

PSYCHOLOGICAL EXPERTISING IN JUVENILE DELINQUENCY CASES IN POLAND: PRINCIPLES FOR EVALUATION OF PSYCHOLOGICAL OPINION

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Abstract. In the article analysed the practice of obtaining opinions of expert psychologist in juvenile delinquency cases. The choice of types of cases is premeditated, and is based on their specific character. Juvenile delinquency cases are special in terms of their subjects (children and adolescence) and aims to be achieved (the welfare of the child/adolescence). Forensic psychology expertise plays a significant part in arriving at a court ruling. Therefore, it is important to raise the quality of diagnostic procedures, expertise activities, and to establish evaluation standards for evidence from psychological expertise. The presentation of proposed psychological expertise standards should take a form of guidelines and recommendations to be met by the experts, and serve as an aid to expertise evaluation performed by courts. To reach these goals, we gathered and analyzed court records of juvenile cases in six districts ($N = 253$). The results of the research are related to a) the analysis of the methodological and diagnostic procedures

used by experts in the process of psychological evaluation in juvenile cases and b) the formulation of principles for evaluating the evidence of psychological opinions for trial authorities. The research project indicates the practice of psychological experts by the court, the diagnostic procedure and the method of formulating psychological opinions. The analysis of the material showed, first of all, the diversity of the diagnostic and opinion practices of psychologists, thus confirming the lack of procedures standardizing the process of psychological evaluation. The variety of assessment tools, and method, and areas of diagnosis make difficulties in assessing of the evidentiary value of psychological-court opinions. The lack of principle for assessing level of opinions' quality may promote the practice of so-called junk science.

Keywords: juvenile delinquency; juvenile justice system; Code of Criminal Procedure

INTRODUCTION

Forensic Mental Health Assessment (FMHA) has been a matter of scientific interest of psychologists and psychiatrists for over 30 years [Heilbrun, Grisso, and Goldstein 2009; Heilbrun 2003, 167; Heilbrun, DeMatteo, and Marczyk 2004, 31; Sparta and Koocher 2006]. Practice guidelines is not a widely discussed matter in Poland, and uniform and adequate rules of psychological diagnostic procedures in terms of FMHA are rare. Due to a scarcity of knowledge about experiences of application of psychological expertise on the grounds of the Polish legal system, the Authors have decided to take up the following research. Its aim is to present the procedure of seeking out psychological opinion in juvenile delinquent cases of the Polish legal system, and its usage in diagnosis and the presentation of opinion by expert psychologists. The impact of specialists' conclusive recommendations on the final court disposition will also be examined. Problems concerning the admittance of psychological opinions by courts are widely conditioned by the discipline itself which, in contrast to other disciplines, can be charged with individual expert's error (poor education, lack of supervision, time limitations) or the lack of precise or evidence-supported standards for performing psychological assessment for legal context [Heilbrun and Brooks 2010, 219].¹ The results will constitute a starting point to the creation of, at least, basic principles derived from empirically based practice in juvenile cases in the Polish jurisdiction.

¹ National Research Council, *Strengthening Forensic Science in the United States: A path Forward*, 2009, <https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf> [accessed: 03.01.2019].

1. JUVENILE JUSTICE SYSTEM IN POLAND

The main part of the juvenile justice system in Poland is The Act of the 9th of June 2022 on the support and rehabilitation of juveniles (Juvenile Act, JA).

According to the JA, the term “juvenile” is broadly defined and covers: a) minor (juvenile offenders) of punishable acts² committed after having reached 13, but before finishing 17 years of age; b) person under 18 years who shows symptoms of problematic behavior, not necessarily prohibited by criminal law, but violating social norms referred to as “signs of demoralization”; and c) person against whom educational or correctional measures are enforced until they are 18 or 21 years of age (the enforcement of particular measures on juveniles shall cease *ex lege* upon completion by them of 18 or 21 years of age).

Family court has jurisdiction in juvenile cases due to demoralisation and punishable act. The term demoralisation is a legal term, though it is not clearly defined. The law does not provide any definition. It refers to many different behaviours of children or adolescents that can be harmful for them or for others (e.g. breaking of social norms, truancy, use of drugs or alcohol, vagrancy, failure to fulfil the educational requirements etc.).

