

Forensic Assessment with Hispanic and Limited English-Proficient Hispanic Evaluatees: A Survey of Practice

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Given the changing demographics in the United States, most forensic evaluators will likely be asked to evaluate someone of Hispanic background, including those who are limited English-proficient (LEP). Little is known about forensic practice with these evaluatees, including evaluations of competency to stand trial (CST) and criminal responsibility (CR). The authors recruited psychologists from 3 professional organizations via email and surveyed them about their experience with Hispanic and LEP-Hispanic forensic evaluatees. Of the 79 respondents, about 90% reported assessing at least 1 English-speaking Hispanic evaluatee, whereas about 55% reported assessing at least 1 LEP-Hispanic evaluatee. Forty respondents reported willingness to evaluate LEP-Hispanic individuals, but only 8 indicated they are able to conduct forensic interviews in Spanish themselves. A subset reported using ad hoc interpreters (e.g., bilingual staff member, client family member, correctional officer), using interpreters to administer psychological testing or translating English-language tests in Spanish on their own. In addition, respondents reported lower test usage with LEP-Hispanic than with Caucasian/European American or English-speaking Hispanic evaluatees in CST or CR evaluations. Finally, most respondents reported they consider the evaluatee's acculturative status, but only 2 reported using acculturation measures. Results suggest that although some common practices are consistent with guidelines (e.g., taking acculturation into account), other practices (e.g., using ad hoc interpreters) are not. The authors offer suggestions for future research as well as clinical practice and training.

Keywords: multicultural, Hispanic/Latino(a), forensic assessment, competency to stand trial, criminal responsibility

The Hispanic population has grown substantially during the past decade, currently constituting over 17% of the U.S. population and projected to make up nearly 30% of the population by 2060 (Colby & Ortman, 2015). In addition to cultural differences, approximately 60% of native-born and 96% of foreign-born Hispanics speak a language other than English in the home. The significance of this language divide becomes more salient when one considers

about 19% of native born and 60% of foreign born Spanish-speaking Hispanics endorse speaking English less than very well (Ryan, 2013). In contrast, only 3% of Health Service Provider members of the American Psychological Association (APA; Michalski, Mulvey, & Kohout, 2010) and only 5% of the psychology workforce (American Psychological Association [APA], 2015) identify as Hispanic/Latino. No information about language fluency was available in these reports, but this underrepresentation of Latinos and Latinas raises questions about our professions' capacity to meet the needs of Spanish-speaking clients and evaluatees.

One area of practice that must account for the changing composition of the United States is forensic assessment. As of 2008, 20.3% of all male inmates held in local jails, state prisons, or federal prisons were Hispanic, and 16.1% of all female inmates were Hispanic (U.S. Department of Justice, 2009). Given the size and anticipated growth of this population, it is likely that psychologists working in the criminal justice system will encounter individuals of Hispanic origin of various backgrounds and language capabilities.

Forensic evaluators make multiple decisions during the assessment process, from accepting the referral, to choosing evaluative procedures, to forming psycholegal opinions, and each of these should be empirically supported (Varela & Conroy, 2012). This process is complicated when working with evaluatees of Hispanic origin or are limited English-proficient (LEP), because evaluators need to consider the impact of language and cultural diversity at each stage of the assessment process (see Weiss & Rosenfeld, 2012, for review). Evaluators face additional decisions, such as how, if at all, to use interpreters to conduct interviews and admin-

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ister tests. Although potential problems are well-documented, little is known about common or empirically supported practices with minority evaluatees. Below, we review potential impacts of culture on forensic evaluations, focusing on evaluations of competency to stand trial (CST) and criminal responsibility (CR), two common criminal forensic evaluations (Melton, Pettila, Poythress, & Slobogin, 2007).

Language Diversity

One obvious consideration is the language. With LEP-Hispanic evaluatees, the evaluator ideally would conduct his or her interview in Spanish, but the availability of Spanish-speaking forensic evaluators is limited (Michalski et al., 2010). Thus, evaluatees would likely describe their experiences in their nonpreferred language of English or through an interpreter. Such a scenario poses several issues. First, evaluatees may be less able to describe affective states in their second language when the corresponding events occurred in their first language (Oquendo, 1996). For example, Spanish and Spanish-English psychiatric interviews of Spanish-dominant patients were associated with higher ratings of impairment than interviews conducted in English (Malgady & Constantino, 1998). Second, communicating through an interpreter introduces other challenges. Forensic examiners must consider carefully who can serve as an appropriate interpreter and what can be appropriately interpreted. Another consideration is the modality of interpretation, which may involve strict word-for-word translation (mechanical interpretation) or translation of meaning and cultural context (constructionist or cultural broker approach; Tribe, 2005).

