



I29 Competence in Competence: Myths, Misconceptions, and Avoiding Pitfalls

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Learning Overview: The goals of this presentation are to improve knowledge and expertise in competence to stand evaluations and improve knowledge regarding common myths and misconceptions of Competence to Stand Trial (CST) evaluations.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by providing those in the forensic field outside of mental health a better understanding of competence evaluations and improved skill in navigating interdisciplinary interactions in these areas.

Competency hearings in criminal proceedings are among the most common of the forensic mental health examinations, and the numbers are on the rise.¹ But what exactly occurs when a CST evaluation is ordered for a criminal defendant? Many in the field of forensic mental health regularly perform these types of evaluations for the courts, making them seem “simple” or “easy” for those who do this on a day-to-day basis. However, it can be easy to lose perspective and expect that all of the court officers are experts in this matter as well.

Even more frustrating can be interacting with an attorney who reaches a roadblock in dealing with a client and concludes the person must be “crazy.” In fact, experts in the mental health field find it surprising to learn that attorneys often do not understand the core concepts behind a defendant’s CST. This is often due to the fact that competency hearings are relatively rare occurrences and, therefore, few have regular experience with them. Since mental health experts are the ones doing these evaluations, perhaps this presentation can share some knowledge regarding how the process is approached and hopefully shed some light on the core concepts involved.

However, we should not forget that many of our colleagues have difficulty with these evaluations as well. Evaluating a criminal defendant’s CST can often seem so routine and mundane that some can forget the degree of skill it takes to perform these examinations adequately. It is not uncommon to come across CST reports that are inadequate in their conclusions, poorly worded, and poorly reasoned. However, even experienced evaluators are not always immune to making critical errors in this process, especially in the face of difficult interviews.²

Through case scenarios, sanitized from actual evaluations from firsthand experience, this presentation will address some common but challenging scenarios that can arise during these interactions with defendants. Examples will include, but are not limited to: how to deal with the defendant who says “I don’t know” to every question, how to differentiate delusions from incidental bizarre utterances, and some of the strategies one can use to determine when a defendant with a mental illness is “unwilling” vs. “unable” to participate in the evaluation. Also addressed will be a basic review and understanding of malingering and some of the ways in which this can be detected in this type of examination. Also addressed will be some proposals aimed at helping to prevent mistakes that are common among trainees and some that even experienced evaluators may fall prey to.

This presentation seeks to both provide a unique perspective in this “bread and butter” part of the world of forensic mental health and to hear the perspectives of those in the legal field.

Reference(s):

1. Douglas Mossman, Stephen G. Noffsinger, Peter Ash, Richard L. Frierson, Joan Gerbasi, Maureen Hackett, Catherine F. Lewis, Debra A. Pinals, Charles L. Scott, Karl G. Sieg, Barry W. Wall, and Howard V. Zonana. Practice guideline for the forensic psychiatric evaluation of competence to stand trial. *Journal of the American Academy of Psychiatry and the Law Online*, 35, Supplement 4 (December 2007): S3-S72.
2. Jennifer L. Piel, Gregory B. Leong, and Robert Weinstock. Competence assessments (Chapter 12), in: *Principles & Practice of Forensic Psychiatry—3rd Edition*, ed. Richard Rosner and Charles Scott (CRC Press, Taylor & Francis Group, FL, United States, 2016), 153-160.

Competence to Stand Trial, Criminal Competence, Forensic Psychiatry