



Procedures for Mental Competence in Federal Criminal Cases

Clare Allely*

Department of Psychology, University of Glasgow, Glasgow, Scotland

DESCRIPTION

Criminal cases differ from civil cases. At the beginning of a federal criminal case, the principal actors are the U.S. Attorney (the prosecutor) and the grand jury. The U.S. Attorney represents the United States in most court proceedings, including all criminal prosecutions. The grand jury reviews evidence presented by the U.S. Attorney and decides whether it is sufficient to require a defendant to stand trial. The accused's mental competence to stand trial, receive a verdict, and face punishment is the subject of the first. The second concern is whether or not the accused should be held accountable for his actions. Only the first of these issues—the denial of a defendant's mental capacity to stand trial in federal criminal cases is addressed in this presentation.

Under Anglo-American common law, the accused's mental illness, which equates to insanity, precludes further action in a criminal prosecution. Several criminal cases state that "It is fundamental that an insane person cannot plead to an arraignment, be subjected to a trial, receive judgment after trial, or undergo punishment after judgment," the application of the common law rule on this issue in the Federal district courts is nicely outlined.

The court in the Youtsey case also seems to have acknowledged that the focus of a court should be on an accused person's mental competence to comprehend the proceedings against him and properly advise his attorney about his defense.

Older people may become involved in the criminal justice system as both victims and offenders. It is important to give careful thought to how older people with mental illness interact with each other at various stages of the legal system. Three scenarios involving the evaluation of a prisoner require special attention: the evaluation for readiness to face trial before a court of

competent jurisdiction, the evaluation for a claim of insanity, and the evaluation for readiness for sentencing. At the same time, specific strategies are required for older prisoners who at any point during the trial or while in prison developed dementia or a severe mental disease.

To be held accountable for an alleged criminal conduct, a person must meet both of two requirements that make up the legal concept of criminal liability.

The law provides adequate consideration to whether a person is qualified to take part in the judicial process before criminal responsibility is established. A question about the presence of mental illness may at any time serve as a mediator in subsequent legal processes after the issue of criminal responsibility has been settled.

The criminal justice system frequently involves elderly people as victims. Less frequently, they might be accused of breaking the law. The elderly with dementia may be an easy target for maltreatment by their prison peers once they enter the legal system. The current state of affairs in jails might not be adequate for the care and security of these elderly inmates. In such cases, there is a conflict between federal law and human rights.

While psychiatrists are asked to evaluate these elderly individuals, they must take into account the geriatric population's unique vulnerabilities when assessing their ability to stand trial or determine their culpability. The placement of older people with dementia who are involved in the legal system presents significant difficulties. Only a few tertiary institutions, like NIMHANS in Bengaluru, offer dedicated forensic units, and mental health facilities might not have the space to address patients' concomitant medical conditions. Due to concerns about their safety and risk, the community can be hesitant to place them in nursing facilities.

Correspondence to: Clare Allely, Department of Psychology, University of Glasgow, Glasgow, Scotland, E-mail: Clare@allely.scot

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