2. PSYCHOLOGICAL EXPERTISE IN POLISH JUVENILE PROCEEDING

According to Article 64(1) JA, when a need arises, court may request a professional opinion to be issued by court specialists, experts, or other specialist organisation in order to a) obtain a complex analysis of juveniles’ personality, and b) determine the correct course of action with regards to a juvenile. Moreover, such an opinion is sought before assigning a juvenile to a youth care centre, state medical facility, social welfare home or a correction facility (Article 64(2) JA).

Psychiatrists, psychologists, educators/educational counselors and medical doctors may be appointed to deliver an opinion, with the precise scope determined by questions the court poses when appointing the expert. An expert opinion for the court is usually prepared by a team of experts, who provide a so called complex opinion. Opinions prepared by one expert are rare. Conditions for calling on expert opinion stipulated by JA, such as obtaining a complex analysis of juveniles’ personality, and determining the

² For the purpose of this article the notion of “punishable act” will be replaced by a commonly recognizable universal notion of crime or offending.

correct course of action with regards to a juvenile do not determine the specific tasks or roles of individual experts. In preparing a complex opinion there are no unequivocal areas or tasks strictly assigned to each specialist. Standards for opinion in juvenile cases prepared for Court Expert Team by the Ministry of Justice (2016) indicate the content areas included in the expertise. The above mentioned Standards suggest that the evaluation should contain information about juvenile's functioning in terms of intellectual development, personality, academic abilities, and potential etiology of delinquent behaviour. An evaluation of juvenile delinquent's family is likewise recommended. The content areas of opinion might be diversified by the court referral questions. The quality of expertise must be evaluated by judge according to Article 200, 201 of Polish Code of Criminal Procedure (C.C.P.), and Article 258 of Polish Code of Civil Procedure (C.Cv.P.), which indicate that opinion should meet formal requirements, be complete and clear, and then it can serve as an opinion evidence. According to Articles 200, 201 of the criminal procedure rules of C.C.P. and Article 258 of C.Cv.P., for an expert opinion to be admissible as evidence in court, the opinion must meet formal requirements, be complete and clear, and the quality of the opinion must be evaluated by a judge.

In Poland, a psychologist who provides an expertise in juvenile cases is a forensic practitioner who is an examiner. Her/his work with the juvenile or juvenile's family is clinical in nature [Gudjonsson 1995, 59], while the key task of the psychologist conducting FMHA is to "operationalize" the legal referral questions in such a way that legal components are expressed in terms of "functional abilities", namely behaviours that a psychologist is qualified to assess [Heilbrun, Grisso, and Goldstein 2009]. Due to the fact that a juvenile is in a state of constant development, it is particularly important for an expert tasked with providing a diagnosis to have not only knowledge from a variety of different specialist fields of psychology, but also high diagnostic standards. The consistency of applied research techniques with contemporary psychological knowledge mark the quality of a diagnosis, and subsequent preparation of expert opinion, which will play an important part in court ruling. An expert opinion needs to provide the court with answers to relevant questions posed by the court (theses) which it will use to make a ruling. there are no specialist standards or guidelines for forensic psychology in juvenile court proceedings in Poland. Apart from the standards issued by the Ministry of Justice (2016), there are no other guidelines a psychologist needs to follow. This lack of precise expectations of psychological expert opinion diminishes the quality of professional practice.

3. PRESENT STUDY

The psychological assessment of minors permits translation and explanation for their behavior, thinking, etc. in a more intelligible format with legal implications. Therefore, the primary aim of the study is to analyze when (in what circumstances) family courts appoint expert psychologists in juvenile cases, as well as to describe the formal criteria formulated by family courts towards expert psychologists and their opinions. A secondary aim is to determine: (a) What referral questions are asked by the courts of expert psychologists? (b) What subject matter is found in psychological diagnosis in juvenile cases, and what tools are used by expert psychologists developing an opinion on the subject recommended by the court? (c) What evaluation principles are recommended for psychological expertise for judicial bodies?

