



Psychiatry and Behavioral Sciences Section - 2014

17 (Un)Reliability in Forensic Mental Health Evaluations: Evaluator Variability and Adversarial Allegiance

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After attending this presentation, attendees will be familiar with evidence of unreliability in forensic mental health evaluations, as identified in field research and experimental research.

This presentation will impact the forensic science community by helping attendees better identify and minimize adversarial allegiance and other forms of bias in their work. Rarely has prior research explored bias in forensic mental health evaluations and this presentation summarizes the first programmatic research on the topic, which carries implications for all forensic sciences.

Recently, the National Research Council warned that many popular forensic sciences may be unreliable or prone to error, and that forensic scientists are prone to bias because they lack independence from those requesting their services.¹ The NRC report did not specifically address the behavioral sciences, but their concerns are certainly generalizable to mental health experts and forensic mental health evaluations.

This presentation reviews a program of research that documents two sources of unreliability in forensic mental health evaluation. The first involves general evaluator differences, or idiosyncrasy. The second involves “adversarial allegiance,” the pull for experts to reach conclusions which support the party who retained them.

First, field studies strongly suggest evaluator differences, or idiosyncrasy, in forensic evaluations of trial competence, legal sanity, psychopathy, and sex offender risk. Second, related field studies strongly suggest “adversarial allegiance” in contexts where opposing evaluators assessed the same sexual offenders using the same risk assessment instruments. That is, experts on opposing sides tended assign scores in a manner that supported the party who retained them.

These field studies raise an important question that can only be answered by a true experiment. Is apparent allegiance in courtroom trials due simply to attorneys choosing experts who have pre-existing attitudes which favor their side (selection effects)? Or do experts, once retained and promised payment by one side, tend to form opinions that favor that side (allegiance effects)?

A recent experiment deceived 100 forensic psychologists and psychiatrists to believe they were performing sex offender risk assessments for the prosecution or the defense. But, unbeknown to them, all were scoring the same four offender case files, and all had been randomly assigned to believe they were working for the prosecution or defense. Just as in the field studies, evaluators who believed they were working for the prosecution assigned higher risk scores, and those who believed they were working for the defense assigned lower risk scores, even when applying the same instruments to the same offenders. Results provide strong evidence of adversarial allegiance. Follow-up surveys suggested that experts were aware of allegiance in general, but often had a “blind spot” regarding their own vulnerability to bias. This presentation summarizes this line of research, concluding with implications for all forensic science experts.

Reference:

1. National Research Council. *Strengthening Forensic Science in the United States: A Path Forward*. Washington, DC: The National Academies Press, 2009.
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Bias, Adversarial Allegiance, Reliability