With respect to testing, the number of measures available in Spanish, particularly when considering only those with research support, is limited (Fernandez, Boccaccini, & Noland, 2007). For example, forensic psychologists commonly use the English versions of the Minnesota Multiphasic Personality Inventory (MMPI)-2 (Butcher, Dahlstrom, Graham, Tellegen, & Kaemmer, 1989) and the Personality Assessment Inventory (PAI; Morey, 2007) in evaluations of adults (Archer, Buffington-Vollum, Stredny, & Handel, 2006). There are Spanish translations of these instruments commercially available in the United States, but the scoring of these versions relies on the same normative sample as the English-language versions. Several scholars have suggested the use of these translated versions of the MMPI-2 (see Butcher, Cabiya, Lucio, & Garrido, 2007, for review) and PAI (see Correa & Rogers, 2010, for review) with U.S. Hispanics is clinically appropriate, but urge caution and consideration of other issues, such as language and acculturation. The extent to which these are used in the assessment of CST and CR is an open question.

Acculturation

According to Weiss and Rosenfeld (2012), acculturation might be “an even more salient consideration for psychologists than is ethnic, racial, or cultural background” (p. 235). *Acculturation* is defined as “the process of culture change and adaptation that occurs when individuals with different cultures come into contact” (Gibson, 2001, p. 19). The most recent conceptualizations describe a bilinear process involving orientation to one’s culture-of-origin (enculturation) and one’s new host culture (acculturation) that occurs across various domains and contexts, including cultural

knowledge, internalization of cultural values, and involvement in cultural practices (Schwartz, Unger, Zamboanga, & Szapocznik, 2010; Yoon et al., 2013). Meta-analytic research has revealed acculturation is associated with positive mental health, particularly when assessed using a bilinear conceptualization, and marginalization (i.e., an acculturation strategy involving low orientation to the host culture and the culture-of-origin) is associated with negative mental health (Yoon et al., 2013).

Beyond its implications for mental health, acculturation can influence several aspects of forensic evaluations, especially CST and CR. With respect to the former, familiarity with the U.S. legal system and the adversarial approach to resolving legal disputes can clearly influence factual understanding of court proceedings (see *Dusky v. United States*, 1960). Level of acculturation can also influence the decision to use psychological testing, including the extent to which a particular measure being considered is appropriate for a particular evaluatee (Weiss & Rosenfeld, 2012). Intelligence, for example, is a cultural construct (Tsytarev & Landes, 2008) and level of acculturation may influence the decision to use a measure of cognitive functioning developed in the United States (Weiss & Rosenfeld, 2012). Culture also influences one’s understanding of the causes of mental illness and the expression of mental illness symptoms. Evaluatees who adhere more strongly to the values of their culture of origin and have little understanding of U.S. norms may provide descriptions and beliefs about their symptoms that do not easily conform to Western frameworks of illness (Dana, 2005). In addition, cultures vary with respect to gender roles, emotional expression, and many other forms of nonverbal communication that can influence behavior during an evaluation (Alcántara & Gone, 2014).

Current Recommendations for Practice

Despite the limited body of literature pertaining to forensic assessment of Hispanic and LEP-Hispanic, and culturally diverse evaluatees more broadly, Weiss and Rosenfeld (2012) have provided practice recommendations that pertain to the current evaluation. Briefly, they suggest forensic evaluators should,

1. Consider their own cultural competence, including their level of expertise and need for consultation;
2. Consider an evaluatee’s level of acculturation;
3. Use trained interpreters who can provide verbatim translations of evaluatee responses;
4. Consider the psychometric properties of measures with an evaluatee’s group, and cultural influences when interpreting testing results; and
5. Acknowledge when testing is inappropriate and use other sources of information (e.g., collateral data) when conducting assessments.