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4. MATERIALS AND METHOD

The study realize on the analysis of court records in juvenile delinquency cases. The analysis was conducted in 6 randomly selected³ inferior courts⁴ to minimize the risk of receiving data from a limited set of judges proceeding in a particular court, i.e. Białystok and Szczytno (the area of the appellate court in Białystok), Zielona Góra and Września (the area of the appellate court in Poznań), Gliwice and Jaworzno (the area of the appellate court in Katowice). In each inferior court a consent was obtained from the court's president to conduct analysis of 50 court records in juvenile delinquency cases. Each of the analyzed juvenile case was to fulfil the following conditions: a) final (unappealable) judgement concluded between 2013-2015; b) forensic psychology opinion was among the evidence presented in the case. A previously prepared questionnaire that consisted of two sections (legal and psychological) was derived from a pilot study and used to conduct

³ The random selection of inferior courts was conducted as follows: in the first step, 3 (out of 11) appellate courts in Poland were drawn – in Białystok, Poznań, and Katowice. Afterwards, in the area of each appellate court two inferior courts were selected – one located in a city which is simultaneously the location of RODK and second – which does not fulfil this requirement. The location of all inferior courts subordinate to each appellate court was collected from the Polish Ministry of Justice website. Both types of selected inferior courts were drawn separately and randomly.

⁴ In Poland it is within inferior courts' jurisdiction to adjudicate in cases of juvenile delinquency.

analyses. The legal section of the questionnaire consisted of two parts. One of the parts of the questionnaire consisted of information about the court's decision to appoint an expert psychologist, namely: a) the initiative to appoint the expert (court *ex officio* or the parties), b) the type of expert appointed by the court (individual expert or an expert from an OZSS Center), c) whether the expert was indicated personally or the court identified the institution responsible for issuing the opinion, d) the number of experts appointed by the court, e) the form (written or oral) of the expert opinion requested by the court, f) the length of time in which the expert was to issue an opinion, g) the questions posed to the expert witness determining the scope of the expert's opinion.

The second part concerned basic information about the expert opinion: a) when it was issued, b) the experts' fields of expertise, c) information concerning the place and time of the diagnostic meetings, d) whether the opinion was signed by all experts involved in its preparation, e) information about the court's response to the opinion (whether the experts were interviewed in court, whether the experts requested a secondary opinion, or whether the court requested another expert to issue an opinion on the same matter).

The psychological section of the questionnaire concerned the analysis of expert psychological opinions admitted in court. It was comprised of 3 parts. The first part concerned the collection of formal data, like the type of institution requesting the diagnosis, the institution developing the opinion, the content of the evidentiary thesis (questions posed by the court to expert psychologists), case subject, and applied research methods. The second part covered: a) the occurrence of categories of areas of juvenile diagnosis in terms of family conditions, care, and educational situation; b) the occurrence of areas of juvenile diagnosis: developmental data, intelligence and cognitive abilities assessment, diagnosis of personality (emotional and motivational processes, social functioning). The third part contained a) an analysis of conclusions (answers to questions posed by the court) in scope of their concurrence with used materials and their justification, b) the occurrence of a diagnosis of the level of demoralisation and recommendations for the application of pedagogical or corrective measure, as well as directions in how to work with the juvenile.

5. SAMPLE

50 juvenile delinquency cases which included an expert opinion ($N = 300$) were obtained from each court. Some of the cases included in the sample were unavailable – for example requested by and sent to another court. Given the above mentioned requirements and obstacles it was possible to

obtain 253 juvenile delinquency case records from inferior courts located within areas of Appellate Courts in Białystok ($N = 90$), Katowice ($N = 78$), and Poznań ($N = 85$). The present sample consisted of both delinquency ($N = 76$), and demoralisation ($N = 177$) cases.

6. RESULTS

Basic information about professionals preparing psychological expertise. The analysis of expert psychological opinions prepared for court covered: professionals preparing the expertise, the subject matter of the opinion, applied research methods, as well as the information contained in the opinion.

