



# **TRAINING, CERTIFICATION AND QUALITY IMPROVEMENT FOR COMPETENCE TO STAND TRIAL EVALUATIONS**

**IRA K. PACKER, PHD, ABPP (FORENSIC)  
PROFESSOR  
UMMS, DEPT. OF PSYCHIATRY**

# NATIONAL STANDARDS

- **STANDARDS FOR COMPETENCE TO STAND TRIAL (CST) HAVE BEEN DEVELOPED (NATIONAL JUDICIAL COLLEGE; AAPL; ZAPF & ROESCH)**
- **AT LEAST 19 STATES HAVE DEVELOPED CERTIFICATION PROGRAMS FOR CST EVALUATORS**
- **POSTDOCTORAL TRAINING PROGRAMS FOR FORENSIC PSYCHOLOGISTS AND PSYCHIATRISTS**

# WHAT WE KNOW ABOUT QUALITY

- **MANY STATES HAVE SEEN A DRAMATIC RISE IN REFERRALS FOR COMPETENCE TO STAND TRIAL (NASHMHPD, 2017)**
- **THE DEMAND FOR FORENSIC EVALUATIONS EXCEEDS THE SUPPLY OF QUALIFIED EVALUATORS**
- **QUALITY OF REPORTS IS POOR IN MANY JURISDICTIONS (E.G., PACKER & GRISSO, 2011)**
- **A MAJOR FACTOR IS LACK OF TRAINING (E.G. GOWENSMITH ET AL., 2016)**
- **ALSO, LOW REIMBURSEMENT RATES**

# PROBLEMS WITH REPORTS

- **LACK OF UNDERSTANDING OF LEGAL STANDARDS**
- **CONFUSING MENTAL ILLNESS WITH INCOMPETENCE**
- **RELYING ONLY ON EVALUEE SELF-REPORT (MALINGERING, BUT OTHER PROBLEMS AS WELL)**
- **NOT CONSIDERING ACUTE EFFECTS OF SUBSTANCE USE**
- **NOT TYING THE OPINION ON COMPETENCE TO THE DATA**

# CERTIFICATION STANDARDS (GOWENSMITH ET AL., 2016; PUTNEY ET AL. 2021)

- **1. EDUCATIONAL CLASSES/TRAININGS**
- **2. EXAM REQUIRED**
- **3. WRITTEN REPORT SAMPLES**
- **4. SUPERVISION/MENTORING**
- **5. QUALITY ASSURANCE PROCESS**

# MASSACHUSETTS MODEL

- **CONSIDERED THE GOLD STANDARD (FROST ET AL., 2006)**
- **INITIAL WORKSHOP**
- **INDIVIDUAL MENTORING**
- **REPORT REVIEW**
- **WRITTEN EXAM**
- **ONGOING QUALITY IMPROVEMENT PROCESS – OVERSEEN BY STATE MENTAL HEALTH AGENCY**
- **WITHOUT REPORT REVIEW, WORKSHOPS ALONE DO NOT SUFFICE**

## ➤ DATA FROM MASSACHUSETTS

- **QUALITY OF REPORTS FOUND MUCH HIGHER THAN IN OTHER JURISDICTIONS (PACKER & LEAVITT, 1998; SKEEM AND GOLDING, 1998)**
- **ANECDOTAL DATA: INPATIENT EVALUATORS HAVE FEW COMPLAINTS ABOUT THE OUTPATIENT EVALUATIONS THAT LED TO ADMISSION**
- **RECENT SURVEY OF JUDGES IN MASSACHUSETTS FOUND THAT OVERALL THEY HAD A POSITIVE EVALUATION OF THE QUALITY OF CST REPORTS (PUTNEY, VINCENT, & PACKER, 2021)**

## COST

- **GOWENSMITH ET AL. FOUND AVERAGE PAYMENT FOR CST EVAL WAS \$750**
- **INCREASING PAYMENT WILL MORE THAN EASILY BE OFFSET BY SAVINGS OF HOSPITAL BED COSTS (FROM INAPPROPRIATE ADMISSIONS)**