



# **Forensic Training Manual for Fitness Restoration of Individuals found Unfit to Stand Trial (UST)**

*\* This example training manual should not be used without  
prior consultation with DMH Forensic Staff to determine  
agency/provider training needs\**

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# UST Training Manual

## Fitness Standard

“ A defendant is presumed to be fit to stand trial or to plead, and be sentenced. A defendant is unfit if, because of his **mental or physical condition**, he is unable to **understand the nature and purpose of the proceedings** against him or to **assist in his defense**.”

## Fitness Restoration Strategy

1. Review available **records**.
  - e.g., placement report, fitness report, police report, other clinical records
  - Background information is important for making treatment recommendations.
2. Complete interdisciplinary **assessments**, focusing on ability to become fit for trial, barriers to fitness, and risk factors.
  - e.g., psychiatric evaluation, psychological evaluation, social worker’s assessment
3. Clinically **stabilize** the UST patient.
  - First stabilize the mental illness, then improve understanding of the court process.
  - Medication compliance is a significant predictor for attainment of fitness.
4. Provide **fitness education** in individual and/or group format.
  - Review court terminology with UST patient.
  - Give assignments to UST patient (e.g., concepts to learn).
5. Conduct **ongoing assessments** of clinical stability, cooperation, and understanding of the court process.
  - Rely on observations of entire staff.
6. Conduct formal **fitness evaluations** on a regular basis.
  - Evaluations are usually conducted by psychiatrists or psychologists.
7. Strive for **consensus of treatment team** regarding fitness to stand trial.
  - Everyone should agree when recommending someone as Fit to Stand Trial.
8. Once assessed as Fit (or Unfit), notify the court via **fitness report**.
  - Fitness reports are mailed every 90 days to the Judge, Public Defender, State’s Attorney, and Department of Human Services.

## **Providing Fitness Education**

Following are the concepts and definitions needed to pass the fitness standard:

### **Judge:**

Controls what happens in court, listens to testimony of witnesses, and looks at evidence.  
Makes the decision if you are guilty or not guilty.  
Sentences people who are found guilty.

### **Public Defender:**

Your lawyer, who is on your side and protects your rights.  
Works with the person accused of the crime.

### **State's Attorney:**

Lawyer who works against you and tries to have you found guilty.

### **Defendant:**

The person accused of the crime.

### **Jury Trial:**

Jury is a group of 12 people who are chosen by the court to hear your trial.  
Jury decides if you are guilty or not guilty.

### **Bench Trial:**

No jury present.  
The judge alone decides if you are guilty or not guilty.

### **Evidence:**

Material (things) that are from the scene of the crime, or testimony (reports in court) from people who witnessed the crime.

### **Verdict:**

Outcome of the trial.  
Possible outcomes include Guilty, Not Guilty, and Not Guilty by Reason of Insanity.

### **Sentence:**

Punishment given out by the court to people who have been found guilty.  
Possible sentences include prison, probation, court supervision, and community service.

### **Plea Bargain:**

A deal made by the State's Attorney and Public Defender, and approved by the Judge.  
Defendant must plead guilty and give up the right to a trial.  
In exchange, the defendant will receive a lesser charge and/or lesser sentence.

## **Decision Making Process**

When assessing a UST patient for fitness, there are two primary questions to ask:

1. Does the patient have an adequate understanding of the court process?
2. Is the patient clinically stable enough to adequately assist in his/her defense?

If the answer to both of these questions is “yes,” then the patient is likely Fit to Stand Trial, and the court should be notified.

If the answer to either of these questions is “no,” then the patient likely remains Unfit, and further fitness restoration efforts are needed.