Expert opinions on juveniles issued between 2013 and 2015 were prepared by psychologists from Family Diagnostic and Consultation Centres (RODK; 98.8%). The remaining 1.2% of opinions were prepared by court experts listed on a so called list of court experts kept by Chairmen of District Courts. Data shows that institutions involved in juvenile court proceedings are more likely to appoint RODK for preparation of an opinion. The reason may be the number of available psychologists, pedagogues, pediatricians, and psychiatrists specialized in child and adolescent psychology, allowing for efficient cooperation between various specializations within one center in determining research methods and diagnosis. There is no guideline unequivocally determining the reason behind the court directing the case to RODK and to an individual expert.

The diagnosis and preparation of an expert opinion was usually conducted by a team of experts. The diagnosis and expert opinion was performed by a single expert in only a few cases ($N = 4$).

Expert opinions regarding juveniles were most frequently prepared by a psychologist and a pedagogue (61,1%), and less frequently by a psychologist, a pedagogue, and a psychiatrist (13,8%), or by two psychologists (13.0%). 18 opinions were prepared by a psychologist and a psychiatrist (7,2%). The competency to describe the mechanisms underlying human behaviour is one that differentiates psychologists from other similar professions, and one that justifies the presence of a psychologist in the team of specialists tasked with the diagnosis providing expert opinion.

Subject of expert psychological opinion in juvenile cases. Diagnostic areas. The courts are obliged to make a formal decision to appoint an expert witness opinion and use it as evidence. Article 194 of the Code of Criminal Procedure lists necessary elements such decision must contain, particularly that the subject of the expertise needs to be clearly defined and, if necessary, accompanied by detailed questions posed to the expert. The subject of the expertise is defined as a specialist problem which requires an appointment

of an expert – an issue requiring specialist knowledge, and having significant impact on the adjudication of the case [Widła 2015].

In all 253 analysed expert opinions the family court have formulated specific tasks for the expert psychologist, detailing both the subject and the range of the requested opinion. Based on the questions posed by the court to expert psychologists in all 253 analysed cases, a team of competent judges (statistical measurement tool) has classified individual court theses into opinion object's overriding areas. A compliance indicator for competent judges (Kendall) was calculated to be $W = 0,798$.

Within the analysed sample 8 problem areas triggering the request for an expert opinion in juvenile cases were identified. These are: (1) determination of the level of demoralisation (and its intensification) (N=197); (2) signs of and reasons for demoralisation (N=75); (3) determination of a course of action which will prevent further demoralisation (N=182); (4) Complete diagnosis of the personality, emotional, social, and intellectual development of the juvenile (N=72); (5) state of juvenile's mental health (psychological disorders, addictions) (N=20); (6) family situation (parents' educational capabilities, family functioning deficiencies) (N=49); (7) change of the measures currently being applied (N=9); (8) employing therapeutic or medical measures towards the juvenile (N=14).

Juveniles are referred to psychologists for a full-scale testing assessment. The aim of the assessment referral is to provide expertise that will help the judge in preparing the final disposition decision. The authors examined the content areas of the expert opinions.

The content areas included personality assessment in 100% of cases, what is similar to Hecker and Steinberg results [Hecker and Steinberg 2002]. Family functioning and educational history constituted major areas in expertises. Intellectual abilities were seen less often (94%). Characteristics of demoralisation and criminal history were presented in only 69,5% of cases, even though this type of information should be included. Opinions contained information for which the judges did not ask. A crucial element in the quality of expertise is the extent to which the court referral questions are answered by the conclusions. In 83.8 % of analysed expertises all referral questions found conclusions, and 10.3% of expertises included conclusions in part, meaning that the specialists did not provide a response to the referring party. Moreover, 5.9% of expertises did not include the conclusions at all.

Assessment tools used in psychological diagnose. Choosing appropriate assessment tools for verification of research hypotheses is crucial for reaching conclusions and answering forensic referral questions. Setting aside the theoretical coherence of concepts with psychological explanation (way of thinking), the selection and number of testing methods alone is worth analyzing.

According to Heilbrun's guidelines for research methods [Heilbrun 2001], they should be appropriate for the court problem being analysed, standardised, reliable, objective, normalized, commonly available, scientifically validated, and account for individual reactions and answers provided by the subject.

