



### I16 The Association Between Opinions Concerning Competence to Stand Trial and Sanity

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This presentation will examine the correlations between opinions of competency to stand trial and legal sanity in a sample of 10,354 pretrial assessments in criminal court conducted by 346 evaluators in the Commonwealth of Virginia. The goal of this presentation is to inform about the characteristics of the defendant, the evaluator, and the crime which were associated with the outcome of these assessments, as well as the commonality and differences in terms of factors that impact conclusions of the defendants being incompetent to stand trial and/or legally insane.

The factors that were associated with these two psycho-legal opinions will be relevant to decision-making by attorneys, mental health evaluators, and those involved in forensic policy and program development. This presentation will impact the forensic science community by serving not only to inform the forensic community about specific commonalities and differences, but also about the need to better understand the impact of such overlap between distinctly different psycho-legal concepts.

**Proposition:** Specifically, this presentation will focus on the association between opinions of incompetency and insanity, with these two mental health issues often being evaluated in unison but researched in isolation — thereby potentially camouflaging important interplays between these two psycho-legal opinions offered to the court by forensic examiners.

**Synopsis of Content:** The data for the study were collected by the Institute of Law, Psychiatry, and Public Policy (ILPPP) at the University of Virginia (UVA). Virginia Code 19.2-175 requires that all mental health clinicians who conduct competency and sanity-at-the-time-of-the-offense evaluations in the Commonwealth of Virginia complete forensic training approved by the Commissioner of Mental Health. Under a contractual arrangement between UVA and the Virginia Department of Behavioral Health and Disability Services, the ILPPP offers a five-day basic forensic training program to satisfy this requirement. Successful completion of this training requires the passing of a multiple-choice examination and the submission of a work product. After evaluators meet these requirements, the ILPPP enters their information into a web-based expert directory, the Forensic Evaluation Information System (FEIS), for use by courts throughout the state. In addition to providing a directory of qualified evaluators to the courts, FEIS also serves to inform ILPPP on the needs of the courts in the state through information collected from evaluators.

Data for the current presentation were obtained through FEIS from the forensic information form, a two-page instrument that concerns: (1) the nature of the evaluation, including the number and discipline of the evaluators, the time spent on different components of the evaluation, the use of psychological tests, and the sources of information both requested and obtained; (2) the defendant's current psychiatric diagnoses, criminal charge(s), use of psychotropic medication, past psychiatric treatment, and criminal history; and, (3) the psycho-legal opinions of adjudicative competency and sanity, both in terms of the components of competency and the prongs of the insanity defense.

**Summary of Results:** To date, few studies have directly analyzed the Competency to Stand Trial (CST) and Mental State at the Time of the Offense (MSO)/insanity criteria (only two, according to this research). Furthermore, these studies centered on the end opinions of the respective evaluations, and both used small samples which prevented more detailed analyses. However, in the present data set it was possible to analyze the individual criteria for CST and MSO, and it was found that all Dusky criteria and insanity criteria were highly, significantly correlated ( $p < 0.001$ ), with most presenting moderate strength correlations ( $r > 0.30$ ).

**Conclusions:** Given this large sample of pretrial evaluations of competency and sanity, it is important to identify the legal and clinical factors which impact the outcome of these assessments, and the interplay and overlap between these two mental health issues. The impacts of both are highly relevant for the most psychiatrically and intellectually impaired individuals facing trial in various state court systems, yet both reflect issues often poorly understood by those involved in both the legal and mental health communities.

#### Competency, Insanity, Evaluation