Personality Assessment in Legal Contexts

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ABSTRACT

This special issue addresses a major gap in the literature by providing comprehensive, credible reviews of the psychometric evidence for and legal status of some of the most commonly-used psychological and personality assessment measures used in forensic evaluations. It responds to Neal and colleagues' (2019) call for research to improve the state of and access to knowledge about psychological assessments in legal contexts, and encourages critical thinking about forensic assessment in the spirit of improvement. These articles offer clarity about the strengths and weaknesses of a number of assessment instruments to inform psychologists' preparation for expert testimony, lawyers' preparation for direct and cross-examination, judges' evidence admissibility determinations, and scholars' future research. We assembled teams of authors with different perspectives and areas of expertise to review each tool fairly, including several adversarial collaborations. Articles on the Rorschach and R-PAS, MMPI-3, PCL-R, MCMI-IV and MACI-II, PAI and PAI-A, SIRS-2, HCR-20^{V3}, TSI and TSI-2, and the MacCAT-CA, ECST-R, and CAST*MR are included. To increase visibility, accessibility, and impact, this issue is published as free access, meaning the articles are available to download without charge. We anticipate these articles will be widely read and useful to scholars and practitioners in both psychology and law.

This special issue of the *Journal of Personality Assessment* (JPA) focuses on building a cohesive evidence base for legal admissibility considerations regarding some commonly-used psychological assessment instruments. A credibility revolution is occurring in various fields, including in both psychology and in law, with a sharpened focus on the tenability of claims made by experts. Recent projects have raised some questions and concerns about the legal admissibility of various psychological assessment methods (e.g., DeMatteo et al., 2020; Edens & Boccaccini, 2017; Neal et al., 2019). The current special issue represents a systematic effort to answer some of these questions, respond to concerns, and charter a path forward.

This special issue advances both psychological science and justice by addressing a major gap in the literature: it provides comprehensive, credible reviews of several commonly-used psychological assessment instruments in forensic evaluations, with clarity about their strengths and weaknesses to inform psychologists' preparation for expert testimony, lawyers' preparation for cross-examination, and judges' evidence admissibility determinations. This special issue represents a major collaborative effort between scholars and practitioners in both psychology and law to advance knowledge in order to serve justice.

To increase the visibility, accessibility, and impact of these articles, Taylor and Francis (JPA's publisher) agreed to publish this issue as Free Access. We anticipate these articles will be widely read, and will be useful to scholars and

practitioners in both psychology and law. In the peer review process, various reviewers commented on the value of the articles, noting the lack of other resources that present this level of detail and broad analyses of psychological assessment instruments used in legal settings. One reviewer called the template for these articles, and the articles themselves, "incredibly important."

The articles in this issue were prepared by both organic and organized teams of authors with psychologists, legal scholars, and psychometric experts collaborating with one another. We were actively involved in shaping the author teams in an effort to build diverse and interdisciplinary teams of collaborators and (whenever possible) to foster adversarial collaborations. We were successful in our quest to stimulate some adversarial collaborations, especially with regard to assessment instruments for which there has been a healthy debate in the literature and for which a dedicated collaborative effort to hammer out points of agreement and disagreement would be useful for both psychology and the law (for models see Cowan et al., 2020; Kahneman & Klein, 2009).

In the latter half of 2020 we published an open call for abstracts, soliciting ideas and interested contributors. We advertised through various venues, such as the newsletters of the Society for Personality Assessment and the American Psychology-Law Society, announcing on social media, and sharing with colleagues in law schools, psychology and

psychometric programs, and practice. We received 35 responses and from those responses worked to assemble 13 teams of authors with complementary areas of expertise (i.e., psychological scientists, legal scholars, psychometric experts, and experienced practitioners in psychology as well as in law), while minimizing (to the degree possible) actual and perceived conflicts of interest. We were mindful of diversity, with attention to recruiting and including early-career as well as established authors, international authors, and authors of different ethnicities and genders. We also welcomed psychology graduate students and law students interested in expert evidence to participate in these collaborative teams, as we see these collaborations as one way to strengthen appreciation for and understanding science in law (see e.g., Lawless et al., 2016). Our aim was to put together teams of authors with different perspectives and areas of expertise who could work together to describe the strengths and weaknesses of each tool fairly.