The research methods employed by expert psychologists from the analysed sample will refer to types of tools (standardized or not), the number of tools employed in any single case. Due to the multi-area nature of psychological diagnosis, and the variety of employed research methods, the authors were unable to assess the coherence of employed method with the area delineated by court questions. This is most likely caused by an inconsistency within the procedure for developing expert opinion, which doesn't require the expert to determine the purposefulness of the employed research tools.

Table 1 presents diagnostic tools used in assessing juveniles, like an interview, documentation analysis, interviews and questionnaires, psychological projection techniques, neuropsychological techniques, as well as intellectual functions assessment tools. Information regarding capacities in referral questions were obtained from different sources, among others: court files review, clinical interview, behavioral observation, observation of relationship with parent/guardian, self-report measurement tools, collateral documents, and third-party information.

Table 1. Set of Psychological Assessment and Tests Ratings in Forensic Evaluations of Delinquency and Demoralisation Cases

	Delinquency Cases		Demoralisation Cases		Σ	%
	N	%	N	%		
Common Assessment techniques						
Clinical interview	77	30.4	153	60.4	230	90.8
Professional collateral interview	15	5.9	28	11.1	43	16.9
Observation	59	23.3	131	51.7	190	75.1
Relationship observation	27	10.7	58	22.9	85	33.6
Norm-referenced Tests (checklists, questionnaire)^{a,b}						
EPQ-R	30	11.9	55	21.7	85	33.6
IVE	2	0.8	9	3.6	11	4.4
Me and my School	12	4.7	20	7.9	32	12.6
Who are you?	7	2.8	36	14.2	43	17
Parental Attitude Scale	13	5.1	20	7.9	33	13
NEO-FFI	7	2.8	8	3.2	15	6
SEG	3	1.2	14	5.5	17	6.7
SUI	4	1.6	11	4.4	15	6
Unstructured Personality Tests						
Sentence completion ^c	41	16.2	78	30.8	119	47
Lüscher Color Test	12	4.7	15	5.9	27	10.7
Projective Drawings ^d	6	2.4	18	7.1	24	9.5
Neuropsychology Tests						
Benton Visual-Motor Gestalt	8	3.2	19	7.5	27	10.7
Bender Visual Retention Test	9	3.6	13	5.1	22	8.7
DCS – Visual Learning and Memory Test for Neuropsychological Assessment by G. Lamberti. and S. Weidlich	3	1.2	8	3.2	11	4.4
Cognitive and Achievement Test						
WISC-R	5	1.9	18	7.1	23	9
Other Sources of Information						
Justice system records	20	7.9	32	12.7	52	20.6
Other records (school. curator)	18	7.1	47	21.3	72	28.4
Psychological and Pedagogical Counselling records	12	4.7	22	8.7	34	13.4

^a More norm-referenced tests were used in the sample. but their quantities were minimal. For example: ACL (N = 2); BHI-12 (Basic Hope Inventory by Trzebiński. Zięba) (N = 4); CISS (N = 4); EAS Temperament Survey (N = 5); FCB-TI (Formal Characteristics of Behavior-Temperament Inventory by Strelau. Zawadzki) (N = 1); SES (N = 8); STAI/STAIC (N = 11).

^b The full names of the tools in alphabetical order by acronym are as follows: EPQ-R (Eysenck Personality Questionnaire Revised); IVE (Eysenck Impulsiveness

Questionnaire); NEO-FFI (NEO-Five Factor Inventory); SEG (Anger Expression Scale by Ogińska-Bulik, Juczyński); SUI (Interpersonal Behavior Scale by Stanik).

^c There was used only Incomplete Sentences Blank by J. B. Rotter.

^d The Tree-Drawing Test (N = 6); Family-Drawing Test (N = 11); The Draw-A-Person-in-the-Rain Test (DAP-R) (N = 7).

In Poland there are currently no tools which could be classified as Forensic Assessment Instruments (FAIs), and which could be used in facilitating court proceedings.⁵ With regards to the here presented diagnostic methods (see Table 1), the most fundamental research methods are used most commonly: observation (75.1%), observation of relations between subjects being studied, i.e. the juvenile and his/her parent or guardian (33.6%), interview of the juvenile (32%) and persons who accompanies the juvenile during the study (20.3%) – most often it is one of the parents or a legal guardian. These results are not surprising since the specificity of the work performed by a psychologist is founded on the observation of a person, and on conducting guided interviews directed at the object of the diagnosis. What is surprising is the fact that not all of the 253 analysed expert opinions featured the above diagnostic methods, which may point to a lack of precision on part of the psychologist while formulating a written opinion. Saying that psychologist's interaction with the juvenile was limited to the latter filling in questionnaires and the former analyzing case files would be difficult to defend.

