

Contents

SECTION I Foundations of Practice	1
CHAPTER 1: Clinical and Legal Framework	3
Historical Perspective on Forensic Psychology and Psychiatry	4
Conceptual Models of Forensic Psychology and Psychiatry	5
Conceptual Models of Attorneys and Mental Health Issues	9
Scientific Status of Forensic Psychology and Psychiatry	10
Legal Status of Forensic Psychology and Psychiatry	16
Looking Forward at the Chapters and Their Goals	17
CHAPTER 2: Malingering and Deception in Criminal Evaluations ...	21
Fundamental Issues with Response Styles	22
Detection Strategies for Feigned Presentations	31
Standardized Assessment of Malingering	39
Summary	55
CHAPTER 3: The Nature of Experts and Their Testimony	57
The Nature of Experts	57
Expert Testimony	68

Expert Qualifications	68
Direct Examination	73
An Overview of Direct Examination	76
Redirect Examination	80
Summary	81
 SECTION II Specific Criminal Issues	 83
 CHAPTER 4: Forensic Determinations of Diversion and Bail	 85
Relevant Legal Standards	86
Clinical Operationalization of Diversion and Bail Determinations	 92
Clinical Methods and Forensic Considerations	97
Potential Trial Issues	105
Summary	110
 CHAPTER 5: <i>Miranda</i> and Beyond: Competencies Related to Police Investigations	 113
Relevant Legal Standards	115
Clinical Operationalization of Waiver Decisions	125
Clinical Methods and Forensic Considerations	130
General Cross-Examination Issues	146
Summary	149
 CHAPTER 6: Competency to Stand Trial	 151
Relevant Legal Standards	152
Clinical Operationalization of the Competency Standard	161
Forensic Assessment Methods	168
General Cross-Examination Issues	176
Summary	180
 CHAPTER 7: The Insanity Defense	 181
Relevant Legal Standards	182
Clinical Operationalization of the Insanity Standards	193
Specialized Methods for Assessing Insanity	205
General Cross-Examination Issues	207
Summary	214
 CHAPTER 8: Beyond Insanity: Other Issues of Criminal Responsibility	 215
Relevant Legal Standards	216
Clinical Operationalization of Criminal Culpability Standards ...	229

Clinical Methods Relevant to Assessments of Criminal Responsibility	238
Summary	258
CHAPTER 9: Sentencing Recommendations and Capital Issues	259
Relevant Legal Standards	261
Overview of Clinical Methods and Sentencing Determinations ...	269
Clinical Applications to Noncapital Cases	270
Clinical Applications to Capital Cases	282
General Cross-Examination Issues in Non-Capital Sentencing ...	295
Trial Strategies and Cross-Examination Issues in Capital Sentencing	299
Summary	308
CHAPTER 10: Competency to Be Executed and Other Post-Conviction Relief Issues	311
Relevant Legal Standards	312
Clinical and Forensic Applications to Competency to Be Executed	320
Clinical and Forensic Applications to Competence to Waive Appeals	325
General Cross-Examination Issues	329
Summary	333
CHAPTER 11: Sexual Predator Determinations	335
Relevant Legal Standards	336
Clinical Operationalization and Forensic Methods for SVP Determinations	342
General Cross-Examination Issues	352
Summary	364
CHAPTER 12: Integration: Themes in Criminal Forensic Practice	367
Science and Skill in Clinical Forensic Practice	367
Forensic Predictions and Classifications	377
Scrutiny and Skepticism as Watchwords for Criminal Attorneys	382
The Interdependence of Law and Forensic Practice	385
Concluding Remarks	386
Appendix A: The Accuracy of DSM Indices of Malingering*	389

*Specifically for use as court exhibits, copies of Appendices A through I are permitted for this explicit purpose.

Appendix B: Systematic Review of Standardized Measures for Feigned Mental Disorders and Their Detection Strategies* 391

Appendix C: Systematic Review of Standardized Measures for Feigned Cognitive Impairment and Their Detection Strategies* 393

Appendix D: MMPI-2 Meta-Analysis and Feigned Mental Disorders: A Summary of Rogers et al. (2003)* 395

Appendix E: Ultimate Opinions: Bans and Questionable Practices* 397

Appendix F: Summary of the Grisso’s (1998) *Miranda* Instruments for Use with Adult Offenders* 399

Appendix G: The MMPI-2 and Insanity Evaluations: A Descriptive Analysis* 401

Appendix H: Analysis of Risk Assessment Measures: Are They Relevant to Sexually Violent Predator (SVP) Standards?* 403

Appendix I: Standards for Diagnoses in Forensic Practice: A Comparison of Unstandardized, Standardized, and Extrapolated Diagnoses* 405

References 407

Name Index 435

Subject Index 439

*Specifically for use as court exhibits, copies of Appendices A through I are permitted for this explicit purpose.