## **Fitness Training Materials (See Appendix)**

1. Court Terms (Levels I, II, III)
  - Once clinically stabilized, UST patients need to begin learning court terminology
  - Start teaching Level I terms, and assign court terms to learn over the course of the week
  - When an individual has an adequate understanding of Level I terms, start teaching Level II terms which provide more detail.
  - Finally, discuss Level III terms when Level I and Level II terms are mastered.
2. Police Station and Courtroom Picture
  - For individuals who are more visually oriented, the pictures of the police station and courtroom can be helpful learning tools.
  - Individuals should be able to identify the Judge, Witness, State’s Attorney, Jury, Defense Attorney, Defendant, and Evidence (fingerprints).
3. UST Questionnaire
  - The UST Questionnaire assesses an individuals understanding of the court process.
  - This assessment can be given on a monthly basis.
  - A score of 80% or above (i.e., 20/25 or higher) usually indicates an adequate understanding of the nature and purpose of court proceedings.

## **Fitness Evaluations (See Appendix)**

Fitness Evaluations are submitted to court every 90 days in order to report on UST patients’ progress in treatment. In the Appendix, there are templates of a cover letter and a 90 Day Progress Report which can be used when writing court reports.

# Appendix

## UST TRAINING

### Level I:

- |                            |  |
|----------------------------|--|
| <b>1. Judge</b>            | Runs the trial.  |
| <b>2. Defendant</b>        | The person accused of committing a crime.                        |
| <b>3. State's Attorney</b> | Works against the defendant.                                     |
| <b>4. Public Defender</b>  | Works for the defendant.   |
| <b>5. Jury</b>             | Twelve people who decide whether or not the defendant is guilty. |

## UST TRAINING

### Level II:

- 1. Unfit to Stand Trial (UST)**

The defendant is unable to understand what is happening in court or is unable to cooperate with his or her attorney.
- 2. Judge**

Runs the trial. Decides the verdict in a bench trial.
- 3. State's Attorney**

The lawyer for the State. Also called the prosecutor. Works against the defendant.
- 4. Defense Attorney**

The lawyer for the defendant. Gives legal advice to the defendant. Can be a private attorney, hired and paid by the defendant, or a Public Defender, appointed by the judge if the defendant can't afford a private attorney.
- 5. Jury**

Twelve people who listen to the evidence and agree on a verdict in a jury trial.
- 6. Charge**

The crime the defendant is accused of committing. The State's Attorney, not the victim of the crime, decides whether to bring charges against the defendant.
- 7. Trial**

The process by which the State's Attorney must present evidence to try to prove the defendant is guilty of the charge or charges, and the Defense Attorney may present evidence to the try to prove the defendant is not guilty.
- 8. Evidence**

All matters relating to whether or not the defendant is guilty which the judge or jury consider. Evidence may be the testimony of te victim, the defendant, or witnesses. Evidence may also be things, such as illegal drugs found on the defendant, or a weapon with the defendant's fingerprints on it.

**Level II (continued):**

**9. Witness**

A person who knows something that will help the judge or jury decide whether or not the defendant is guilty. Witnesses testify in court. That means they tell the truth about what they know at the trial.

**10. Verdict**

The decision made at the end of the trial by the judge or the jury. There are four possible verdicts. These are:

a) Guilty. The defendant goes to prison or jail, or gets probation.

b) Not Guilty. The defendant goes free.

c) Not Guilty by Reason of Insanity. The defendant usually returns to Elgin MHC.

d) Guilty but Mentally Ill. The defendant goes to prison or jail.