Each article focuses on scientific and legal issues for one particular psychological assessment instrument (or multiple, highly related ones in a few instances), summarizing the psychometric evidence to date and highlighting research that is most urgently needed, as well as laying out the strengths and weaknesses of the tool for use in different legal settings with particular attention to the admissibility issues of which both mental health practitioners and legal practitioners should be aware. Articles on the Rorschach and Rorschach Performance Assessment System (R-PAS; Meyer et al., 2011), Minnesota Multiphasic Personality Inventory-3 (MMPI-3; Ben-Porath & Tellegen, 2020), Psychopathy Checklist-Revised (PCL-R; Hare, 2003), Millon Clinical Multiaxial Inventory-IV (MCMI-IV; Millon et al., 2015) and Millon Adolescent Clinical Inventory (MACI-II; Millon et al., 2020), Personality Assessment Inventory (PAI; Morey, 2007) and PAI-Adolescent (PAI-A; Morey, 2007), Structured Interview of Reported Symptoms-2 (SIRS-2; Rogers et al., 2010), Historical Clinical Risk Management-20 Version 3 (HCR-30^{V3}; Douglas et al., 2013), Trauma Symptom Inventory (TSI; Briere, 1995) and TSI-2 (Briere, 2011), MacArthur Competence Assessment Tool–Criminal Adjudication (MacCAT-CA; Hoge et al., 1999), Evaluation of Competence to Stand Trial–Revised (ECST-R; Rogers et al., 2004), and the Competence Assessment for Standing Trial for Defendants with Mental Retardation (CAST*MR; Everington & Luckasson, 1992) are included.

Rationale for the special issue

The credibility revolution (also called the "replicability crisis") in psychology, and in science more broadly, highlights procedural and structural problems that have called into question the credibility of the scientific literature, and the steps needed to improve science and make strong scientific claims (e.g., Munafò et al., 2017; Vazire, 2018). Similarly, in law, there has been an increasing movement toward the need for stronger scientific claims and for the law to screen out claims based on low-quality methods (e.g., *Daubert v. Merrell Dow Pharmaceuticals & Inc.*, 1993;

Faigman et al., 2021; President's Council of Advisors on Science and Technology, 2016).

In a prescient article, Grisso (1987) contended that the development of strong scientific underpinnings for the field of forensic psychological assessment was threatened by economic forces in the legal system. Those concerns remain valid today and have in fact been borne out in some cases. Hundreds of thousands of psychological assessments are used in court every year to aid judges in making legal decisions that profoundly affect people's lives, and a wide variety of different psychological assessment instruments are used in forensic evaluations (Neal & Grisso, 2014). However, the quality of these assessments has been questioned globally, with consistent findings that there is considerable room for improvement, such as in Australia (Goodman-Delahunty & Dhami, 2013), Germany (Wiedemann & Neal, 2021), the Netherlands (Schimmel & Van Koppen, 2017), Portugal (Da Silva Guerreiro et al., 2014), the United Kingdom (Ireland, 2012), and the United States (e.g., Neal et al., 2019; Nicholson & Norwood, 2000).

Recent work has shed light on the limitations of assessment tools in field settings, including legal contexts (see e.g., Edens & Boccaccini, 2017). For example, the reliability and validity of findings from research-based normative samples do not necessarily extend to field samples involving forensic populations (e.g., Blais et al., 2017; Boccaccini et al., 2009; Edens et al., 2015; Harris et al., 2017; Hawes et al., 2013; Miller et al., 2012; Neal et al., 2015). Another example is the body of work by various scholars highlighting serious questions about the use of the popular Hare Psychopathy Checklist-Revised in some forensic contexts (see e.g., DeMatteo et al., 2020; but also Olver et al., 2020, for a response). And the Rorschach Inkblot Method, which continues to be widely used in forensic settings (Neal et al., 2019), remains subject to debate (cf., Wood et al., 2015 versus Mihura et al., 2013).