Professional resources provide more general guidance on recognizing and incorporating cultural issues into clinical work. The *American Psychiatric Association* (2013) includes a section on “Cultural Formulation” and provides the “Cultural Formu-

lation Interview” in the *DSM-5*, to help clinicians assess important cultural factors related to the identification of mental illness. Likewise, both the *Ethical Principles of Psychologists and Code of Conduct* (APA, 2010) and *Specialty Guidelines for Forensic Psychology* (APA, 2013) highlight the importance of cultural and language considerations when conducting evaluations. This includes conducting assessments in a manner consistent with the evaluatee’s preferred language and ensuring measures are reliable and valid for members of the evaluatee’s group. Moreover, both sets of guidance expect practitioners to avoid “unfair discrimination” by considering issues of diversity, in all its forms, when interpreting assessment data and formulating opinions.

The Current Survey

There is insufficient literature about the applicability of assessment tools with LEP-Hispanic defendants. Previous surveys of practice (Archer et al., 2006; Borum & Grisso, 1995; Lally, 2003) have examined the acceptability and frequency of test use in forensic evaluations, but not how practices are applied to Hispanic and LEP-Hispanic evaluatees (or any other diverse group). Thus, the current research seeks to build upon, and extend, those findings by surveying practitioners regarding their evaluations of CST and CR, two criminal forensic assessments examined in these earlier surveys. The extant literature related to forensic assessment has examined biases in the criminal justice system and has reviewed clinical measures with Hispanics but has not examined actual practices in this area (e.g., Benuto, Leany, & Cirlugea, 2012; Tsytarev & Landes, 2008). Other scholarly work has reviewed many important considerations related to forensic assessment across cultures (Weiss & Rosenfeld, 2012), but we are left questioning to what extent these recommendations and principles are being applied in the field. Nevertheless, evaluations of CST and CR with Hispanic and LEP-Hispanic individuals take place. Our study addresses how psychologists approach forensic evaluations with Hispanic evaluatees, including their responses to referrals involving LEP-Hispanic individuals, assessment of acculturation, and experience with interpreters, as well as use of psychological tests specifically in CST and CR evaluations. Understanding the state of practice is important to informing efforts to improve standards of practice, where needed.

Method

Participants

Forensic evaluators who were members of the American Psychology-Law Society (AP-LS), Texas Psychological Association (TPA), and American Academy of Forensic Psychology (AAFP) were recruited via email. Of the 86 evaluators who consented and completed at least the Demographics and Professional Experience Questionnaire, seven indicated they did not spend any time conducting forensic evaluations or had any forensic cases; their responses were dropped from all analyses. The remaining respondents were mostly White non-Hispanic (82.3%) and male (57.0%), with an average age of about 49 years ($SD = 12.0$). Overall, respondents rated their Spanish fluency as low ($M = 2.4$,

$SD = 1.9$, on a 7-point scale). The demographic composition of the sample is presented in Table 1.

Survey

After reading the study description and providing consent, participants completed the survey¹ online. The survey used in the current study was divided into three sections:

Demographics and Professional Experience Questionnaire.

Participants provided information regarding their personal characteristics (e.g., age, gender, race/ethnicity), professional background (e.g., number of years postdoctorate, board certification), and forensic practice experience, including how they respond to referrals for evaluations of Spanish-speaking evaluatees. Participants were also asked about their ability to conduct clinical and forensic interviews in Spanish, and to rate their fluency in English, Spanish, and any other foreign language using a 7-point scale, ranging from 1 (*unable to speak*) to 7 (*completely fluent*).

Test usage questionnaire. Participants rated the frequency with which they use English-language and, where applicable, Spanish-translated/adapted measures for the assessment of CST and CR with adult Caucasian/European American, English-speaking Hispanic, and LEP-Hispanic evaluatees. Respondents provided ratings on a 7-point scale, ranging from 0 (*never*) to 3 (*about 50%*) to 6 (*always*) for individual instruments in four categories: multiscale inventories, cognitive and achievement tests, forensic assessment instruments, and response style measures of cognitive functioning and psychopathology (see respective tables in *Results* for list of tests in each category). Lastly, participants reported the frequency and manner by which they assess acculturation.

Interpreter use questionnaire. Participants answered questions about their experiences and preferences in working with interpreters. Specifically, participants indicated who has served as interpreter in their work (e.g., certified/trained interpreters, correctional officers, staff members) as well as their preferences for method (simultaneous or sequential) of interpretation. Participants were also asked to indicate their preferred modality of interpretation from the following choices, based on Tribe (2005): mechanical (strict word-for-word translations), constructionist (interpreter translating the meaning of the words spoken rather than precise word-for-word translation), advocate (advocates for the client’s interests beyond a word-for-word translation), or cultural broker (interprets the spoken word and informs the evaluator of relevant cultural and contextual information). Lastly, other inquiries pertained to use of ad hoc Spanish translations of measures with LEP-Hispanic defendants as well as their experiences (if any) of administering tests through an interpreter.

