



Lepage Associates  
*Solution-Based Psychological Services*

## Psychological Forensic Evaluations

What is the difference between a clinical psychological evaluation and a forensic evaluation?

How do you pick the right expert for your evaluation?

Knowing when and how to obtain a forensic evaluation - which typically goes beyond the scope of a basic clinical interview - could make or break your case.

Following are several things you should look for in a forensic evaluation:

- **In all evaluations, psychologists complete a clinical interview with the client.** Some psychologists stop here, and while a clinical interview is certainly better than no evaluation, it is not the most thorough method of assessment as it is purely self-report.
- **It is more helpful to use psychological testing so that the bulk of information is not based on the client's self-report.** Many psychologists administer psychological instruments such as the Minnesota Multiphasic Personality Inventory (MMPI-2), which is an objective measure of personality and major categories of psychopathology. The MMPI-2 is widely used because it is well known to be a reliable, valid test. It also has a Lie Scale to help determine if someone is trying to form a favorable impression or mislead the examiner regarding severity of illness. However, though better than an interview only, this test is, again, based on the client's self-report.
- **It is therefore recommended that multiple tests be completed. A full battery should look at the client's cognitive, emotional, and personality functioning.** A battery gives added weight to your argument that the client was fully evaluated. (Tests that are specific to the situation are described below.) This may be where some psychologists end their evaluation.
- **However, a full battery could still be a clinical evaluation and not a forensic evaluation. According to the American Academy of Forensic Psychology, a full forensic evaluation includes actively seeking information from more than one source that would differentially test plausible rival hypotheses.** This means psychologists need to actively seek prior records. They also need to talk to people who know the client, to assess both pre- and post-functioning. These collateral contacts are not only family members with a vested interest in the client, but also professionals or disinterested parties who will provide impartial accounts of the client.

### Competency to Stand Trial

- Psychologists can help determine if your client has an adequate understanding of the legal proceeding and ability to work with you. The focus of the evaluation is on current functioning and mental status. Psychologists can administer psychological instruments such as the MacArthur Competence Assessment Tool-Criminal Adjudication. This instrument helps the psychologist determine if the client understands the charges and trial process as well as her appreciation of relevance of information for her defense. This

instrument also helps uncover the client's ability to reason during decision making tasks and her logical problem-solving abilities.

- A subset of this type of evaluation is competency to plead guilty. The psychologist helps determine if the client understands the criminal process, is able to work with the attorney, why she wants to plead guilty, and her understanding of the implication of relinquishing certain rights.

### **Competency of Juveniles**

- The community often disagrees on the topic of whether juveniles should be tried as adults. Psychological research suggests one's cognitive abilities are still developing in most "normal" children prior to age 14, that is, a child without mental disorders or cognitive disabilities. Therefore a child's ability to understand information that is provided to defendants regarding the trial process, and to reason with the information that they acquire or bring to the situation, is not fully developed. It is suggested that most children under 12 be evaluated. As should children with a history of mental illness or mental retardation, borderline intellectual functioning, and learning disabilities. If you observe that your young client has deficits in memory, attention, or interpretation of reality you may consider an evaluation as well.
- A psychologist should look at psychosocial factors such as self-control, self-concept, relationships with adults in authority, and the child's capacity for perspective taking in decision making.

### **The Insanity Defense**

- Psychologists can help determine your client's mental condition at the time of the offense and if they should be held responsible for the crime committed. North Carolina insanity laws are based on the McNaughton standard, which asks if the client is suffering from a mental disease (mental illness) or defect (mental retardation). If so, did it impact their ability to know and understand the nature and quality of their act? Was the client able to understand and appreciate what they were doing was wrong? This standard emphasizes the quality of one's thought process and their perception of reality. The burden of proof is on the prosecution.
- Some psychologists use the Rogers Criminal Responsibility Assessment Scale which looks at brain disorders, mental disorders, behavioral control, the ability to control one's thoughts, and reliability of the person's report.

### **Malingering**

- Psychological instruments can be administered such as the MMPI-2; however, as stated earlier, it is a self-report measure. More sophisticated measures of malingering are instruments such as the Structured Interview of Reports Symptoms (SIRS). The SIRS assesses a variety of areas such as defensiveness, uncommon symptoms, changes in behavior during the assessment, and common symptoms. One can determine if someone is trying to fake memory problems by using an instrument such as the Test of Memory Malingering.

### **Death Penalty Cases**

- North Carolina has instituted laws against executing individuals with mental retardation. There is also a push to create legislature regarding execution of individuals with severe and persistent mental illness. Therefore, a psychologist may help determine if a client is competent to be executed. An assessment of mental retardation would include cognitive testing such as the Wechsler Adult Intelligence Scale (WAIS-R) and might include neuropsychological testing regarding brain injury. In these cases, there needs to be

evidence that mental retardation was present prior to age 18 so record review and speaking with collateral contacts is vitally important.

References:

American Academy of Forensic Psychology website listed below:

<http://www.ap-ls.org/links/currentforensicguidelines.pdf>

Wrightsman, L. & Fulero, S. (2005). Forensic Psychology, Second Edition. Thomson Wadsworth.

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