**11. Sentence**

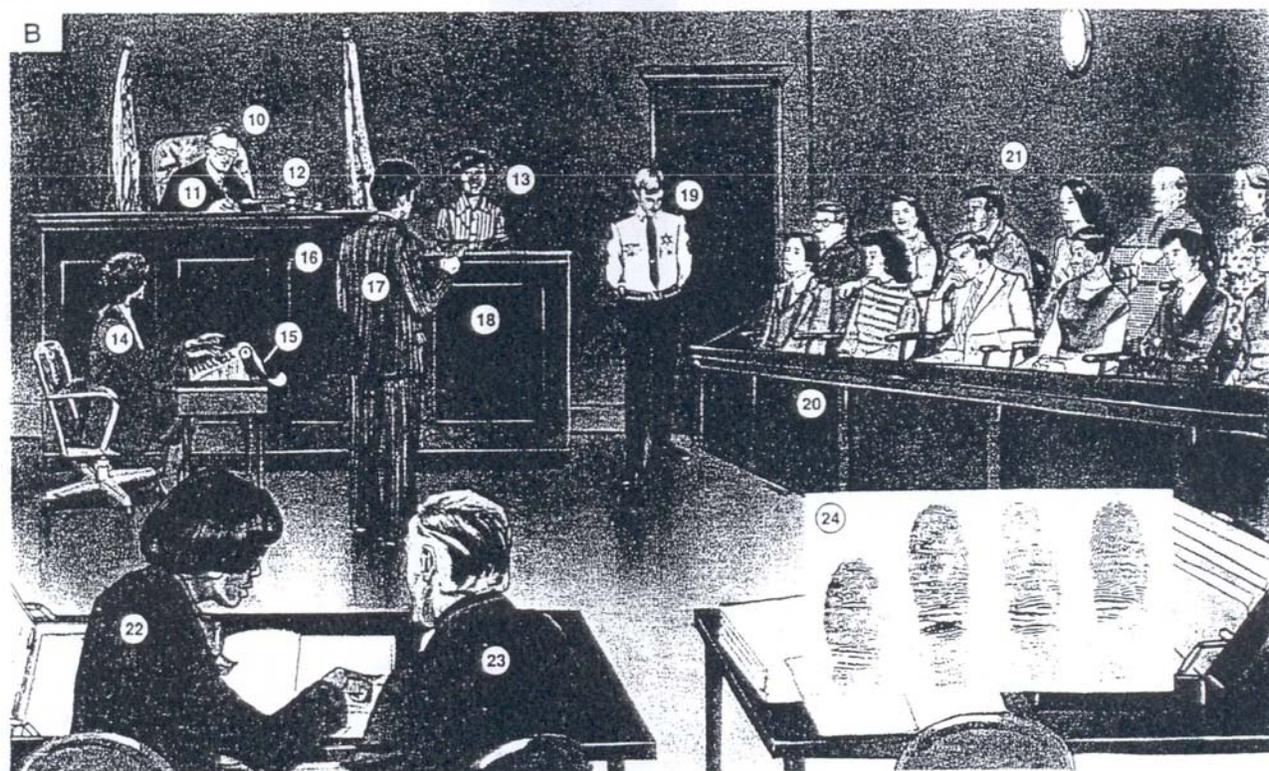
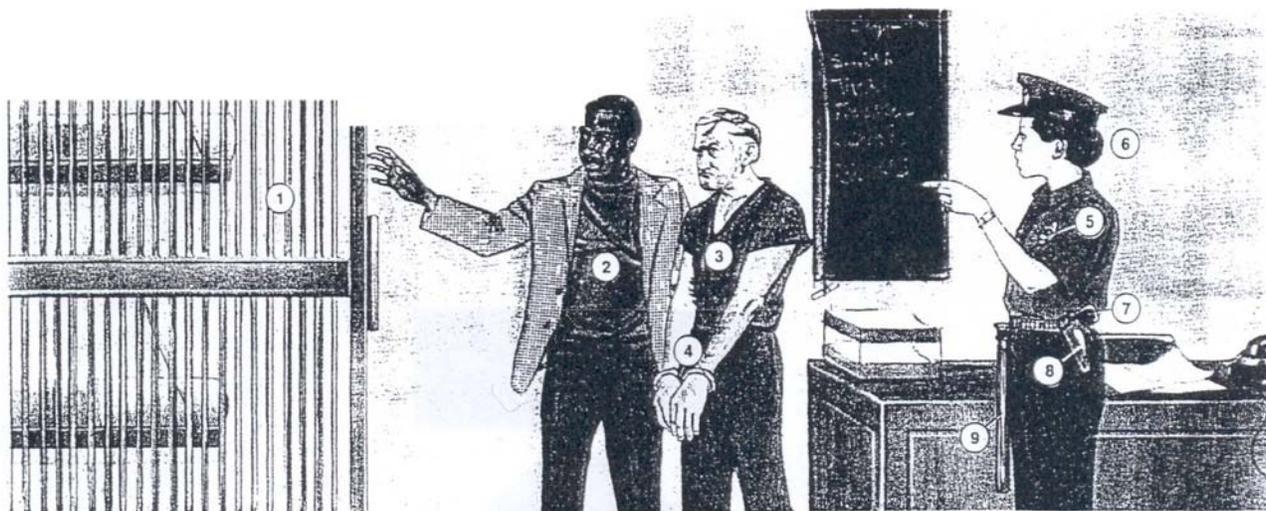
The punishment given to the defendant by the judge after a verdict of guilty. There are three common sentences. These are: a) prison time for serious crimes, b) jail time for less serious crimes, c) probation for less serious crimes by first offenders.