We have noticed a significant number (N = 22) of different questionnaires primarily used to rate different personality traits, featuring a diverse range of variables being measured. Questionnaires which were used most frequently are: (1) EPQ-R (33.6%) used to verify basic personality traits (neuroticism, extraversion-introversion etc.); (2) Who are you? [pl. *Jaki jesteś?*] (17%) measuring school anxiety and learning motivation (Me and my school, 12,6%); or (3) Crockett's Role Category Questionnaire [pl. *KKR*] evaluating family relations. The frequency with which the above tools were used is compatible with questions being posed by courts, which enquired about a juvenile's personality, learning motivations, and reasons for demoralisation (which often stem from the family environment), as well as what optimal measures should be taken, including the changing of family environment. Among other diagnostic tools there were also psychological projection techniques, mainly the Sentence Completion Test (47%), and select tools for intellectual and cognitive functions assessment (WISC-R, Benton, Bender and DUM, respectively). A particular source of information are case files (20.6%), Psychological and Pedagogical Counselling Offices' opinion

⁵ Some researchers have adapted tools used in legal proceedings from English to Polish (J.K. Gierowski – SAVRY; M. Rode – Criminal thinking styles by G. Walters; D. Rode – The Two Houses Technique – 2 HT by W. Szyryński). These adaptations however do not meet all of the criteria of a standardised tool.

(13.4%), and other documents (28.5%) (such as curatorial files and opinions, opinions from juvenile's school, curatorial interviews in juvenile's area of residence, Police reports, juvenile's medical files). Case files analysis conducted in the present study shows that this source of information is not frequently used. It is assumed that expert psychologists do not specify the review of case files in the contents of their opinion, subsuming case files to a broader category of documentation analysis. With regards to research tools requiring a direct involvement of the juvenile, 74.3% of analysed cases featured more than one such diagnostic tool.

The most common involved using two assessment tools (23.7%, $N = 60$, $D = 2$). Surprisingly, in 18 cases (7.1%), no tool requiring a direct involvement of the juvenile was used.

CONCLUSION

According to the JA, an expert opinion may be requested by the court in case when a comprehensive diagnosis of the juvenile's personality is required. This imprecise and enigmatic legal premise is difficult to interpret for both judges and experts. It does not however, prompt judges to formulate specific requests. A closer look at the sample suggests that courts express low expectations toward expert opinions. In almost every case the court did formulate questions for the expert psychologist (in the thesis) however, in one fourth of all analysed cases the court did not indicate in what form (written or oral) the expert is required to answer court questions, and in over 40% of cases the court did not provide the expert with a deadline by which the expert was to submit his/or her opinion. No experts were summoned to be interviewed at trial. In only two cases the court required a complementary opinion from an expert witness. In no case did the court require an opinion from a different expert psychologist. When an expert testimony is required, the court simply has limited abilities to evaluate expert opinions in juvenile cases, because the psychologist has expert knowledge which the court is lacking. In other words, an expert opinion is necessary when the court is dealing with a problem that, to be solved, requires psychological knowledge. When eventually reaching a final judgement, the court is obliged to assess all evidence. This includes an expert opinion, which is based on psychological knowledge that the court lacks. Therefore, in many instances the court limits the assessment to formal aspects of the opinion, rather than its merits. That does not mean that the court is powerless when it comes to opinion assessment when the opinion rises doubts. The court is allowed to interview the expert, to request a complementary opinion or even refer to another expert. Why courts in the present sample did not refer to those measures? It can be argued, that analysed opinions were transparent, comprehensive and

fully met court expectations. This argument however seems premature, given the results of the present research and other research on expert opinions in juvenile cases [Błażek and Pastwa-Wojciechowska 2009, 157-68; Ostaszewski 2010]. On the one hand, it seems more probable that courts refrain from an in-depth analysis of expert opinions due to the fact that judges feel incompetent to challenge expert opinions. On the other hand, the courts lack standards or guidelines according to which they should assess an expert opinion – no such principles are available.

