

Neuropsychological Evaluation of Competency in Criminal Forensic Contexts

Chriscelyn M. Tussey, Bernice A. Marcopulos, Beth A. Caillouet
Psychological Injury and Law
March 2013, Volume 6, Issue 1, pp 31-40
<http://link.springer.com/article/10.1007/s12207-013-9143-1>

Abstract

Competency issues can arise at any point beginning with an individual's initial interaction with the justice system until the same individual is facing the imposition of a sentence. Neuropsychologists are commonly introduced to the criminal arena through referrals related to competence issues, and much can be gained from understanding how cognitive and psychological functioning can impact an individual's ability to understand and appreciate current circumstances. The present article focuses on three less frequently explored domains of competency, including competence to waive Miranda rights, competence to consent to or refuse treatment, and competency for execution. Pertinent diagnostic considerations are discussed, and relevant legal standards and ethical issues are described. Lastly, evaluation procedures for each type of competence evaluation are discussed. This primer on competency assessment offers a review of the current practices, and limitations, in this burgeoning intersection of law, brain-behavior relationships, and psychology.