Running Head: ARE THEY FAKING IT? A LOOK AT MALINGERING IN COMPETENCY TO STAND TRIAL

Forensic Psychology Seminar

Victoria Hargan
Are they faking it? A Look into Malingering and Competency to Stand Trial. Defending charged with a crime Claiming Incompetent to Stand Trial

Criminal Justice Proceedings: Judge Orders CST

Dusky v. United States

Malingering Prong 1: The defendant’s capacity to understand the criminal process” (Melton et al., 2007).

Malingering Prong 2: The defendant’s ability to consult with their attorney.

Evaluation Performed by Forensic Examiner

The Clinical Interview

The Competency test

Clinician will look for cues of exaggeration or fabrication; and inconsistently

Evaluate Malingering cognitive dysfunction through a battery of neuropsychological instruments, interviews; and an integrated approach

Symptom validity testing - SVT offers information about the veracity of memory loss for a crime.” (Oorsouw & Merckelbach, 2010).

Assessment of Feigned Thought Disorder

Assessment of Denial, Guardedness, and Minimization: MMPI-2:

Assessment of Feigned Intellectual Impairment; Response Styles; the TOMM-Test of Memory Malingering;

SIRS- Structured Interview of Reported symptoms

The MacArthur Competence Assessment Tool Criminal Adjudication

MRI; CAT scan to determine brain abnormality in patients claiming TBI, or other

“Symptom validity testing-SVT offers information about the veracity of memory loss for a crime.” (Oorsouw & Merckelbach, 2010).

DSM-IV-TR; rule out other potential conditions causing feigning: Factitious disorders; attention seeking personality disorders

Motivation behind Malingering Incompetency to Stand Trial

Diminished Capacity Defense

Commitment v. Prison

Malingered Crime Related Amnesia; automatism

Feigning Neurological Disorders

Feigning Psychiatric

Psychopathy, amnesia and

ECST-R- The Evaluation of Competency to Stand Trial—“provides scales derived from the Dusky standard: ability to consult with counsel, factual understanding of court proceedings, rational understanding of courtroom proceedings” (Acklin, C, 2000).

ILK-The Inventory of Legal Knowledge - The test is designed to “detect feigned deficits in legal knowledge” ((Acklin, C, 2011).

Diminished Capacity Defense

Gain sympathy; privileges

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