

2023 AP-LS Preconference Workshops
Philadelphia, PA
March 15, 2023

Workshop A: Intellectual Disability and Competency to Stand Trial Evaluations

Presenter(s): Sara Millspaugh, PhD; Ann Delpha, JD; Simone Viljoen, PhD; and Julie Brovko, PhD

Level: Intermediate

Time/CE: 8:30 AM – 4:30 PM/7 CE hours

Description: The effect of intellectual disability (ID) on forensic assessments is a less understood topic in forensic psychology. Forensic evaluators are often ill-equipped to handle the special considerations that ID presents, especially during competency evaluations. This workshop will aim to give attendees a better understanding of ID and how it impacts interactions with the criminal justice system, with a particular focus on competency evaluations. First, we will discuss the definitions of ID, how to assess for and diagnose ID, and other diagnostic considerations (e.g., masking and subtle representations of ID). Second, we plan to discuss the role ID has had on court decisions and the criminal justice system in the past. Here, we will discuss landmark Supreme Court cases and special considerations of criminal defendants with ID. Finally, we will focus on competency evaluations and special considerations for these evaluations when working with clients with suspected or known ID. In this section, we will discuss how ID can impact one's competency abilities and how to assess for these issues. During this portion, we will also discuss how to identify ID as a clinical concern for competency, educating attorneys about ID, and forensic competency measures, with a focus on providing an overview of an updated version of the CAST-MR (CAST-ID), a measure designed to assess competency for individuals with ID. This presentation will be created in collaboration with Caroline Everington, the creator of the CAST-MR, and Jim Ellis, a leading legal expert on ID and the U.S. legal system.

Learning Objectives:

1. Describe what intellectual disability (ID) is, how to diagnose ID, and diagnostic considerations specific to mild ID (e.g., masking and subtle representations of ID).
2. Identify how people with ID interact with the criminal justice system and landmark U.S. Supreme Court cases that have addressed issues relevant to people with ID.
3. List at least 3 special considerations for clients with suspected or known ID in competency evaluations (e.g., identifying ID as a clinical concern for competency, performance validity testing, consent, and forensic assessment measures).
4. Use the updated version of the Competence Assessment for Standing Trial for Defendants with ID (formerly CAST-MR), which is designed to assess competency for individuals with ID.
5. Discuss how ID impacts the *Dusky* prongs of competency.

Workshop B: Eight Best Practices to Improve Forensic Psychological Assessments

Presenter(s): Tess M.S. Neal, PhD; Kristy A. Martire, PhD; Randy K Otto, PhD, ABPP

Level: Beginner

Time/CE: 8:30 AM – 12 PM/3.5 CE hours

Description: We review the state of forensic mental health assessment. The field is in much better shape than in the past; however, significant problems of quality remain, with much room for improvement. We provide an overview of forensic psychology's history and discuss its possible future, with multiple audiences in mind. We distill decades of scholarship from and about fundamental basic science and forensic science, clinical and forensic psychology, and the law of expert evidence into eight best practices for the validity of a forensic psychological assessment. We argue these best practices should apply when a psychological assessment relies on the norms, values, and esteem of science to inform legal processes. The eight key considerations include (a) foundational validity of the assessment; (b) validity of the assessment as applied; (c) management and mitigation of bias; (d) attention to quality assurance; (e) appropriate communication of data, results, and opinions; (f) explicit consideration of limitations and assumptions; (g) weighing of alternative views or disagreements; and (h) adherence with ethical obligations, professional guidelines, codes of conduct, and rules of evidence.

The presentation is based on a free article in press at *Annual Review of Law and Social Science*. Portions of this original synthesis were prepared simultaneously for this article and for a report commissioned by the independent public inquiry by the Government of Canada and Province of Nova Scotia called the Mass Casualty Commission. Drs. Martire and Neal served as expert consultants in the inquiry process. Our reports and testimony are publicly available.

<https://www.annualreviews.org/doi/abs/10.1146/annurev-lawsocsci-050420-010148>

Learning Objectives:

1. List eight strategies for evaluating the rigor and value of a forensic mental health assessment.
2. Identify two free high-quality resources for improving forensic mental health assessment practice.
3. Distinguish between foundational validity and applied validity of psychological assessments.
4. Identify two strategies for minimizing bias when conducting mental health assessments
5. Identify and describe 3 effective strategies for cross-examining expert testimony offered by mental health professionals.

Workshop C: Assessing Risk & Needs in Juvenile Offenders

Presenter(s): Robert Prentky, PhD

Level: Intermediate

Time/CE: 8:30 AM – 12 PM/3.5 CE hours

Description: In the decade of the 1990s that my colleagues and I set out to develop the first risk assessment scale for juveniles convicted of sexual offenses, published in 2000 (J-SOAP, Prentky, Harris, Frizzell, & Righthand, 2000). We believed, naively at the time, that bringing science to bear on the question of risk of “dangerousness” would be salutary. Over the ensuing two decades Dr. Righthand and I observed to our dismay how our own work was misused, often blatantly, in juvenile court. By 2016, we set out to rectify the “problem” through the development of a new scale, an approach that we hoped would help to dial back the direction of the juvenile court to the pre-Gault era of concern for the health & welfare of its young dependents. Over a period of 3 years, Drs. Righthand, Kang and I worked with a large team to develop and beta-test in 5 states the Youth Needs Progress Scale (YNPS). The YNPS has one overarching goal: following an RNR model, laser-focusing on individualized “needs” and the remediation of those needs that were most responsible for risk of re-offense. This workshop will overview 1. The problems inherent in targeted assessment of “risk” in juveniles, the development of the YNPS, and the illustration of decreases in YNPS scores over 4 reassessments spanning 1 year of treatment, as well as decreases in YNPS scores irrespective of baseline risk assessed by the J-SOAP-II.