A final example is Neal and colleagues' (2019) recent two-part investigation of psychological assessments in legal contexts. They investigated 364 assessment tools used in legal cases, finding that many may not meet legal admissibility criteria, but also that legal challenges to assessment evidence were rare. The authors ended with a call for research, encouraging psychological scientists to improve the state of knowledge in the field and to improve public access to information about psychological assessments. They also encouraged mental health practitioners to be more critical about the measures they use in forensic cases, and advocated attorneys to better scrutinize and challenge psychological assessment evidence. The current special issue aims to meet some of these needs.

Legal admissibility criteria and how they apply to psychological assessments

Legal systems have grappled with the challenge of creating expert evidence admissibility rules that effectively screen out "junk" science but admit sound evidence. In most common law countries, the last three decades have seen increasingly stringent evidence reliability standards introduced in an

attempt to regulate the complex expert opinion evidence proffered in legal proceedings (Edmond, 2011). The U.S. introduced new admissibility standards in a trilogy of Supreme Court cases in the 1990s (*Daubert v. Merrell Dow Pharmaceuticals & Inc.*, 1993; *General Electric Co. v. Joiner*, 1997; *Kumho Tire Co. v. Carmichael*, 1999) and a subsequent revision of Rule 7.02 of the Federal Rules of Evidence (FRE). The new rules obliged judges consider the reliability of expert evidence and provided a menu of factors for them to consider before admitting evidence, such as whether the technique the expert used had been tested, its error rate, its acceptance in its field by other experts, and whether the method had been subjected to peer review (FRE 7.02, 2016). Many U.S. states adopted these rules to varying degrees. Canada (*R v J-LJ*, 2000) uses a similar approach, and England and Wales (*Expert Evidence in Criminal Proceedings in England & Wales*, 2011) use elements of this approach.

In many jurisdictions, admissibility criteria like these apply to psychological assessment evidence when used in legal settings. As such, questions like the following can be asked to evaluate the potential legal (in)admissibility of psychological assessment evidence. Has the method used by the expert been tested (and can it be tested)? What is the known or potential rate of error associated with the method? Are there standards guiding the method's operation? Is the method generally accepted in its field? Has the method been subjected to peer review and has it been published in a peer-reviewed journal? The articles in this special issue address questions like these for each assessment method reviewed.

Main goals of special issue articles

The set of articles published in this special issue offer a high-level review of a number of the psychological assessment measures practitioners use in legal settings, with attention to multiple audiences for each article: psychological scientists, mental health practitioners, lawyers and judges, and the general public. We asked each author team to follow, to the degree possible, a general format in addressing particular topics in addition to whatever else they deemed critical for their particular measure. These topics were:

- Summarize and critically evaluate data about how the psychological assessment tool is used in legal settings (including how it is sometimes inappropriately used, if applicable);
- Summarize data on how commonly the tool is used, including comparative data across countries, if applicable;
- Summarize any legal admissibility challenges the tool faced and the outcomes of such challenges;
- Critically evaluate the psychometric findings about the tool's performance, especially in forensic populations, if known;
- Identify the data that are needed in order to increase the credibility of the tool in court;

- Offer recommendations for how to effectively cross-examine the use of the tool;
- Provide an expert opinion about whether the tool is likely to meet legal admissibility criteria, with justification.

Some articles in this special issue concern instruments that are (1) heavily used but viewed as controversial by some (e.g., the Rorschach Inkblot Method), (2) newer versions of original tools commonly used in forensic settings (e.g., Historical Clinical Risk Management-20 Version 3, Minnesota Multiphasic Personality Inventory-3, Structured Inventory of Reported Symptoms-2), (3) appropriate for some psycholegal questions but inappropriate for others (e.g., the Psychopathy Checklist-Revised, Millon Inventories), (4) frequently used in forensic settings for particular psycholegal questions (e.g., Trauma Symptom Inventory-2, Competence Assessment for Standing Trial for Defendants with Mental Retardation, MacArthur Competence Assessment Tool – Criminal Adjudication, Evaluation of Competency to Stand Trial-Revised), and (5) others commonly used (e.g., Personality Assessment Inventory – including the adolescent version).