Results

Practice Findings

Findings related to participants’ practice experiences are presented in Table 1. The participants reported approximately 18

¹ A copy of the survey is available from the third author, Jorge G. Varela.

Table 1
Sample Demographics

Variable	% of respondents	<i>M</i> (<i>SD</i>)
Ethnicity		
African American	.0	
Asian/Pacific Islander	1.3	
Hispanic	10.1	
Native American/Alaska Native	2.5	
White, Non-Hispanic	82.3	
Other	3.8	
Years post-degree (<i>n</i> = 78)		17.7 (11.8)
Board certified in forensic psychology	16.5	
Primary occupational setting		
Correctional setting	10.1	
Private practice	43.0	
Public sector agency	19.0	
Other	27.9	
Percent of time spent in forensic practice		54.6 (31.9)
Criminal forensic experience		40.7 (58.7) ^b
Competence to stand trial (<i>n</i> = 77)	77.9 ^a	18.7 (27.7) ^b
Criminal responsibility (<i>n</i> = 78)	62.8 ^a	
Other criminal assessments	82.3 ^a	23.3 (32.8) ^b
Civil forensic experience		25.1 (58.5) ^b
Civil commitment	24.1 ^a	7.1 (7.4) ^b
Personal injury (<i>n</i> = 78)	26.9 ^a	9.6 (7.2) ^b
Child custody	25.3 ^a	67.3 (160.2) ^b
Other civil assessments	55.7 ^a	
Experience with Hispanic forensic evaluatees (<i>n</i> = 74)	90.5 ^a	29.0 (67.5) ^b
Experience with LEP-Hispanic forensic evaluatees (<i>n</i> = 73)	54.8 ^a	11.1 (17.7) ^b
Self-rated fluency in Spanish (<i>n</i> = 56)		2.4 (1.9)
Able to conduct forensic interviews in Spanish (<i>n</i> = 54)	14.8	

Note. *n* = 79, unless otherwise noted. LEP = limited English-proficient.

^a Percent of who reported at least 1 case in category. ^b Average number of cases per year, based on respondents who reported at least 1 case in category.

years (*SD* = 11.8) of professional experience on average. Most reported working in independent practice (43.0%) and public sector (19.0%) agencies. They varied widely in their engagement in forensic practice, from 0% to 100% of their time (*M* = 54.6%, *SD* = 31.9). One respondent reported 0% of time spent in forensic practice but reported having forensic cases and conducting violence risk assessments, pre-employment screenings, and employment discrimination/harassment evaluations in an average year; this individual's responses were included in analyses, as appropriate. More evaluators reported experience with criminal matters (94.9%) than civil matters (69.6%). Sixty-seven (90.5%) participants reported having worked in at least one forensic case involving a Hispanic evaluatee, and 40 (54.8%) reported worked in at least one forensic case involving LEP-Hispanic individual. Among these respondents, they conducted about 29 (*SD* = 67.5) and 11 (*SD* = 17.7) of these cases, respectively, within an average year.

Response to Forensic Referrals Involving LEP-Hispanic Evaluatees

Forty respondents were willing to conduct a forensic evaluation of LEP-Hispanic evaluatees, but only eight reported they can conduct a forensic interview in Spanish themselves. Among those who cannot interview in Spanish themselves, most would refer the case to Spanish-speaking psychologists who have forensic training or accept the case with the use of an interpreter (see Table 2). Ten respondents indicated they would refuse the case, only two re-

ported they would take the case without the use of an interpreter, and none would refer the case to a Spanish-speaking psychologist who lacked specific forensic training.

Typical Practice With LEP-Hispanic Evaluatees in Forensic Cases

Given only eight participants reported that they speak Spanish well enough to conduct a forensic clinical interview in Spanish, it was important to examine methods of communication with LEP-Hispanic evaluatees (see Table 2). Of the 54 participants who completed this part of the survey, 19 reported they never had conducted a forensic evaluation with an individual who speaks only Spanish. Twenty-two participants reported communicating only through an interpreter, and eight participants (all of whom rated their Spanish fluency 5 or above on the 7-point scale) endorsed direct communication during a forensic evaluation; five participants endorsed communicating both through an interpreter and direct communication.

