

Competence to Stand Trial: a systematic review of evaluative models, reliability and clinical and legal implications in Italy and Anglo-Saxon countries

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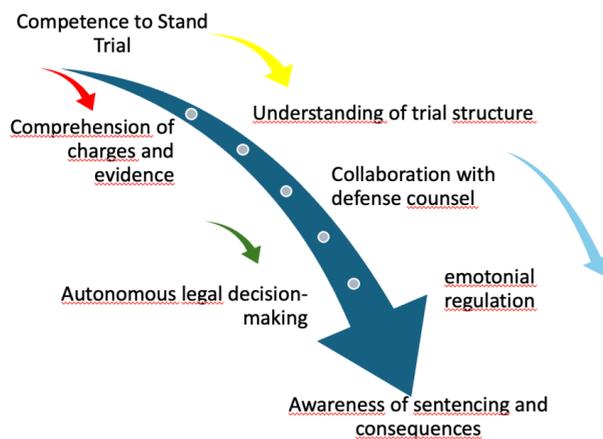
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INTRODUCTION

This systematic review of the literature aims to re-evaluate some of the publications on the subject of capacity to stand trial (CST). We also set ourselves the goal of highlighting key issues such as the comparison of theoretical frameworks and jurisprudential frameworks of reference and the assessment tools used therein, comparing Italy with some Anglo-Saxon countries such as Canada, the United Kingdom, and the United States. To date, it is necessary to standardize procedures for patients; for this reason, we will attempt to explore the main clinical, procedural, and legal aspects



AIM

This study aims to systematically review and compare CST legal frameworks, assessment models, and evaluation tools in Italy and selected Anglo-Saxon countries (United States, Canada, United Kingdom), with the objective of identifying critical gaps and laying the groundwork for standardized, evidence-based forensic practices.

RESULTS

The studies included in this literature review come from four different continents, particularly the United States (n = 17; 68.0%), followed by Europe and the United Kingdom (n = 5; 20.0%) and minor contributions from Australia (n = 1; 4.0%), Canada (n = 1; 4.0%), and Hong Kong (n = 1; 4.0%). More than half of the studies were narrative or systematic reviews, totaling 8 (32% of the sample analyzed), and 7 were psychometric or quantitative evaluation studies (concerning MacCAT-CA, ECST-R, or CAST-MR), equivalent to 28%; Another predominant component consisted of retrospective analyses of the quality of forensic reports or administrative data collected (6 studies, or 24%). Finally, the last 16% concerned studies based on surveys or mixed methods aimed at investigating the decision-making processes of assessors and forensic professionals

Domain	Summary
Geographical distribution	United States: 17 (68%) · Europe & UK: 5 (20%) · Australia: 1 (4%) · Canada: 1 (4%) · Hong Kong: 1 (4%)
Study design	Narrative/Systematic reviews: 8 (32%) · Psychometric/Quantitative studies: 7 (28%) · Retrospective analyses: 6 (24%) · Surveys/Mixed methods: 4 (16%)
Professional setting	General forensic psychiatry / court-ordered assessments: 14 (56%) · Competency restoration units / IST hospitals: 7 (28%) · Academic or mixed settings: 4 (16%)
Participants	Psychiatrists and psychologists: 17 (68%) · Legal professionals / other roles: 4 (16%) · Defendants or forensic patients included: 10 (40%)
Sample size	Highly variable, ranging from small qualitative samples (~10-30 participants) to very large administrative cohorts (>25,000 cases) and archival report reviews
Main topic areas	CST assessment instruments (MacCAT-CA, ECST-R, CAST-MR): 10 (40%) · Legal and regulatory frameworks: 7 (28%) · Evaluator variability and training: 6 (24%) · Special populations (ID, ASD): 4 (16%)
Methodological quality	Methodological quality assessed using the MMAT, with studies classified as high, moderate, or low quality

Reliability and Validity of CST Evaluations

CST/FST assessments show moderate inter-rater agreement and high variability in examiner reasoning. Disagreement is largely driven by random judgment error rather than systematic bias, reflecting the absence of a gold standard and the probabilistic nature of CST decisions. Even with structured tools, construct and predictive validity remain limited and context-dependent.

General Findings and System-Level Trends

CST assessment has shifted from diagnosis-based judgments toward functional approaches, demonstrating that mental illness alone does not determine incompetence. Outcomes vary across jurisdictions due to legal culture, organizational factors, and resource availability, with system-level variables independently shaping CST pathways.

Normative and Legal Aspects

Across legal systems, competence has evolved from static cognitive thresholds to dynamic, participatory models. While grounded in shared due process principles, jurisdictions differ in operationalizing procedural capacity, increasingly conceptualized as a relational and contextual construct.

Variability, Quality, and Training of Evaluators

Persistent heterogeneity in CST evaluations is linked to professional background and insufficient forensic training. Limited tool use reduces assessment quality, whereas specialized training improves rigor, consistency, and adherence to professional standards.

Assessment Instruments and Special Populations (ASD)

Second-generation instruments enhance structure but remain limited, especially for ASD. Neurodivergent defendants risk both over- and under-estimation of competence, supporting the need for ASD-sensitive, multi-source, function-based CST assessments.

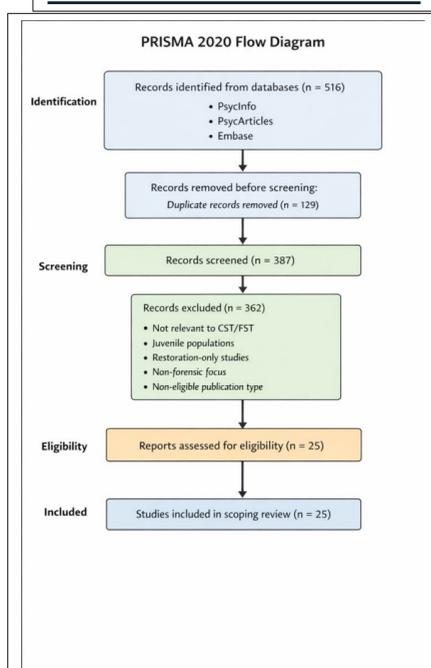
CONCLUSIONS

This review highlights the importance of supporting CST assessments with forensic precision techniques also in order to protect vulnerable or special populations, such as individuals affected by autism spectrum disorder. Standardized CST tools are essential to improve fairness and effectiveness of trials.

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MATERIAL AND METHODS



This systematic review was conducted in accordance with the PRISMA 2020 and PRISMA-ScR guidelines. Observational studies published in English between 1970 and 2024 were included, focusing on CST/FST assessment tools, their psychometric properties, psychopathological correlates (including ASD), and clinical-legal frameworks. Searches were performed in PsycInfo, PsycArticles, and Embase using predefined Boolean terms. Study selection and data extraction were conducted independently by the authors, with methodological quality assessed using the MMAT. Risk of bias was explored narratively, considering heterogeneity and assessor-related variability

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