Our commentary on each special issue paper

We organize our commentary on the articles in this special issue based on the typology of assessment instruments used in forensic evaluation recommended by Otto and Heilbrun (2002). The typology distinguishes between (a) clinical measures and assessment techniques, (b) forensically relevant instruments, and (c) forensic assessment instruments. Clinical measures and assessments are psychological tests developed for evaluation, diagnosis, and treatment planning with clinical populations in therapeutic contexts, such as tools used to assess personality, intelligence, and psychopathology. These measures may help evaluate a person in the context of a legal issue by assessing particular clinical constructs like depression, anxiety, and personality features, but the clinical constructs do not relate directly to a legal issue. Forensically relevant instruments also measure clinical constructs, but with high relevance to legal issues, such as risk of violence, psychopathy, and the validity of response styles such as overreporting. Finally, forensic assessment instruments measure constructs that are directly relevant to specific legal questions, such as those that assess knowledge, abilities, or capacities defined by law (e.g., competence to stand trial, capacity to waive Miranda rights).

Clinical measures and assessment techniques

As editors of this special issue, we were particularly interested in soliciting a comprehensive and fair treatment of the **Rorschach** and its most recent coding and interpretive system, the **Rorschach Performance Assessment System (R-PAS;** Meyer et al., 2011) for legal settings given past debates about the psychometric soundness of the test – particularly for legal settings. The Rorschach uses interpretations of fixed

inkblot designs to measure aspects of personality and psychological functioning, and is widely used across cultures and languages (Meyer et al., 2007). Despite strong criticism (e.g., Garb, 1999; Garb et al., 2005; Grove et al., 2002; Kivisto et al., 2013; Wood et al., 2015), the Rorschach continues to be among the most commonly used psychological assessment instruments in legal settings (De Clercq & Vander Laenen, 2019; Neal et al., 2019; Neal & Grisso, 2014). As such, we wanted to stimulate a high quality adversarial collaboration for this paper in particular as an up-to-date, useful resource for both mental health and legal professionals, as well as scholars. The result is a sweeping and generally even-handed review of the Rorschach/R-PAS for forensic purposes that was prepared for this special issue.

Viglione and colleagues (2022) explain the workings of the Rorschach/R-PAS as a performance-based task and its possible utility in forensic psychological assessment. This review provides in-depth and detailed information on norms, interrater reliability, convergent validity and incremental validity especially regarding the R-PAS. Although research shows coded Rorschach/R-PAS variables show limited validity with self-report measures, external validity with behavioral indicators is higher. To focus their review, the authors identified 21 R-PAS variables deemed most relevant to forensic psychological assessment. They reviewed forensic practitioner surveys, US and selected European case law, and forensic case studies, to gain insight into the general acceptance and legal admissibility of the Rorschach and R-PAS. These sources demonstrated that the Rorschach is used across different legal domains (criminal, civil, family, administrative), and that it is not often challenged in court, although the authors identified several cases of undesirable use of the test (e.g., for profiling purposes, for determining sexual preference). Whereas the Rorschach is relatively robust against positive impression management (successfully feigning good mental health on the test is difficult), it does not perform as well against negative impression management (successfully faking bad mental health is not as difficult). In addition, a key issue moving forward will be further research on the accuracy of the current R-PAS norms, which are based on the older Rorschach Comprehensive System. The paper provides a wealth of information that can assist in dispelling some of the long-standing myths surrounding the Rorschach, while also providing transparent information on the strengths and weaknesses it brings to forensic psychological assessment.

Given the scope of the journal on the assessment of personality and psychopathology, and the finding by Neal and Grisso (2014) that the MMPI and the PAI were in the top ten most frequent tools used for all ten of the most common types of forensic referral questions, we worked hard to solicit high-quality articles on both instruments. Ben-Porath and colleagues (2022) provide an extensive analysis of the most recent (third) version of the **Minnesota Multiphasic Personality Inventory (MMPI-3;** Ben-Porath & Tellegen, 2020) for use in legal settings, focusing their argument on the generalizability of the body of MMPI-2-Restructured

Form (its immediate predecessor) findings to the MMPI-3. This argument is important for evaluating the likely legal admissibility of the MMPI-3, as it bears directly on the questions of whether the method has been tested, its rate of error, and whether it has been subjected to peer review. Although the authors provide robust justifications to support their position, if the generalizability argument were not successful, the affirmative answers to these questions would be on weaker grounds until the MMPI-3 literature has evolved in its own right. The authors conclude – after reviewing the historical evolution of the MMPI instruments, their empirical foundations, appropriate and inappropriate uses for psycholegal questions, and appellate court decisions – that the MMPI-3 can likely withstand the scrutiny of a legal admissibility challenge when used properly (i.e., to assess response validity or psychological functioning relevant to a psycholegal question).