Table 2 also presents findings related to respondents' choices of interpreter with a LEP-Hispanic evaluatee. Although the largest percentage of respondents endorsed utilizing a trained or certified interpreter, a subset reported using ad hoc interpreters (e.g., bilingual staff member, client family member, correctional officer). Most indicated they prefer interpretation that is done sequentially (interpretation in turn) and mechanically (strict word-for-word translation). In addition, 20 respondents reported they have used an

Table 2
Typical Practice With LEP-Hispanic Evaluatees in Forensic Cases

Item (number of respondents)	% of respondents
Willing to assess LEP-Hispanic evaluatee (<i>n</i> = 56)	71.4
If uncomfortable assessing a LEP-Hispanic evaluatee in Spanish ^a (<i>n</i> = 47)	
Accept case	4.3
Accept case and use interpreter	46.8
Accept case and seek supervision from Spanish-speaking psychologist	12.8
Refer to Spanish-speaking psychologist with forensic training	68.1
Refer to any Spanish-speaking psychologist (regardless of forensic training)	.0
Refuse the case	21.3
Other	2.1
Communication methods ^a (<i>n</i> = 54)	
Direct communication	24.1
Interpreter	50.0
Other	1.9
Interpreter selection ^a (<i>n</i> = 50)	
Trained/certified interpreter	60.0
Ad hoc interpreter	16.0
Interpretation method preference (<i>n</i> = 47)	
Simultaneous	27.7
Sequential	72.3
Interpretation modality preference ^a (<i>n</i> = 47)	
Mechanical	61.7
Constructionist	38.3
Advocate	2.1
Cultural broker	27.7
Reliance on interpreter to administer psychological tests (<i>n</i> = 54)	37.0
Ad hoc translation of English-language Test (<i>n</i> = 54)	18.5

Note. LEP = limited English-proficient. Ad hoc interpreter includes bilingual staff member, client family member, and correctional officer. Percentages do not add to 100 as some respondents indicated no experience with LEP-Hispanic evaluatees or interpreters.

^a Respondents were allowed to choose more than one response, and percentages include all endorsement of the respective responses.

interpreter to administer psychological testing during a forensic evaluation, and 10 indicated they have had a test translated into Spanish, either by themselves or someone else, to use with LEP-Hispanic defendants.

Psychological Testing With Hispanic Evaluatees in CST and CR Evaluations

Table 3 presents respondents' estimated frequency of test usage with Caucasian/European American, English-speaking Hispanic, and LEP-Hispanic defendants for CST and CR evaluations. To summarize the data, we grouped frequency of test usage into three categories: never, <50% of their cases, and ≥50% of their cases, based on the highest rating for any test(s) within the respective category. Very few respondents reported never conducting any testing with Caucasian/European American and English-speaking Hispanic defendants, for both CST and CR. With these defendants, respondents reported using multiscale inventories more than other instrument types across both types of evaluations. In contrast, a large number of respondents reported never using any tests (English or Spanish) with LEP-Hispanic defendants. Respondents re-

ported using English-language response style measures of cognitive functioning more than any other instrument type with LEP-Hispanic defendants; however, these respondents only represented about 15% of their respective subsamples.

Table 4 summarizes use of Spanish-adapted tests with English-proficient and LEP-Hispanic defendants. As expected, the use of Spanish-language tests was more common among LEP-Hispanic evaluatees, although there was very little use of Spanish-language measures, regardless of English proficiency. The most commonly used Spanish-language measures were multiscale inventories, followed by response style measures.

Assessment of Acculturation in Forensic Evaluations

Among respondents who reported their consideration and assessment of evaluatees' acculturative status (*n* = 56), all reported taking acculturation into account, with approximately 63% doing so "almost always" or "always." Most reported assessing acculturation only through interviews, and only two reported using standardized measures. One participant reported using the Short Acculturation Scale for Hispanics (Marín, Sabogal, Marín, Otero-Sabogal, & Perez-Stable, 1987) and another participant reported using the Bidimensional Acculturation Scale for Hispanics (Marin & Gamba, 1996).

