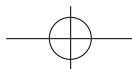
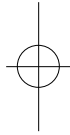
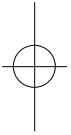
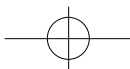
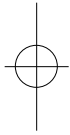
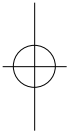
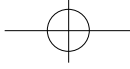
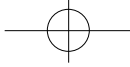


# Criminal Competency on Trial







# **Criminal Competency on Trial**

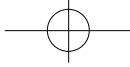
## **The Case of Colin Ferguson**

**Mark C. Bardwell**

**Bruce A. Arrigo**

CAROLINA ACADEMIC PRESS

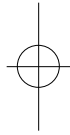
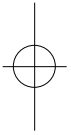
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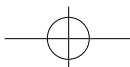
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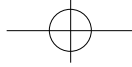
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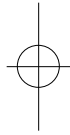
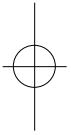
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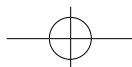


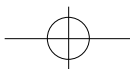
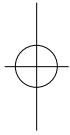
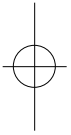
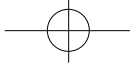


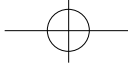
*For my parents, my brothers John and Matt, and for Terri:  
I profess my deepest thanks to each of you  
for your moral and unwavering support*



*For Al, Phyllis, Aaron, and Becca:  
Thank you for your friendship, love, and support*

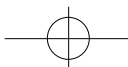






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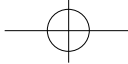


# Preface

Competency to stand trial (CST) determinations require an adherence to legal adjudication standards and psychological assessments methods. However, the forensic decision making on these matters is fraught with complex and enduring dilemmas. Thus, this book critically examines the legal and psychological pitfalls attributable to the CST determination. By revisiting the CST psycholegal dynamics in the controversial and well-publicized case of Mr. Colin Ferguson, the New York City railway gunman, *Criminal Competency on Trial* thoughtfully reviews and systematically discusses an array of policy implications on trial fitness for purposes of future criminal justice reform in the mental health arena.

To situate the overall analysis, the text skillfully explores an array of topics pertaining to competency determinations; including, the jurisprudential history of and the conceptual confusion surrounding the doctrine; the vague and ambiguous nature of the precedent-setting U.S. Supreme Court case law on mental illness and competency; the evolving CST assessment instruments and their relative strengths and limitations; and paranoid and delusional mental health disorders, impacting current and problematic CST evaluation practices. Based on this commentary, the high profile case of Colin Ferguson is thoroughly explored, focusing most especially on the defendant's pretrial competency hearing. Following the case study, the authors provide a psychological and legal analysis, demonstrating where and how unstructured CST assessment practices and problematic legal standards produced a troubling competency-to-stand-trial finding for this paranoid and delusional defendant. In the wake of the analysis, a series of (criminal justice policy) reforms are discussed. These reforms call for noteworthy changes in the judicial interpretation of CST clinical-forensic assessment practices, and recommend a series of provocative and timely legal remedies or strategies made available to the accused.

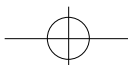
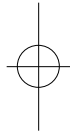
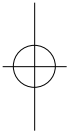


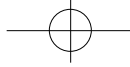


## XIV · PREFACE

Going well beyond the isolated case of the New York City railway gunman, *Criminal Competency on Trial* demonstrates how the CST limitations in the Ferguson case are not the exception but are more often the rule, given the everyday realities of defendants whose trial fitness is called into question. To document this position, the high stakes and controversial case of Theodore Kaczynski, the unabomber, is also provisionally examined.

Suitable for students, academicians, and practitioners of mental health law and criminal justice policy, *Criminal Competency on Trial* methodically investigates one of the more complex and thorny issues impacting the mental health and justice systems today. Appropriate for upper division undergraduates and entering graduate students, the text can be used for course adoption purposes in such classes as Criminal Behavior, Criminal Justice Policy, Famous Trials of the 20th Century, Criminal Justice and the Law, Courts and the Legal System, and Psychology, Law, and Public Policy.

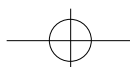


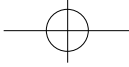


## About the Authors

MARK C. BARDWELL, Ph.D. received his doctoral degree from the Institute of Psychology, Law and Public Policy at Alliant International University (formerly the California School of Professional Psychology), with concentrations in criminal and legal policy analysis and forensic psychology. His previously published work has appeared in *Criminal Justice Policy Review* and the *Journal of Psychiatry & Law*. Dr. Bardwell lives and works in Fresno, California, specializing in trial consultation.

BRUCE A. ARRIGO, Ph.D. is Professor and Chair of the Department of Criminal Justice at the University of North Carolina-Charlotte, with Adjunct Professor appointments in the Public Policy Program and the Psychology Department respectively. Formerly the Director of the Institute of Psychology, Law, and Public Policy at the California School of Professional Psychology-Fresno, Dr. Arrigo began his professional career as a community organizer and social activist for the homeless, the mentally ill, the working poor, the frail elderly, the incarcerated, and the chemically addicted. Dr. Arrigo received his Ph.D. from Pennsylvania State University, and he holds a master's degree in psychology and in sociology. He is the author of more than (100) journal articles, academic book chapters, and scholarly essays exploring theoretical and applied topics in critical criminology, criminal justice and mental health, and socio-legal studies. He is the author, coauthor, or editor of eight (8) books; including, *Madness, Language, and the Law* (1993), *The Contours of Psychiatric Justice* (1996), *Social Justice/Criminal Justice* (1998), *The Dictionary of Critical Social Sciences* (with T.R. Young, 1999), *Introduction to Forensic Psychology* (2000), *Law, Psychology, and Justice* (with Christopher R. Williams, 2001), *The Power Serial Rapist* (with Dawn J. Graney, 2001), and *Punishing the Mentally Ill: A Critical Analysis of Law and Psychiatry* (2002). He is presently completing a textbook titled, *Criminal Behavior: A Sys-*





XVI · ABOUT THE AUTHORS

*tems Perspective.* Dr. Arrigo is the past Editor of *Humanity & Society* and founding and acting Editor of the peer-reviewed quarterly, *Journal of Forensic Psychology Practice*. He was recently named the Critical Criminologist of the Year (2000), sponsored by the Critical Criminology Division of the American Society of Criminology. He is also a Fellow of the American Psychological Association, sponsored by the Law-Psychology Division of the APA.