Meaux and colleagues (2022) review the **Personality Assessment Inventory** (**PAI**; Morey, 1991), a frequently used measure in legal settings. They read and coded a random sample of 200 legal cases involving the use of the PAI, finding the frequency of case law reports referencing the tool increased over time but that it was rarely challenged. They also reviewed the psychometric properties of the PAI, particularly with regard to evaluations conducted for social security and disability evaluations, as they found that these types of cases were most likely to involve the use of the PAI. Overall, they concluded that the PAI demonstrated utility to generate information that could assist with addressing various psycholegal questions. Although we found this review to be of high quality in general, we were particularly excited that the authors embraced an open science approach to their project by posting their data on the Open Science Framework.

Forensic psychological assessment with adolescents is often more complex than with adult evaluees, because adolescence is a phase of rapid personality development and change. The risk of premature diagnostic labeling and the complexity of differential diagnosis are just a few of these challenges. Charles and colleagues (2022) review the research base on the **Personality Assessment Inventory-Adolescent** (**PAI-A**; Morey, 2007), a measure of personality and psychopathology that can be used in assessment with individuals between ages 12 and 18. This instrument has several strengths relevant to forensic assessment, such as response bias indicators and scales that measure forensically relevant factors, such as drug and alcohol use, post-traumatic stress symptoms, depression, aggression, and suicide risk. Furthermore, this self-report instrument only requires a fourth-grade reading level, which is useful considering many justice-involved youth show low academic achievement. Unlike many of the other instruments covered in this special issue, the evidence base on the reliability and validity of the PAI-A is still relatively limited, and studies on justice-involved youth are scarce, which is a weakness when using the instrument for psycholegal purposes. Nevertheless, the available research literature supports the utility of certain response bias indicators to detect distortion. Furthermore,

studies in at-risk adolescents admitted to a voluntary residential program conducted by Charles and her colleagues support the construct validity of scale scores measuring antisocial traits, alcohol and drug use, and suicidal ideation. A case law review showed that the PAI-A has not been challenged in court, but the sample discovered was very small ($N = 7$), likely because legal cases involving minors are often not published. The authors provided a transparent review of both the strengths and the weaknesses the PAI-A brings to forensic psychological assessment of adolescents. Their suggestions for expert testimony and cross-examination on the PAI-A, as well as for future research, provide useful guidance.

Sellbom and colleagues (2022) evaluated the **Millon Clinical Multiaxial Inventory – IV (MCMI-IV;** Millon et al., 2015) and **Millon Adolescent Clinical Inventory − 2 (MACI-II;** Millon et al., 2020) for use in forensic psychological evaluations. The authors, who represented an adversarial collaboration of test authors, supporters, and critics, provided a comprehensive review of these instruments. The authors generally lauded the underlying theoretical framework of the Millon Inventories, recognizing Professor Millon's influence on the field of personality disorders for the past five decades. However, they also raised pointed criticisms, particularly about the adult measure, the MCMI-IV. These criticisms were predominantly centered on broad themes related to norms and interpretation and the limited available research literature. The authors highlighted that the clinical normative sample for the MCMI-IV raises important questions for its utility in non-clinical contexts such as child custody evaluations, which also see very high rates of underreporting. The MACI-II appears less hampered by this limitation for juvenile court evaluations as its normative sample includes a substantial proportion of adolescents undergoing such evaluations. Both Millon Inventories have a notable absence of peer-reviewed literature, which means that the research bases of previous versions of the respective instruments need to be consulted. Furthermore, unlike most other articles in this Special Issue, Sellbom et al. (2022) were unfortunately unable to conduct a formal analysis of legal cases during which admissibility issues were raised, but they did discuss questions pertaining to admissibility of MCMI-IV and MACI-II evidence in court and provided detailed recommendations for cross examination. The authors ended their review with future research directions to address the major concerns raised.