Discussion

Overall, our findings revealed many forensic evaluators have worked with Hispanic defendants, but only a few reported they can conduct the interview in Spanish themselves and some reported questionable practices when working with LEP-Hispanic evaluatees. The lack of Spanish-speaking evaluators suggests LEP-Hispanic defendants are likely evaluated in a second language or through an interpreter, both of which are a source of potential error (Malgady & Constantino, 1998; Oquendo, 1996). Most respondents indicated they would refer a LEP-Hispanic defendant to a Spanish-speaking psychologist with forensic training or accept the case and conduct the evaluation through an interpreter. None of the respondents indicated they would make a referral to a Spanish-speaking psychologist without specific forensic training. Taken as a whole, this pattern of findings suggests psychologists recognize specialized knowledge is needed to conduct these forensic evaluations and they avoid referrals to clinicians who lack these skills.

Another important finding was the disparity in test utilization between LEP-Hispanic and English-speaking evaluatees (both Hispanic and Caucasian/European American). Testing was frequently used in both CST and CR evaluations with Caucasian/European American evaluatees and to a somewhat lesser extent with English-speaking Hispanic evaluatees. In contrast, testing was much less common with LEP-Hispanic evaluatees, including Spanish-adapted instruments. Although the results related to testing with Caucasian/European American and English-speaking Hispanic evaluatees are generally in line with results from previous surveys, the finding pertaining to testing with LEP-Hispanic evaluatees differs substantially. For example, the Archer et al. (2006) survey found 68% forensic psychologists used the MMPI-2 at least 50% of the time. In contrast, only 36.4% of the responding participants in this study reported using any multiscale inventory at least 50% of the time. One important implication is the relative underutilization of no-

Table 3
Frequency of Use of Testing in Competency to Stand Trial and Criminal Responsibility Evaluations

Instrument type	Percentage of respondents using tests with each group											
	Caucasian/European Americans				English-speaking Hispanics				Limited English-proficient Hispanics			
	n	Never	<50%	≥50%	n	Never	<50%	≥50%	n	Never	<50%	≥50%
Competency to stand trial												
Any testing ^a	40	5.0	32.5	62.5	38	7.9	42.1 ^a	50.0	40	45.0	32.5	22.5
Multiscale inventories	36	16.7	33.3	50.0	33	24.2	39.4	36.4	33	87.9	6.1	6.1
Cognitive and achievement tests	36	11.1	52.8	36.1	34	17.6	55.9	26.5	33	66.7	27.3	6.1
Forensic assessment instruments	30	20.0	60.0	20.0	28	35.7	42.9	21.4	27	77.8	11.1	11.1
Malingering/response style measures												
Cognitive functioning	34	5.9	70.6	23.5	32	9.4	65.6	25.0	33	57.6	27.3	15.2
Psychopathology	33	24.2	54.5	21.2	32	31.3	53.1	15.6	31	83.9	16.1	.0
Criminal responsibility												
Any testing ^a	40	7.7	35.9	56.4	41	7.9 ^a	36.8 ^a	55.3 ^a	39	41.0 ^a	23.1 ^a	35.9 ^a
Multiscale inventories	39	10.3	38.5	51.3	37	13.5	37.8	48.6	37	81.1	8.1	10.8
Cognitive and achievement tests	36	8.3	58.3	33.3	34	17.6	50.0	32.4	34	67.6	23.5	8.8
RCRAS	31	54.8	32.3	12.9	30	53.3	36.7	10.0	31	77.4	12.9	9.7
Malingering/response style measures												
Cognitive functioning	33	12.1	57.6	30.3	32	15.6	56.3	28.1	33	66.7	18.2	15.2
Psychopathology	34	20.6	61.8	17.6	33	27.3	60.6	12.1	32	81.3	18.8	.0

^a Includes Spanish-language tests for English-Speaking and Limited English-Proficient Hispanic evaluatees. Multiscale inventories = Minnesota Multiphasic Personality Inventory-2, Personality Assessment Inventory, Millon Clinical Multiaxial Inventory-III. Cognitive and Achievement tests = Wechsler Adult Intelligence Scale-III, Wechsler Adult Intelligence Scale-IV, Wide-Range Achievement Test-IV, Woodcock-Johnson Tests of Achievement-III, Vineland Adaptive Behavior Scale-II; Forensic assessment instruments = MacArthur Competency Assessment Test-Criminal Adjudication, Competence Assessment for Standing Trial for Defendants with Mental Retardation; RCRAS = Rogers Criminal Responsibility Assessment Scale; Malingered cognitive functioning = Test of Malingered Memory, Validity Indicator Profile, Rey-15 Item; Malingered psychopathology = Structured Interview of Reported Symptoms, Structured Interview of Reported Symptoms-2.

mothetic data when evaluating LEP-Hispanic defendants. Although testing may not be suitable in all forensic evaluations, it is an important source of data (e.g., Melton et al., 2007). This is particularly true for assessment of response style, an integral part of any forensic evaluation (Frederick, 2012) that should include the use of empirically supported instruments when appropriate (Heilbronner et al., 2009). In this study, less than one-third of the responding participants reported using standardized response style measures at least half the time, regardless of type of symptom (cognitive functioning or psychopathology) or evaluation (CST or CR).