This section describes a set of principles for psychological expertising. These principles hold considerable promise for improving the quality of forensic practice. According to Heilbrun (2001) criteria for forensic mental health assessment are organized in four steps: preparation, data collection, data interpretation and communication. Judges are not allowed to assist during expertise, therefore only the final opinion is then available. The principles for communication seem to be the most important.

Principle no 1. Professional education

Sufficient professional training, boundaries of psychologists' competencies, and factual bases are important factors for forensic assessment and for the quality of psychological expertise (i.e. skills, experience, knowledge) [Heilbrun, DeMatteo, and Marczyk 2004, 31]. As was pointed out in the Introduction, in Poland there are no universal criteria or determinants of relevance and completeness for research procedures employed by a psychologist.

Research actions taken by the expert are determined by the referral questions. In the analysed opinions the evidentiary content was formulated at a general level and in principle exhausts the expectations the court may have of the expert. The main object of the study done by an expert psychologist is the determination of the level of demoralisation of a juvenile, and the formulation of recommendations regarding corrective and/or educational measures to be enforced. Occasionally the court may express certain aspects in detail, referring to the specificity of the situation. For instance: “determine if a juvenile shows signs of demoralisation through missing school and self-harm, and if so, what are the causes, and when family situation, pedagogical opinion, and environmental enquiry is considered is there a need for enforcing an educational measure (what measure)” or “in order to determine the level of intellectual and emotional level of development, the level of demoralisation of the juvenile, his personality traits, if he is addicted to video games, what is his parents' position on juvenile's behavior, and to recommend appropriate educational measures.” Results show a strict connection between the JA, court questions to experts, and its determination of the object and direction of the study to be performed by the expert. Neither the

Act nor court questions differentiate between juvenile cases (demoralisation, delinquency) in terms of the referral content and the object of the diagnosis. In both types of cases the main objective of the study was to determine juvenile's level of demoralisation (77.8%), and to provide recommendations further work with the juvenile, including the enforcement of educational or corrective measures (71.9%). Other problem areas found in court questions, i.e. signs and reasons for demoralisation, diagnosis of juvenile's personality and family situation, while being important factor in determining the level of demoralisation, could only be found in one third of the analysed court referrals. Although much like in other justice systems [Bonnie and Grisso 2000, 73] rehabilitation, intervention, and treatment are priorities in the Polish justice system, the questions about therapeutic or medical measures are seldom found among court referrals. Juvenile proceedings should always be guided by the welfare of the juvenile, aiming at achieving positive changes in his/her personality and behavior. In this respect, therapeutic measures (psychological, pedagogical) may help a juvenile understand himself/herself. Such practice is more in line with other countries, where the fundamental areas of juvenile's diagnosis cover the evaluation of her psychosocial maturity, stage of development, the diagnosis of risk factors for violence and recidivism, the nature, extent and character of antisocial behaviours and general dispositions, i.e. emotional, behavioural, environmental problems [Otto and Borum 2003].

Principle no 2. Assessing legally relevant behavior

Confronted by such referral questions, experts most often formulated a general research problem (like the level of demoralisation, recommended course of action to avoid further demoralisation) which was studied through an analysis of events or phenomena specified in questions regarding, for example: personality factors, intellectual and emotional development (psychological predispositions), as well as specific deficits in educational attitudes of parents/guardians, educational errors or situational and environmental conditions. The starting point for formulating an expert opinion is answering whether psychological knowledge allows for diagnosing the problem defined in the court referral and reformulating it into psychological terms. The object of the study in juvenile demoralisation cases – in psychological meaning – is their motivation – why do they behave in a certain way, what are the influencing factors, and how to counteract the demoralisation. Diagnosing motivation and its conditioning factors in juveniles is difficult because of (a) a lack of conceptualization of psychological processes and mechanisms leading to demoralisation which would meet the criteria for a coherent model of variables, accounting for their functional correlations and covering all meanings commonly associated with the concept, (b) a lack of