Recognizing the high relevance of trauma in many forensic contexts, Roberts and colleagues (2022) conducted a comprehensive review of the **Trauma Symptom Inventory-2 (TSI-2;** Briere, 2011) and its predecessor, the **Trauma Symptom Inventory (TSI,** Briere, 1995), with respect to use in legal settings. Their review generally supported the TSI/TSI-2 as a versatile measure of PTSD symptoms and directly relevant constructs. Its utility in forensic contexts appeared limited to areas in which PTSD considerations would be most relevant, such as civil disability claims and immigration cases involving traumatic experiences like physical assault, sexual harassment, natural disasters, and military combat. A major bedrock for the TSI-2 research foundation appears to be its predecessor, so it will be important to see

further research in various medico-legal contexts moving forward – a point acknowledged by the authors. Furthermore, the TSI-2 includes a validity scale, Atypical Responding (ATR), about which substantial concerns were raised in terms of the identification of overreporting of PTSD symptoms. Roberts and colleagues (2022) acknowledged that this scale had improved vis-a-vis its original TSI counterpart, but limited research and less than optimal findings led the authors to call for other measures of overreporting to be considered in forensic mental health evaluations. Finally, the authors' case law review revealed that the TSI or TSI-2 had been included in evaluations for which admissibility concerns were raised, but the challenges were never about the TSI specifically, and in no case was evidence derived from the measure deemed inadmissible. Overall, from this review, we believe that the TSI-2 is a promising measure of PTSD symptoms in forensic mental health evaluations, but we agree with the authors that it is best suited alongside well-validated measures of response bias.

Forensically relevant instruments

The **Hare Psychopathy Checklist-Revised (PCL-R;** Hare, 1991, 2003) is one of the most popular measures for psychopathy in correctional and legal contexts, and is used to assist with addressing a variety of psycholegal questions (Neal & Grisso, 2014). Two well-known experts with opposing perspectives pertaining to the application of the PCL-R in death penalty cases (cf., DeMatteo et al., 2020 versus Olver et al., 2020), agreed to join forces in coauthoring a review of the PCL-R for this special issue. DeMatteo and Olver (2022) provide recommendations for best practices, including appropriate and inappropriate uses, and collegially share disagreements through joint interpretations of the literature. They discuss ethically using the PCL-R for risk prediction and risk management purposes in the context of a broader evaluation and discourage mindless use of cutoff scores to "diagnose" psychopathy. In addition, they review and provide meta-analytical information (when available) regarding predictive validity and inter-rater reliability, including field studies that have identified adversarial allegiance biases in ratings. Furthermore, the authors review the literature on legal admissibility of the PCL-R, as unlike for many other tests, several such reviews are already published. The PCL-R is rarely challenged on admissibility grounds, and in those few instances a successful challenge has occurred, it has typically been on grounds of irrelevance. Overall, the article is comprehensive in scope and provides an excellent balance of strengths and weaknesses, appropriate and inappropriate uses, and possible challenges for cross-examining the use of the PCL-R in forensic mental health evaluations.

The **Historical Clinical Risk Management-20 Version 3** (HCR-30[V3]; Douglas et al., 2013) and its predecessors are among the most popular violence risk assessment tools used by forensic mental health practitioners across the globe (Neal & Grisso, 2014; Singh et al., 2014). The HCR-20 belongs to the so-called Structured Professional Judgment (SPJ) approach to violence risk assessment, which is

described by its proponents as "discretionary in essence" while also "rely[ing] on evidence-based guidelines to systematize the exercise of discretion" (Hart et al., 2016, p. 3). The value of the SPJ approach is debated in the field – a point to which we return in the discussion. de Vogel and colleagues (2022) review research evidence concerning the interrater reliability and predictive validity of the HCR-20 (both versions 2 and 3). Despite relatively strong psychometric properties, the method by which those psychometric properties are established is an important topic of debate (see Discussion). In addition, there are few studies in minority groups, which are often overrepresented among justice-involved individuals. And studies on female offenders and intellectually disabled offenders are scarce. The authors' legal case review from seven jurisdictions uncovered 546 cases in which the HCR-20 was used; the majority were criminal cases. Its use was challenged in only 4% of cases and the challenge was never successful. The authors provide suggestions for future research that could further the instrument's utility in forensic assessment, including on the impact of evaluator bias, effective communication of risk assessment outcomes to the court, and the incremental validity of summary risk ratings over numerical coding.

