

INTERPRETED PSYCHOLOGICAL EVALUATIONS

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Sooner or later, a judiciary interpreter is bound to come into contact with psychiatric assignments. Exposure to this facet of our judicial system may materialize in a variety of forms. One may be mass calendar calls of yellow-clad (in many counties) inmates claiming or suspected to be unfit to comprehend the charges against them or stand trial, some of whom may have requested removal to state psychiatric facilities. Judges issue rulings in individual hearings and order psychiatric examinations, referred to by section number, depending on the objective of the evaluation.

Many interpreters have also worked in court-ordered psychiatric evaluations, which frequently take place at correctional facilities. The interpreter either interprets the interview between forensic psychiatrist and inmate or translates a written psychiatric evaluation test, often in the absence of the forensic professional.

In the civil setting, as cases make their way through tortuous state worker compensation systems, interpreting duties may be identical and even more challenging than in criminal cases since the ethical limits on our communication with the patient/subject may be unclear, while in a criminal setting such constraints are (or should be) abundantly manifest.

In a heavily attended presentation at NAJIT's 25th Annual Educational Conference in Denver, Dr. Andrew F. Czopek examined the role of the language interpreter in psychiatric evaluations within a rational, ethically acceptable framework. Dr. Czopek provided a wealth of documentation and background on the origin and use of psychological/psychiatric evaluations in the courtroom. He discussed the application of exam results and explained key legal criteria in determining mental disorders, with particular attention to the mentally ill, non-guilty by reason of insanity, as well as child custody considerations applicable to a mentally disturbed parent.

Dr. Czopek viewed interpreter intervention in narrowing the margin of error in psychological test results as extremely important to the objective of ensuring a high degree of reliability and supporting the validity and relevance of results. Success at these stages will in turn enhance compliance with the Federal Rules of Evidence and especially Rule 702 governing expert witness testimony, according to which a reliable opinion derived from standard testing procedures may be imparted by any expert witness.

Most attendees were searching for guidelines on the interpreter's ethical limitations in such a situation, i.e. how to act within the boundaries of our ethical code and apply common sense in being a facilitator for effective cognitive and personality assessment.

As is usual in such forums, the audience found appropriate solutions to their collective concerns in shared experiences, especially regarding cultural considerations, deafness or illiteracy that become evident to the interpreter, who must mention such to the forensic professional. The various questions in the evaluation procedure are often adapted to a composite, from which a person requiring interpretation may deviate significantly. Other concerns centered on the degree to which an interpreter might provide a qualitative, contextual interpretation of the sense of the question.

May an interpreter expedite the evaluation by assisting the individual in understanding the literal meaning of the question, perhaps by providing cultural parallels? Or would it be more cautious and prudent in view of ethical considerations to refer the issue to the consulting professional? If the question is of a personal nature, how far can an interpreter go in providing some comfort to the individual with the aim of eliciting a response?

As always, common sense is important to bear in mind. It is out of bounds for the interpreter to discuss with the test taker the intent of a particular question. Caution is definitely in order since according to Rule 701, the interpreter may be called upon to testify as an expert witness, and in such capacity will be taking the stand as an expert regarding linguistic capabilities, not as a forensic psychologist.

Nevertheless, to further the interpreter's goal of performing in a satisfactory manner and adhering to ethical principles, Dr. Czopek provided helpful hints:

- (1) When in doubt and/or time permitting, read the administrative procedures and scoring criteria of the test;
- (2) Be aware of your own bias—pro or con—and disposition to help or hinder if it becomes a factor in your own performance;
- (3) Attempt to adapt the length of the target question equivalent to that of the source question as an aid in comprehension; and
- (4) Collaborate in the process.

The final point is given with the preceding provisos, since an interpreter's presence is required not only to interpret language but also to put the examination into context, within ethical limits.

Finally, beware of falling prey to parting shots, as when a forensic evaluator asks the interpreter when it's all over: "Does that guy have a screw loose or what?" or "Waddy think-- is he just faking it??"

[The author is a freelance federal and state certified court interpreter practicing in the Bay Area. Electronic copies of Dr. Czopek's handouts, containing key information regarding the uses and applications of forensic psychiatric evaluations, may be requested from her at kmedina@arrakis.es or carolmedina@earthlink.net .]