations from **Beating A Rap Defendants Found Incompetent To Stand Trial**
 - Personalized Recommendations
 - **Beating A Rap Defendants Found Incompetent To Stand Trial** User Reviews and Ratings
 - **Beating A Rap Defendants Found Incompetent To Stand Trial** and Bestseller Lists

5. Accessing Beating A Rap Defendants Found Incompetent To Stand Trial Free and Paid eBooks
 - Beating A Rap Defendants Found Incompetent To Stand Trial Public Domain eBooks
 - Beating A Rap Defendants Found Incompetent To Stand Trial eBook Subscription Services
 - Beating A Rap Defendants Found Incompetent To Stand Trial Budget-Friendly Options
6. Navigating Beating A Rap Defendants Found Incompetent To Stand Trial eBook Formats
 - ePub, PDF, MOBI, and More
 - Beating A Rap Defendants Found Incompetent To Stand Trial Compatibility with Devices
 - Beating A Rap Defendants Found Incompetent To Stand Trial Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Beating A Rap Defendants Found Incompetent To Stand Trial
 - Highlighting and Note-Taking Beating A Rap Defendants Found Incompetent To Stand Trial
 - Interactive Elements Beating A Rap Defendants Found Incompetent To Stand Trial
8. Staying Engaged with Beating A Rap Defendants Found Incompetent To Stand Trial
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Beating A Rap Defendants Found Incompetent To Stand Trial
9. Balancing eBooks and Physical Books Beating A Rap Defendants Found Incompetent To Stand Trial
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Beating A Rap Defendants Found Incompetent To Stand Trial
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Beating A Rap Defendants Found Incompetent To Stand Trial
 - Setting Reading Goals Beating A Rap Defendants Found Incompetent To Stand Trial
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Beating A Rap Defendants Found Incompetent To Stand Trial
 - Fact-Checking eBook Content of Beating A Rap Defendants Found Incompetent To Stand Trial
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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