The assessment of symptom feigning, or symptom validity testing, is often an integral part of forensic psychological assessment, because both in criminal and civil cases evaluees might be motivated to misrepresent psychiatric symptoms to serve their legal interests. Wygant and colleagues (2022) review the forensic use of the **Structured Interview of Reported Symptoms Version 2 (SIRS-2;** Rogers et al., 2010), an interview-based instrument. Its predecessor, the Structured Interview of Reported Symptoms (SIRS; Rogers et al., 1992) became one of the most widely used (Lally, 2003) and empirically studied (Green & Rosenfeld, 2011) measures of psychiatric symptom feigning, but it was also criticized for resulting in too many false positive identifications (Rogers et al., 2010). The authors provide a comprehensive review of the controversy in the recent literature surrounding the claim that the SIRS-2 is better able to identify genuine responders than the original SIRS. This part of their paper illustrates how a scholarly debate can lead to a more useful instrument. The legal case review shows the SIRS-2 (and its predecessor) are rarely challenged in court. However, the review of psychometric studies shows that use of the SIRS-2 may not be appropriate in evaluees with intellectual disabilities and the tool is likely unsuitable to detect feigning of ADHD. The authors make many useful suggestions for future research on the SIRS-2, including studies on its classification accuracy with regard to a variety of mental health disorders and comparing in-person versus remote administration of the tool.

Forensic assessment instruments

The forensic assessment instruments reviewed in this special issue all pertain to competence (fitness) to stand trial (CST). Two of the most commonly used competence assessment instruments were reviewed together in one paper of this special issue. Specifically, Anderson and colleagues (2022) review the psychometric properties, limitations, and legal standing of the **MacArthur Competence Assessment Tool–Criminal Adjudication (MacCAT-CA;** Hoge et al., 1999) and the **Evaluation of Competence to Stand Trial–Revised (ECST-R;** Rogers et al., 2004). They point out that whereas the field has a positive view of standardized instruments for assessing CST, the actual use of tools is much lower than might be expected. We asked them to discuss the implications of lower tool use in CST evaluations than in some other types of evaluations, from the perspective of *Daubert* and legal admissibility criteria. They also offer practical suggestions for clinical use and for cross-examination.

For people with intellectual disability whose competence (fitness) to stand trial is questioned, an instrument specifically for this population was developed, the **Competence Assessment for Standing Trial for Defendants with Mental Retardation (CAST*MR;** Everington & Luckasson, 1992). Wood and colleagues (2022) critically review the psychometric properties of the CAST*MR, discuss its various limitations, debate its legal admissibility, and offer suggestions for improving the instrument itself, its research base, and how fact-finders can effectively cross-examine its usage. As we hope for all the articles in this special issue, this article has already had real-world impact. After the peer review process, one of the reviewers reached out to the editors, asking if this paper could be shared with a federal defense attorney in a capital case in which the CAST*MR had been used. With permission, we connected the reviewer with the authors, and subsequently received a note from the attorney who noted she reformulated some of her direct and cross-examination questions based on the article, and that she planned to use it in future *Daubert* challenges.

Discussion

Some of our goals for this special issue were met whereas others were less successful. We had 13 manuscripts submitted; two were withdrawn after the authors received editorial feedback. The adversarial collaboration process worked well in some cases (e.g., the Rorschach/R-PAS, PCL-R, MCMI-IV/MACI-II, and TSI-2 articles), but did not work as well as planned in others. For instance, the HCR-20^{V3} article started out as an adversarial collaboration with both proponents and critics of the structured professional judgment (SPJ) method coauthoring the article together; however, for various reasons – some of which did not have to do with disagreements between the authors – the collaboration did not materialize. However, one area of disagreement between the initial adversarial collaborators of this article had to do with their different perspectives on the SPJ method itself more so than about the HCR-20 instrument in particular.