methodological assumptions, of an approach which would correlate with the variety of research strategies applied in juvenile motivation studies, (c) an uncooperative attitude of juveniles, attempts to manipulate the psychologist or facts, (d) a lack of unanimous classification, indetermination of research methods and techniques, and a lack of universally accepted theoretical foundations. Due to these issues, the expert psychologist “walks on a wire” between the need for method standardization on the one side (characterized by the quantitative approach, aiming at increasing the reliability of research, and so arriving at a certain repetitiveness of results), and the need to adjust the tools to the subject (characterized by the qualitative approach, looking to improving the relevance of research, and so arriving at a more accurate characteristic of the subject). When determining the course of the diagnosis, the psychologist alone decides on the assessment tools. Given the qualitative analyses of court referral questions, we can see a variety of tools being selected with regards to the object of the study. This shows a significant freedom in choosing research methods, despite the similarity in the object of the study (court referral questions). This seems to be justified by the individuality and diversity of subjects (juveniles), while at the same time there is in the Polish research practice a lack of clear requirements for determining the correctness of application of a given research tool given the court referral being analysed. The 8 problem areas in juvenile cases (regardless of case category) specified by competent judges could be the starting point for developing a general set of research tools relevant to a specific problem area. This could be helpful not only for the experts but also for judges who need to determine the value of the expert opinion.

Principle no 3. Using case-specific (idiographic assessing), nomothetic evidences and scientific reasoning in assessing clinical and functional and causal mechanisms.

In instances where there is a need to extend the diagnosis due to the object and the extent of the court referral questions, a presentation of correctness of application of other research methods would be justified. The variety of research tools used by psychologists identified in this study is similar to the results of Neal and Grisso [Neal and Grisso 2014]. This is not detrimental to the diagnoses, but rather points to specialists employing individual approaches and choosing the most appropriate tool for hypotheses verification. Conversely, a lack of normalized approach may have an impact on evaluation, causing inconsistencies in results. This elasticity in choosing research methods is troublesome also for the decision makers in the proceedings. The age of the juvenile is a significant filtering factor in the choice of research tools. For juveniles younger than 10 years, the psychologist is obliged to base their decisions on observation, and an interview with a

juvenile, and/or her parent/guardian. In some such cases projection techniques are also allowed, however due to a lack of standardization and normalization of Polish versions of these techniques their results should not be admissible as part of an expert psychological opinion in court. It is worth pointing out that some tools were used rarely, in only a few cases, which may point to the specificity of the case being evaluated. It is probable that the referral questions determined the scope of the juvenile's diagnosis, which extended beyond the standard evaluation of the level of demoralisation and recommended measures, and was conditioned by individual characteristics of the subject. It is reassuring to note that most of the employed research tools, apart from projection techniques, met the psychometric properties.

Principle no 4. Communication

The opinion should attribute all information about juvenile delinquents (their intellectual, cognitive and social functioning) by specific sources. It helps to keep consistency and arise the credibility the given information. The opinion should document the basis for an expert's testimony. According to Heilbrun's suggestions, the opinion should be divided into sections according to diagnostic procedure and model. It is a good practice the opinion includes sections on referral information (nature of evaluation, information concerning the juvenile delinquents, by whom it was ordered), procedures (time and date of evaluation, tests used, procedure used), sources of information, relevant history (it contains information describing areas important to the evaluation. In juvenile cases, the important area of evaluation are following (for example): intellectual and moral functioning, family problems, family experiences, current clinical functioning concerning mood, appearance (adequacy), behavior during evaluation etc., relevant functional legal capacities (e.g. level of demoralization), and conclusions.

The research results presented in this paper make it possible to recognize forensic psychological practice in the context of juvenile court proceedings in Poland, and are valuable in offering a promising outline of possible standardized guidelines for expert psychologists as well as judges. The results underscore the important relationship between courts and psychologists in Poland. Forensic psychologists contribute to better understanding of juvenile minors'/delinquents' behavior, which helps judges make appropriate legal decisions. Therefore, developing standards in forensic psychological assessments and offering guidance may contribute to the positive development of Polish expert opinion practice.

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