forensic clinical interviewing skills

applications for clients with psychopathic traits

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objectives

- forensic clinical interviewing
- own interviewing style
- specialist skills

key skills
enhance control over self - and other
psychopathy
overview

core stages of the forensic clinical interview
core skills in forensic clinical interviewing
a personality-based approach to forensic clinical interviewing
core stages

openings and introductions

establishing the chief complaint

each stage involves different tasks, developing, expressing and maintaining rapport and offers different opportunities for information retrieval

using specialist techniques to access essential detail

affirming or testing the client’s feelings

closing the interview (& preparing for further meetings)

reporting observations or findings in narrative form
overview

core stages of the forensic clinical interview

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core skills

forensic clinical interviewing (FCI)

FCI is the process of engaging with a client in the context of legal proceedings in order to address a specific psycholegal question e.g., what kind of risk does this person pose towards others, therefore, how restrictive does his or her community supervision have to be (Meloy, 2005)

two literatures
core skills contd/...

1. preparations and objectives
   - have objectives, inc. staying in control
   - anticipate the interview strategies required

2. who conducts the interview
   - match to the interviewee, if possible
   - or control personal excesses – reduce impact
   - be an “ambiguous stimulus” (Meloy, 2005)
core skills *contd/*...

3. the interview setting
   - neutral, few distractions

4. introductions and orientation
   - information-giving, clarifications, objectives
   - control anxiety, establish rapport, centrality of client’s role
   - sincerity, open posture, forward lean (& touch), eye contact, active listening, respectful
5. interview strategy

- plan
- expectations, yours and the client’s
- client’s likely resistance techniques & options to manage
- topics & opening and follow-up questions
- ordered in least to most contentious
- process of “successive approximation” (McGrath, 1990)
- “build your interviews” (Frost, 2012)
6. rapport-building and empathy

- the ability “to perceive the internal frame of reference of another with accuracy, and with the emotional components and meanings which pertain thereto” (Rogers, 1959)
- anticipate client’s defensive and controlling strategies – and be ready to minimise impact
7. questioning style

- interviewing no-nos: talking too much, not paying attention, not listening, following own rather than agreed agenda, dominating, interrupting, making preemptive assertions, asking constraining questions, filling gaps, changing topics, rushing
7. questioning style 

- **interviewing skills:**
- *open questions* – “what happened?”
- *avoid leading questions* – “she told you to get out, didn’t she?”
- *avoid negatively worded questions* – “you didn’t expect her to be there?”
7. questioning style *contd/*...

    - interviewing skills *contd/*...:
    - avoid multiple questions
    - pace questions, pause for breath – and an answer – and *don’t* take notes while you wait
    - instead, watch and *don’t* break eye contact
    - incorporate reviews – time to think
    - keep voice low and quiet, regardless of the client’s tone with you – be “relentlessly agreeable”
    - repeat questions
core skills contd/...

7. questioning style contd/...
   - interviewing skills contd/...:
   - write only brief notes during the interview
   - multiple interviews, or breaks, to make more comprehensive notes
   - vary order of recall (re. the cognitive interview)

8. listening
   - listening is an art form best done quietly (Shea, 1998)
   - so, shut up and listen
   - talk no more than 20-50% of the time (Shepherd, 2007)
To a Louse

on seeing one on a lady's bonnet at church

O would some Power the gift to give us To see ourselves as others see us! It would from many a blunder free us, And foolish notion: What airs in dress and gait would leave us, And even devotion!
core skills contd/...

9. non-verbal communication

- what are you saying when you aren’t saying anything?
- what do your clothes, your shoes, your hair, your jewelry, your scent, your bag, your coat, your car say about you – what do you want them to say about you?
- what are you revealing about your status in relation to your clients?
core skills contd/...

10. control
   - stay in control, but make it imperceptible

11. note-taking
   - must not impede the interview
   - avoid losing eye-contact when writing

12. incorporating formal assessments
   - don’t let this task dominate
   - don’t hide behind the tests ...
   - avoid using assistants/students/etc to administer
core skills contd/...

13. concluding the interview
   - conclude in a planned fashion, if possible
   - leave time at the end ...

14. protecting yourself
   - supervision, peer support – detect and deal with sources of bias that may colour an interview
core skills contd/...

15. communicating your findings

- “nothing discredits a forensic clinician more than mere regurgitation of the interviewee’s perspective in the report or through testimony” (Meloy, 2005)
- the “legacy” of the clinician (Meloy, 2005)
- clear, intelligible to the lay person, brief, and free from error
- address the limitations of your assessment
overview

core stages of the forensic clinical interview

core skills in forensic clinical interviewing

a personality-based approach to forensic clinical interviewing
a personality-based approach

re. Ackley et al (2011)

• anticipate in advance …
  • the client’s presentation style (psychopathic)
  • their most likely methods of self-defence or self-preservation (passive)
  • the most likely methods they will use to conceal relevant information or lie or resist your efforts to interview them (active)
a personality-based approach

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anticipate the client

stay in control
anticipating the client and staying in control

• understand the client’s basic characteristics and develop your interview strategy to suit them
  - presentation: self-identity & interpersonal style relevant to psychopathy
  - methods of self-defence, self-preservation (passive)
  - methods of concealment, dissimulation (active)
who do they think they are?
methods of self-defence

1. splitting

- the active maintenance of a separation of the individual from negative objects
- leads to instability in relationships – others are good or bad depending on whether they gratify the client’s needs or frustrate them

① keep challenging questions till later
② check out descriptions/attitudes towards others as they may be influences by ‘emotional filters’
methods of self-defence contd/...