Specifically, structured professional judgments involve elements of both unstructured professional judgment as well more structured elements like those found in actuarial approaches. An actuarial approach relies on decision rules for determining what particular values or scores mean in a

psychological assessment, which are formalized through mathematical and statistical development. In contrast, the SPJ method purposefully resists formalized mathematical data integration, intentionally requiring unstructured professional judgment to integrate and interpret the available data, much of which is based on empirically-supported risk factors (Douglas et al., 1999). The strengths and weaknesses of the actuarial versus SPJ approaches continue to be debated, both by the editors and authors involved in preparing this special issue, as well as formally in the literature (e.g., de Ruiter et al., 2020; Silva, 2020). Ultimately, what is needed is a robust adversarial collaboration between proponents of the SPJ method and proponents of the actuarial method (i.e., not necessarily about any tool in particular), to advance this debate.

Beyond our observations about the SPJ debate, we observed that some of the articles ended up with a much stronger clinical focus and a lesser focus on law (e.g., the MCMI-IV/MACI-II article) whereas others were much more law-focused with a lesser focus on the clinical concepts (e.g., the PAI article). The articles that conducted case law reviews generally found that the tools were rarely challenged in court, replicating previous findings (Neal et al., 2019). These consistent findings emerged despite different methodologies such as years included, tools studied, search methods, analytic methods, and legal databases used (e.g., Westlaw, NexisUni, the European Union e-Justice website). The overall gist of the findings was that few admissibility challenges seemed to be raised against psychological assessment methods, and that when they were raised, they tended not to be successful.

These findings stand in contrast to data from surveys of practitioners. Line (2020) found 38% of attorneys reported they had raised a challenge to psychological assessment evidence in practice at any point in their career, and 52% reported having seen another attorney raise a challenge to psychological assessment evidence. Line also found that 41% of forensic psychologists reported they had experienced a challenge to their psychological assessment evidence, and 33% reported they knew colleagues who had experienced challenges as well. These data suggest challenges to psychological assessment evidence are happening, despite the fact that few challenges are discoverable through reviews of published (and unpublished) case law.

Regarding limitations, we tried to focus particularly on personality and psychopathology assessment used in forensic psychological assessments given the scope of the journal. And we tried to solicit papers about the assessment instruments that are most commonly used in forensic settings for maximum utility of the special issue. In some cases, these aims were achieved, such as our procurement of the Rorschach/R-PAS, PAI, MMPI-3, PCL-R, and MCMI-IV/MACI-II articles in particular. We were not able to solicit papers on all of the assessment methods that would have been a good fit for the issue. The final set of measures reviewed was dependent on who responded to our call for abstracts, or in a few cases, direct invitations.

In addition, given our focus on measures of personality and psychopathology, we were not able to include frequently used assessment methods in other areas of psychology, such as neuropsychology and most forensic assessment instruments. More generally, it is a limitation that we ultimately could only publish 11 articles; this is only a small number of the hundreds of different psychological assessment tools used in forensic settings (see e.g., Neal et al., 2019). Furthermore, like other resources, these reviews are static: they are comprehensive and up-to-date at the present time, but they will become out of date as time passes. We hope that future special issues and resources broaden the coverage of this one by focusing on other methods of assessment and also by updating these reviews as time unfolds.

Conclusion

Overall, this special issue highlights the strengths and weaknesses of the psychometric evidence base for a number of psychological measures and helps the field of psycholegal assessment conceptualize itself at the current moment in time. It links the more basic and applied areas of the field and generates ideas for helping the field move forward. An important note is this special issue seeks to encourage critical thinking about psychological assessment methods; that is, these articles shine light on both the true problems with, as well as the strengths of, psychological assessment in the spirit of improvement. In so doing, we wish to discourage "throwing the baby out with the bathwater" for any of these tools. We believe these articles will be important: they will advance forensic psychological science by motivating the research that is most critical for each assessment tool, and they will advance justice by educating mental health practitioners, lawyers, and triers of fact about the strengths and weaknesses of commonly-used tools in legal settings. Finally, by publishing with free-access, we hope this project will be broadly accessible and useful to both scholars and practitioners across the legal system.

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