Learning Objectives:

1. Identify problems associated with assessing risk in juveniles.
2. Discuss the juvenile courts continued focus on post-*Gault* risk and the abuses attendant to risk assessment in court.
3. Describe the development, siting, and analyses of a new Youth Needs & Progress Scale.

Workshop D: AP-LS Recommendations for Telepsychology: A review of emerging research and practice

Presenter(s): Ashley Batastini, PhD; Michelle R. Guyton, PhD, ABPP

Level: Beginner

Time/CE: 8:30 AM – 12 PM/3.5 CE hours

Description: The use of telecommunication technologies in psychological practice (referred to as telepsychology) has increased substantially in recent years, particularly following the novel coronavirus pandemic. However, forensic and correctional settings present unique challenges. While general ethical standards and APA’s Guidelines for the Practice of Telepsychology (2013) provide broader aspirations, practitioners and scientists working along the spectrum of psychology-law would benefit from guidance that is more tailored to the legal context. In 2020,

the AP-LS executive committee commissioned a taskforce of professionals with a diverse range of qualifications and expertise to create a comprehensive set of recommendations related to assessment, treatment, court communications, training (including teaching and supervision), and research. This collaborative effort resulted in the Recommendations for the Use of Telepsychology in Psychology-Law Practice and Research (2022). Workshop attendees will get a first-hand overview of how the Recommendations were drafted, their intended use in the field, and key considerations relative to each content area from the co-chairs of the APLS taskforce. The co-chairs/presenters will facilitate interactive discussions and walk attendees through hypothetical case scenarios to reinforce the application of recommendations in practice. Because the Recommendations are based on a nascent but expanding research base, attendees will also leave with a better understanding about how to critically evaluate, conduct, and report research in this area. As forensic mental health professionals further embrace and rely on telepsychology in their work with forensic and correctional populations, it will be important to keep up with evolving guidelines, scientific literature, and legislative changes.

Learning Objectives:

1. Discuss the current state of research and remaining gaps in knowledge regarding telepsychological services with forensic/correctional populations.
2. List the potential benefits of using telepsychological services in forensic/correctional settings.
3. Describe evidence-based recommendations for conducting telepsychological forensic/correctional services including evaluations, interventions, and clinical supervision.
4. Anticipate challenges when coordinating and communicating with courts, legal system participants (including examinees or clients), and institutional administrators remotely.

Workshop E: Criminal Justice within the Deaf & Disabled Community: Current Research and Future Needs

Presenter(s): Gabriel Lomas, PhD; Debra Guthmann, EdD, NIC

Level: Beginner

Time/CE: 1 PM – 4:30 PM/3.5 CE hours

Description: This presentation will focus on deaf and other disabled individuals who are involved with the criminal justice system who may also have additional language and learning challenges. There is a considerable disparity regarding research and training related to what is happening in the criminal justice system for this population. This presentation will explore how the book *Deaf People in the Criminal Justice System*, and documentary film *Being Michelle*, offers an opportunity to provide education and help raise awareness about the numerous barriers and injustices that frequently happen with this population. The presentation will showcase parts of the *Being Michelle* documentary and presenters will facilitate discussion relevant to the film.

Learning Objectives:

1. Provide current research regarding demographic information related to deaf and disabled suspect and offenders who may also have additional disabilities, including intellectual disabilities, substance abuse and mental health issues.
2. Discuss how future research (surveys, qualitative, and quantitative studies) can incorporate the inclusion of all aspects of the deaf population to strengthen the data collected regarding deaf and disabled individuals in the criminal justice system.
3. Describe how the challenges and opportunities for professionals-in-training, interpreters, social workers and psychologists to become informed advocates for their deaf students and other deaf and disabled adults who are caught up in the criminal justice system.
4. Use the documentary, *Being Michelle*, to illustrate how the justice system often fails deaf and disabled people. Attendees will use the video to address potential solutions to injustices.

Workshop F: Evidence-based Forensic Applications of the MMPI-3

Presenter(s): Martin Sellbom, PhD

Level: Intermediate

Time/CE: 1 PM – 4:30 PM/3.5 CE hours

Description: This workshop is intended guide evidence-based use of the MMPI-3 in forensic psychological assessments. The workshop will begin with a brief refresher of the instrument. Next, the majority of the time will be devoted to applications of the MMPI-3 in both criminal (e.g., competency to stand trial, criminal responsibility, risk assessment) and civil (e.g., parental capacity, child custody) forensic evaluations. Psychometric findings and the peer-reviewed literature from these settings will be reviewed, with a particular emphasis on translating this evidence to forensic practice. The workshop will also include discussion on how to respond to challenges to MMPI-3-based opinions in court, with an emphasis on Daubert and Frye factors. Case illustrations will be derived from a variety of criminal and civil settings with ample opportunity for discussion.

Learning Objectives:

1. Evaluate the psychometric findings available to guide MMPI-3 interpretation, with an emphasis on forensic settings, and how they translate into forensic practice.
2. Apply the peer-reviewed literature available to guide forensic applications of the MMPI-3.
3. Analyze the role of psychological constructs assessable with the MMPI-3 when addressing psycho-legal questions.
4. Prepare to support MMPI-3-based opinions with current empirical evidence and respond to challenges to such opinions.

5. Integrate MMPI-3 findings in forensic psychological assessments, including criminal and civil court-ordered evaluations.