Other concerning findings include the reported use of ad hoc interpreters and translations of English-language tests. Such practice is inconsistent with recommendations and guidelines (Maddux, 2010; Weiss & Rosenfeld, 2012), and it introduces other potential sources of error (e.g., biased translation from invested family members). This might be due to the relative lack of resources for working with LEP-Hispanic defendants, or inadequate training of the evaluators.

A more encouraging finding involves the consideration of acculturation—all of the responding participants reported taking acculturation into account, with the majority doing so most of the

Table 4
Percentage of Respondents Using Spanish-Language Tests With English-Proficient and Limited English-Proficient Evaluatees for Competency to Stand Trial and Criminal Responsibility Evaluations

Instrument type	English-proficient Hispanics				Limited English-proficient Hispanics			
	n	Never	<50%	≥50%	n	Never	<50%	≥50%
Competency to stand trial								
Multiscale inventories	29	65.5	27.6	6.9	33	60.6	18.2	21.2
Cognitive and achievement tests	26	96.2	3.8	.0	28	89.3	7.1	3.6
Malingering/response style instruments	26	92.3	3.8	3.8	29	79.3	13.8	6.9
Criminal responsibility								
Multiscale inventories	31	54.8	38.7	6.5	34	52.9	14.7	32.4
Cognitive and achievement tests	26	88.5	7.7	3.8	29	79.3	10.3	10.3
Malingering/response style instruments	25	92.0	4.0	4.0	28	75.0	14.3	10.7

Note. Multiscale inventories = MMPI-2 (Inventario Multifasico de la Personalidad-2 Minnesota), PAI (Inventario de Evaluación de la Personalidad). Cognitive and achievement tests = WAIS (Escala de Inteligencia de Wechsler para Adultos), WAIS-III (Escala de Inteligencia de Wechsler para Adultos, Tercera Edición). Malingering/Response style instruments = Structured Interview of Reported Symptoms-2 (SIRS-2).

time. As noted, acculturation is perhaps more important in identifying appropriate assessment procedures and testing norms than ethnic or cultural background (Weiss & Rosenfeld, 2012). It is also important in the understanding, and evaluation, of mental illness. Rosenfeld (2014) cautioned that minority individuals might manifest impairments in different domains (e.g., social, vs. work or family obligations) and have cultural-specific descriptions of distress. In addition, low acculturation to mainstream U.S. culture is a particular concern for immigrants, a subset of whom might face significant anxiety and depression stemming from traumatic experiences in their home country or discrimination in the United States (Perez-Rodriguez et al., 2014; Torres & Vallejo, 2015). Evaluators who are inexperienced in working with immigrants, or who hold unrealistically favorable ideas about immigration to the United States, might not recognize uncommon signs and symptoms of mental illness among such evaluatees.

The present study has several limitations. First, despite efforts to recruit participants through three organizations, only 86 evaluators, most of whom self-identified as “White non-Hispanic,” participated in the study, and many did not respond to all the questions. The racial and ethnic composition of our sample, however, is consistent with U.S. psychologist workforce (e.g., 83.6% White; see APA, 2015) and psychologist health service providers (e.g., 87.5% Caucasian; see Michalski et al., 2010). Second, our survey only examined testing practices related to evaluations of competency to stand trial and criminal responsibility. Although these evaluations are among the most common in the criminal justice system (Melton et al., 2007), there are additional psycholegal questions that psychologists address in the criminal justice system (e.g., risk assessments, other criminal competencies) and civil justice system (e.g., personal injury, testamentary capacity, involuntary commitment, child custody). Our field would be well-served if future examinations of forensic practice considered these forms of evaluations as well. Third, we did not provide a definition of “limited English proficiency,” as adequate English proficiency will vary with task demands, complexity of the legal case at hand, and available resources. On the other hand, the lack of a definition likely resulted in wide ranging interpretation of what is adequate English proficiency. Fourth, our sample was largely older and had spent, on average, nearly two decades in the profession. It is possible these psychologists trained during a time in which there was less emphasis in applying assessment techniques to diverse evaluatees, especially when one considers the marked demographic changes in the United States during this same time period. Lastly, the large majority of respondents were members of AP-LS and AAFP, and they may differ from the other forensic evaluators in meaningful ways (e.g., more formal forensic training, more access to resources). Our results are descriptive, given the small sample size and lack of power, and the generalizability of our findings must be considered with caution. Thus, our study should be considered a preliminary examination of current forensic evaluation practices with Hispanic defendants.