## UST TRAINING

### Level III:

1. **Judge** Runs the trial. Decides the verdict in a bench trial. Protects the defendant's rights.
2. **Defendant's Rights** The defendant in a criminal trial has certain rights or guarantees. Two of the most important rights are:
  - a) the right to choose between a bench trial or a jury trial, and
  - b) the right to decide whether or not to testify at trial.
3. **Insanity** A defendant is legally insane if because of a mental illness at the time of the crime the defendant was unable to understand that he or she was committing a crime.
4. **Plea Bargain** The defendant agrees to plead guilty to a less serious crime than what he or she is charged with in return for a less severe sentence. The defendant gives up the right to a trial, and the right to testify.

## Police Station and Courtroom



A. Police Station

1. Jail
2. Detective
3. Suspect
4. Handcuffs
5. Badge
6. Police Officer
7. Gun
8. Holster
9. Nightstick

B. Courtroom

10. Judge
11. Robes
12. Gavel
13. Witness
14. Court Reporter
15. Transcript
16. Bench
17. State's Attorney
18. Witness Stand
19. Court Officer
20. Jury Box
21. Jury
22. Defense Attorney
23. Defendant
24. Evidence (fingerprints)

**UST QUESTIONNAIRE**

Name \_\_\_\_\_

Date \_\_\_\_\_

**NOTE:** *For each item there may be more than one correct answer*

1. A bench trial is:
  - a) a trial by jury
  - b) a trial by the prosecutor
  - c) a trial by the judge
2. The assistant state's attorney is:
  - a) the same as the prosecutor
  - b) your lawyer
  - c) the defendant
3. A verdict is:
  - a) the same as the sentence
  - b) the outcome of the trial
  - c) evidence
4. The judge is the person who:
  - a) prosecutes you
  - b) runs the trial
  - c) defends you
5. The public defender's job is:
  - a) to have you found guilty
  - b) to have you found innocent
  - c) to run the trial
6. A sentence is:
  - a) evidence presented at the trial
  - b) testimony of people involved in the crime
  - c) a punishment given out by the court
7. A jury trial is:
  - a) a trial by 12 peers
  - b) a trial by the prosecutor
  - c) a trial by the judge
8. Several possible verdicts are:
  - a) innocent
  - b) unfit to stand trial
  - c) guilty
  - d) not guilty by reason of insanity
  - e) probation
9. The defendant is:
  - a) the public defender
  - b) the judge
  - c) the accused

10. Who is usually not an attorney:
- a) the judge
  - b) the defendant
  - c) the state's attorney
  - d) the public defender
11. Evidence is considered to be:
- a) the same as the verdict
  - b) testimony of people who were involved in the crime
  - c) a sentence
  - d) material from the scene of the crime
12. You are guilty until proven innocent:
- a) true
  - b) false
13. Some types of sentences are:
- a) time in jail
  - b) being found unfit to stand trial
  - c) probation
  - d) community service
  - e) being found not guilty by reason of insanity
  - f) supervision
14. A trial is:
- a) a sentence
  - b) a legal process in court to determine innocence or guilt
  - c) a verdict
  - d) being found unfit
15. Being unfit to stand trial means:
- a) you are not guilty
  - b) you are not mentally able to participate in your defense
  - c) you need to do some exercise
  - d) you are guilty of the charges
16. To be found not guilty by reason of insanity means:
- a) you didn't do the crime
  - b) you are unfit to stand trial
  - c) you did the crime but were acting out of a mental illness
  - d) you are not responsible for your behavior
17. The person in court who tries to find you guilty is:
- a) the defendant
  - b) the public defender
  - c) the judge
  - d) the state's attorney
18. Understanding the charges against you is part of being found:
- a) not guilty by reason of insanity
  - b) fit to stand trial
  - c) unfit to stand trial
19. A plea bargain means:
- a) to plead guilty to a lesser charge
  - b) to bargain for a new judge
  - c) to plead insanity

