

## **Interrater Reliability and Judicial Agreement: Factors Related to Decertification of Mentally Disordered Offenders**

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### **Level**

Intermediate

### **Track**

Clinical

### **CE**

CPA/BBS/BRN/CJER

### **Bio**

**Trayci Dahl, PhD, ABPP**, is board certified in forensic psychology. She has an independent practice and works for the California Department of State Hospitals, Forensic Services Division.

**Melinda DiCiro, PsyD, ABPP**, is the Acting Deputy Director for the Forensic Services Division at the Department of State Hospitals. She was previously the Chief Psychologist for OMD Civil Commitment in the Forensic Services Division and was formerly the Clinical Director of Inpatient Treatment and Crisis Triage at California State Prison Sacramento.

**Sean Sterling, PhD, ABPP**, is board certified in clinical psychology. He is a Sexually Violent Predator Evaluator for the California Department of State Hospitals, Forensic Services Division.

### **Narrative**

For years, observers have noticed that OMD findings tend to vary by organization and speculated about the causes. Are these observations and speculations based in fact or lore? The impact of variability on validity of findings and implications on civil rights and public safety drove us to put these questions to the test.

The California Offenders with Mental Health Disorders (OMD) statute allows for the post-incarceration commitment of qualified individuals to state hospitals for treatment as a condition of parole. Validity, reliability and court agreement with the evaluator findings are especially critical in these evaluations. After all, the triers of fact rely on the opinions for certifying individuals for civil commitment that can last for up to one year, with potentially indefinite annual recertification. Many individuals do not meet criteria (or are later de-certified by the Superior Court) and are released to the community on parole. Thus, these outcomes have substantial real-world ramifications.

The presenters will report the findings of two studies. In the first study, they examine interrater reliability of forensic mental health examiner opinions. In the second study, they examine judicial agreement in pre-parole evaluations in California. The presenters will report which factors potentially contributed to variable agreement on the criteria among the evaluation entities and the high rate of OMD's who are decertified: contributors to interrater reliability, evaluator factors, clinical factors, and report factors.

### **Learning Objectives**

1. List three criteria that have the lowest rates of agreement among the three evaluation entities
2. List three criteria with the highest rates of agreement among the three evaluation entities
3. Identify three likely causes for disagreement among evaluators from the three evaluation entities
4. Describe two ways to increase interrater reliability among the three evaluation entities
5. Identify the evaluation entity with the highest rate of court agreement and two potential reasons for this high agreement
6. Describe three sources of variability in OMD reports