Our findings nevertheless serve as a call to action for the field of forensic psychology. Professional psychology sorely lacks evaluators who can provide forensic evaluations in Spanish. Training programs should actively increase cultural and linguistic diversity among students and training experiences. Recent data suggest the efforts increase the diversity among psychologists have been effective, with increases in the number of African American (100%),

Asian (80%), and Hispanic (47%) psychologists from 2005 to 2013 (APA, 2015). Nonetheless, racial and ethnic minorities make only 16.4% of the psychology workforce (compared to 39.6% of the overall U.S. workforce; APA, 2015) and efforts must continue to ensure the demographics of our profession match that of the populations that we serve. Doctoral training programs might consider fostering language diversity by finding ways to offer coursework in foreign languages that meets elective requirements and encouraging participation in experiences such as study abroad programs that immerse students in different cultures. Tracking of proficiency in languages other than English, by the APA, other professional associations, state licensing boards, or individual training programs, would help monitor the successes of these initiatives. In addition, training programs can increase recruitment and retention of international students whose cultural and language expertise can be invaluable assets to their programs and our profession.

Until forensic evaluators who speak Spanish (and other languages) are common, training on working collaboratively with interpreters is needed at both the predoctoral, postdoctoral, and continuing education levels (Maddux, 2010). For example, although mechanical interpretation is likely most appropriate when assessing a defendant’s knowledge and understanding (e.g., in CST evaluations), interpreters can provide important cultural context to help evaluators determine if behaviors are indicative of psychopathology (e.g., poor eye contact, rapid speech). In addition, it is unclear how language differences and the use of interpreters impact forensic evaluation outcomes.

We also encourage greater consideration of acculturation in evaluations of CST and CR. Although a majority of respondents indicated they assess acculturation always or almost always, a substantial number did not. Moreover, only two respondents indicated they used a formal measure of acculturation. There is a large number of acculturation measures available, with many in the public domain (Wallace, Pomery, Latimer, Martinez, & Salovey, 2010). Although many of these measures were developed to facilitate research, their use in clinical settings may promote more detailed assessment of this important construct.

Our final suggestion relates to the use of standardized measures. As our survey revealed, the use of multiscale inventories and other measures is much more common among Caucasian/European Americans than Hispanic and LEP-Hispanic evaluatees. The paucity of empirical literature on Spanish-language measures may account for this discrepancy. Nevertheless, we encourage evaluators to thoroughly consider the appropriateness of using measures while acknowledging relevant limits, as they provide structured approaches to assessing clinical constructs and the opportunity for normative comparisons. For example, there are commercially available measures that are less language-dependent and less culture-bound (i.e., those that use picture and letters as stimuli, or compare individual’s performance to chance responding). These measures might be appropriate, depending on the evaluatee’s acculturative status, as preliminary evidence suggests low acculturation to mainstream U.S. culture is associated with poorer performance among certain populations (Saez et al., 2014; Weiss & Rosenfeld, 2010).

We also encourage evaluators to assess language proficiency, not only to guide selection of evaluation procedures but to inform the courts of potential language barriers. Assessment for profi-

ciency in listening and reading comprehension in both English and Spanish—for example, with the Woodcock-Munoz Language Survey—Revised (Schrank, Wendling, Alvarado, & Woodcock, 2010)—would be important, as individuals likely differ in their proficiencies across domains (McLaughlin, 2016).

Overall, the field of forensic psychology must continue and expand research examining Spanish-adapted measures in forensic contexts and continue with efforts to develop forensic assessment instruments that can be used with evaluatees who speak languages other than English, given the increasing number of Hispanic individuals in the legal system and the potential consequences of inaccurate assessment in forensic contexts. The field of psychology in general, and forensic psychology in particular, must make concerted efforts to keep up with the changing demographics of the populations we serve in order to maintain appropriate standards of practice.

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