

Conducting Spanish Language Psychological Evaluations in High Stake Legal Cases

Carmen Velazquez, PhD

Level

Intermediate

Room

Track

Clinical

CE

CPA/BBS/CJER

Bio

Carmen Velázquez, PhD is a bilingual clinical neuropsychologist and director of CS Neuropsychology, with extensive expertise in forensic psychological assessment, particularly in capital murder and Atkins cases involving Spanish-speaking individuals. Carmen holds active psychology licenses in California, Washington, New York, and Texas, and has served as an expert witness in multiple state and federal jurisdictions. She currently provides neuropsychological services at the Department of State Hospitals–Napa as a Senior Psychologist–Specialist, focusing on inpatient forensic populations. Carmen completed her PhD in Clinical Psychology at Alliant International University and her postdoctoral fellowship at the University of Miami Miller School of Medicine. Her clinical and research interests center on culturally and linguistically responsive assessment practices, intellectual disability diagnosis, traumatic brain injury, and the intersection of neuropsychology and legal standards. A committed advocate for equity in mental health and forensic services, Carmen has held leadership roles in professional organizations, including serving as President of the Northern California Neuropsychology Forum. She is dedicated to advancing best practices for evaluating culturally diverse and high-stakes forensic populations.

Narrative

This presentation will address critical issues in conducting psychological assessments for Spanish-speaking individuals involved in high-stakes legal cases, with a particular focus on Atkins and capital contexts. Accurate assessment in these situations is essential, as the outcomes can have profound implications for the defendant's legal status and life. Attendees will explore the scientific and ethical considerations in selecting normative datasets for cognitive testing, with an emphasis on the pitfalls of relying on demographically corrected or ethnicity-based norms. Drawing on recent research and case examples, the session will illustrate how US normative data sets provide greater validity and reliability in forensic determinations, especially in Atkins hearings and competency evaluations.

A central theme of the presentation is the importance of language concordance between evaluator and examinee. Bilingual evaluators offer distinct advantages, including enhanced cultural competence, improved communication, and reduced risk of misclassification due to linguistic or cultural bias. The session will discuss best practices for matching examiner and examinee language proficiency and highlight the risks associated with non-concordant assessments with the use of interpreters in high-stake legal cases.

Participants will gain a nuanced understanding of intellectual disability diagnosis in forensic settings. The presentation will explain the application of the Flynn Effect in adjusting IQ scores to account for norm obsolescence—a scientifically supported correction that can be determinative in capital cases. Attendees will learn to critically evaluate the appropriateness of assigning an intellectual disability diagnosis versus an unspecified neurodevelopmental disorder, considering both psychometric and adaptive criteria.

Adaptive behavior assessment will be explored in depth, with attention to key differences in evaluating deficits across the lifespan. The session will contrast the assessment of developmental gains and failures in childhood with the identification of persistent areas of difficulty in adulthood, drawing on real-world case data and collateral information. Recommendations for clinical and collateral interviewing will be discussed. This presentation is designed for psychologists, psychiatrists, attorneys, and other legal professionals seeking to advance their expertise in culturally and linguistically responsive forensic assessment, and to promote fairness and scientific rigor in high-stakes legal proceedings.

Learning Objectives

1. Identify the appropriate normative data to apply when completing forensic psychological evaluations in Spanish-speaking individuals
2. Describe three advantages of utilizing bilingual evaluators in high-stakes forensic cases
3. Assess the appropriateness of assigning an intellectual disability diagnosis
4. Identify three key differences in evaluating adaptive behavior between childhood and adulthood