



## Psychiatry & Behavioral Science Section - 2016

---

### **112 The Detection of Feigned Legal Knowledge Deficits in Defendants Undergoing Competency to Stand Trial Evaluations: The Use of the Inventory of Legal Knowledge (ILK)**

*Emily D. Gottfried, PhD\**, Charleston, SC 29403; *Joyce L. Carbonell, PhD*, Florida State University, 1107 W Call Street, Tallahassee, FL 32304; and *B. Lee Hudson, PhD*, Tallahassee, FL 32301

---

After attending this presentation, attendees will better understand a specific type of malingering, feigning factual legal knowledge deficits, that defendants may employ during competency to stand trial evaluations. Attendees will learn about a commonly used measure to assess for this type of malingering, the Inventory of ILK. Finally, attendees will learn of the current state of the research concerning the ILK.

This presentation will impact the forensic science community by shedding light on a relatively common type of malingering that defendants employ during competency to stand trial evaluations. This type of malingering could go unnoticed during forensic evaluations and has been largely ignored in the forensic literature.

At an estimated prevalence of 60,000 evaluations per year, competency to stand trial evaluations are the most common type of forensic evaluations.<sup>1</sup> As malingering rates during these evaluations have been shown to range from 20% to 30%, the accurate assessment of malingering is extremely important.<sup>2,3</sup> Although many defendants feign psychiatric symptoms (i.e., hearing voices), another type of malingering which has been largely ignored in the forensic literature is feigning factual legal knowledge deficits. This is extremely problematic, as the *Dusky v. United States* ruling clearly specifies that a defendant must have both a factual and a rational understanding of the charges against him/her.<sup>4</sup>

The Inventory of Legal Knowledge (ILK) is a measure to assess for response style (i.e., feigning) during a competency to stand trial evaluation.<sup>5</sup> This presentation focuses on the state of the current research regarding the ILK, including a summary of research by others and a thorough discussion of the research on the ILK by this study.<sup>6,7</sup> For example, using samples of forensic psychiatric patients adjudicated incompetent to stand trial ( $N=130$ ) and student simulation samples ( $N=195$ ), data on improving the recommended ILK cut score and the use of the ILK with defendants with intellectual disabilities are presented.<sup>8,9</sup>

#### **Reference(s):**

1. Roesch R., Zapf P., Golding S., Skeem J. (1999). Defining and assessing competency to stand trial. In A. Hess & I. Weiner (Eds.), *The handbook of forensic psychology*, (2nd ed., p. 327-349). New York, NY: Wiley.
2. Frederick R. (2000). Mixed group validation: A method to address the limitations of criterion group validation in research on malingering detection. *Behavioral Sciences and the Law*, 18, 693-718.
3. Mittenberg W., Patton C., Canyock E., Condit D. (2002). Base rates of malingering and symptom exaggeration. *Journal of Clinical and Experimental Neuropsychology*, 24(8), 1094-1102.
4. *Dusky v. United States*. 362 U.S. 402 (1960).
5. Musick J. Otto R. (2010). The Inventory of Legal Knowledge. Lutz, FL: *Psychological Assessment Resources*.
6. Guenther C., Otto R. (2010). Identifying persons feigning limitations in their competence to proceed in the legal process. *Behavioral Sciences and the Law*, 28, 603-613.
7. Otto R., Musick J., Sherrod C. (2011). Convergent validity of a screening measure designed to identify defendants feigning knowledge deficits related to competence to stand trial. *Assessment*, 18(1), 60-62.
8. Gottfried E., Hudson B.L., Vitacco M., Carbonell J. (In press; Assessment). Improving the detection of feigned knowledge deficits in defendants adjudicated incompetent to proceed.
9. Gottfried E., Carbonell J. (2014). The role of intelligence on performance on the Inventory of Legal Knowledge (ILK). *The Journal of Forensic Psychiatry and Psychology*, 25(4), 380-396.

---

#### **Malingering, Inventory of Legal Knowledge, Competency to Stand Trial**

Copyright 2016 by the AAFS. Unless stated otherwise, noncommercial *photocopying* of editorial published in this periodical is permitted by AAFS. Permission to reprint, publish, or otherwise reproduce such material in any form other than photocopying must be obtained by AAFS.