20. You can have a mental illness and still be fit to stand trial:

- a) true
- b) false

21. The prosecutor is also called:

- a) the public defender
- b) the judge
- c) the state's attorney
- d) the defendant

22. The public defender does not have to be a lawyer:

- a) true
- b) false

23. Testimony of people who were involved in the crime is considered to be:

- a) the truth
- b) evidence
- c) the lies of witnesses

24. The final verdict can be rendered by either:

- a) the state's attorney
- b) the jury
- c) the public defender
- d) the judge

25. The verdict is based upon:

- a) the evidence
- b) hearsay of witnesses
- c) the feelings of the judge
- d) the opinion of the public defender

26. The charges in my case are:

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27. The name of my public defender or attorney is:

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28. The name of the judge in my case is:

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**UST Questionnaire Key**

1. C
2. A
3. B
4. B
5. B
6. C
7. A
8. A, C, D
9. C
10. B
11. B, D
12. B
13. A, C, D, F
14. B
15. B
16. C
17. D
18. B
19. A
20. A
21. C
22. B
23. B
24. B, D
25. A

***(COMMUNITY AGENCY LETTERHEAD)***

*(Date)*

The Honorable *(Judge's name)*  
Judge of the Circuit Court of Cook County  
Criminal Courts Building  
2600 S. California Avenue  
Chicago, IL 60608

RE: *(Patient's name)*  
*(Docket number)*

Dear Judge *(Judge's name)*:

Pursuant to Your Honor's Order dated *(Date of court order)*, *(Patient's name)* continues to receive outpatient treatment at *(Community agency's name)*. The details of his/her progress in treatment are enclosed.

If you require additional information, please do not hesitate to contact me at *(Telephone number)*.

Sincerely,

*(Program Director's name)*

## **Fitness Evaluation**

*(Patient's name)*

*(Docket number)*

*(Date)*

### **I. IDENTIFYING INFORMATION**

< Facts that identify patient (e.g., age, race, marital status, crime, date found UST, etc.).

### **II. RESPONSE TO TREATMENT AND PRESENT LEVEL OF FUNCTIONING**

< Treatment modalities utilized (e.g., psychotropic medications, counseling services, substance abuse groups).

< Patient's compliance and response to treatment.

< Results of mental status assessment and patient's clinical stability.

< Diagnoses (i.e., Axis I, II, and III).

### **III. PSYCHOTROPIC MEDICATIONS**

< Current medications, dosage, and frequency.

< "Psychotropic medication induces and maintains remission of the symptoms of mental illness leading to restoration of coherent thinking and predictable conduct."

### **IV. THE ISSUE OF FITNESS**

< Fit: "The patient understands the role functions of the court officers and is now able to assist in his/her defense. The patient understands the reason for his/her charge and is appropriate for return to Court. We consider the patient psychologically FIT TO STAND TRIAL."

< Unfit: "It does not appear that the patient fully comprehends the reason for treatment and appears confused about the role functions of the various participants in the judicial process. He/She is, as yet, unable to assist in his/her defense and does not fully understand the judicial process. The patient continues to be involved in programming aimed at attaining fitness within the one year requirement. We consider the patient psychologically UNFIT TO STAND TRIAL."

### **V. QUALIFIED PROFESSIONALS RESPONSIBLE FOR TREATMENT**

*(List treatment team members)*

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