2. projection

- the process of locating in others his or her unwanted feelings or attributes, creating inaccurate descriptions that are a reflection of the inner world of the client
- P – “you can’t trust him”
- B – “nobody cares about me”, “you are the only one who listens”
methods of self-defence contd/…

2. projection contd/…

① avoid endorsing the projection of positive or negative qualities on others, including yourself

② check out descriptions/attitudes towards others

③ utilise counter-projection if you become the subject of projection (Havens, 2007):

C “you are useless – I don’t know why I come here”

I “you feel no one is helping you”
methods of self-defence contd/...

3. projective identification

- when a client projects onto another person their fears and anger *then* reacts to that person as if they were genuinely the source of fear- or anger-inducing acts
- makes bad emotions tolerable because they are seen as belonging to someone else (eg. you)
- leaves you being accused of having feelings you don’t in fact own
methods of self-defence contd/…

3. projective identification contd/…

① recognise ‘alien’ feelings in interviews as they could negatively influence your view of the client - e.g. to get angry at the accusation of being angry is to have accepted the client’s invitation to act out the part given to you

② maintain a state of affective neutrality and investigate with the client and/or in supervision any sensations that deviate from the neutral
methods of self-defence contd/...

3. projective identification contd/...

③ use counter-projection again
④ know your “narcissistic snares” Maltsberger & Buie, 1974)
- do all, know all, love all
methods of self-defence contd/...

4. devaluation

- when a client criticises and disregards others in order to minimise the threat they pose
- generally targeted at the victim’s most prized assets (e.g., caring nature, professionalism, IQ, looks, etc)
- serves to limit experience of envy or the realisation of imperfections in the client

⚠️ beware narcissistic snares & identify in others
methods of concealment

Elman (2001)
- lying is a deliberate attempt to mislead, without the prior notification of the target of the lie

Lee et al (2008)
- truthful narratives feature more
  - contextual embedding
  - reproduction of conversations
  - unexpected complications
  - attributions of another’s mental state
methods of concealment contd/...

Virj et al (2011)
• practitioners cannot reliably detect lies and deceit by observing behaviour and listening to speech
• instead, ask questions to elicit and amplify verbal and non-verbal clues to deceit e.g., by increasing the cognitive load on the client

① have an interview strategy to facilitate the detection of deceit
interview strategy framework

- neutral/low threat questions
- background subjects
- identify *hotspots*

**baseline**

**information gathering**
- relevant subjects
- commitment to detail
- explore *hotspots*

**confirm & challenge**
- presenting problem
- challenge
- compare with baseline
riding resistance (Morrison, 2008)
• switch from facts to feelings
• monitor own feelings and keep in control – voice, listening, rapport-maintaining
• intersperse contentious subjects with safe subjects
• find a way of talking about the subject that’s safe – e.g., in the past when this happened (rather than what’s happening now)
methods of concealment contd/...

riding resistance (Morrison, 2008) contd/...

• avoid meeting resistance/hostility with efforts to provoke
  • guilt “I’m only trying to help you”
  • anxiety “if you don’t talk about it, you’ll never get out”
  • more hostility “don’t shout at me!”
<table>
<thead>
<tr>
<th><strong>methods of concealment</strong> contd/…</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>account</strong></td>
</tr>
<tr>
<td>• missing detail, gaps, jumps, absence of detail, sidesteps, inconsistency, contradictions, too rehearsed</td>
</tr>
<tr>
<td><strong>story doesn’t make sense</strong></td>
</tr>
<tr>
<td>• improbable account, impossible storyline, non-sensical, counter to reasonable behaviour</td>
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<tr>
<td><strong>struggling with detail</strong></td>
</tr>
<tr>
<td>• can’t go beyond original story, repeats non-specific detail, admit their inability to give further detail</td>
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<tr>
<td><strong>evasion</strong></td>
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<tr>
<td>• changes topic, answers questions with a question, gives measures or evasive responses, blanks an echo probe, sidesteps</td>
</tr>
<tr>
<td><strong>sabotaging behaviour</strong></td>
</tr>
<tr>
<td>• argues/becomes angry, becomes abusive, threatens, refuses to be helped, refuses to cooperate</td>
</tr>
<tr>
<td><strong>significant expressive behaviour</strong></td>
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<tr>
<td>• speech marked by dysfluencies unseen before, marked pauses before or when answering big questions, voice changes pitch, change from self-control to gabbling</td>
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</table>
anticipate yourself

stay in control
anticipating *yourself* and staying in control

• understand your basic characteristics and develop your interview strategy to suit them and how they are likely to interact with the client’s

  - **presentation**: self-identity & interpersonal style
  - methods of self-defence, self-preservation (passive)
  - confrontation and challenge (active)
who do you think you are?
**methods of self-defence & preservation**

- anticipate the interpersonal situations you find uncomfortable (e.g., someone crying because of something you have said to them)
- anticipate transference and counter-transference reactions
  - blindness to harm potential, illusory therapeutic alliance, misattribution of psychological health, helplessness, guilt
- refer to the good and the bad in your interviewing career
methods of self-defence & -preservation contd/...

① plan strategies for responding to difficult situations
② attend to transference and counter-transference reactions
③ utilise clinical supervision & peer support as much as possible
   - try to change your work context if counter-transference reactions are treated as evidence of unprofessionalism
④ know your strengths and weaknesses
methods of challenge & confrontation

• expect to start interviews with a ‘baseline’ level of questioning
  • look for deviations from the baseline in the challenge phase
• be better prepared to challenge is this is something you find personally difficult
• think of challenges in three levels ...
me

- ‘I don’t understand’

you

- “you aren’t making sense”

nuclear option

- “you’re lying”
• ‘I don’t understand’

• “you aren’t making sense”

• “you’re lying”
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Managing Clinical Risk
a guide to effective practice

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