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?

Émpirical 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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web bobby helms sheet music robert lee helms august 15 1933 june 19 1997 better known as bobby helms was an american country music singer who enjoyed his peak success in 1957 with his smash hit jingle bell rock released just a few days before christmas 1957 his song jingle bell rock was a big hit