

# The Psychological Architecture of Evidence: The Cenei Case and a Hybrid Model for Juvenile Forensic Assessment

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## ABSTRACT

**Objective:** This article critically examines current methodologies for psychological assessment of juvenile perpetrators of serious crimes within the Romanian legal framework, using the Cenei homicide case as a focal point. It argues for a fundamental paradigm shift from a binary, fact-discovery model to a process-oriented "psychological architecture of evidence" framework that acknowledges the active role of the assessment setting in shaping forensic narratives.

**Method:** The research employs a multi-method qualitative approach integrating: (a) critical theoretical synthesis across developmental neuroscience, reconstructive memory research, suggestibility studies, and psychodramatic theory; (b) an in-depth instrumental case study of the Cenei homicide analyzing group dynamics and discernment assessment challenges; and (c) normative-procedural design of a structured hybrid assessment protocol with operational tools including the Triage and Sequencing Sheet.

**Results:** The analysis reveals three fundamental findings. First, the forensic assessment setting functions as an epistemic laboratory that induces a modified state of consciousness characterized by hyper-focused attention and degraded reality monitoring, creating structural conditions for memory contamination independent of examiner intent. Second, the Cenei case demonstrates the categorical inadequacy of binary discernment models, revealing instead that volitional capacity operates as a functional continuum attenuated by synergistic interactions between neurodevelopmental immaturity, coercive group dynamics, and substance-induced disinhibition. Third, the proposed sequential hybrid protocol—separating clinical profiling (Phase A), structured investigative interviewing (Phase B), and integrative forensic analysis (Phase C)—provides a transparent framework for managing architectural risks while preserving the interpretive depth necessary for clinically meaningful assessment.

**Conclusions:** The Romanian juvenile justice system must institutionalize a self-aware, architectural practice wherein experts function as conscious architects of the assessment process. This requires mandatory adoption of sequential hybrid protocols, implementation of transparency tools such as the Triage and Sequencing Sheet, systematic training in both empirical-forensic and clinical-hermeneutic methods, and development of national guidelines codifying developmentally-sensitive, continuum-based discernment assessment.

**Public Significance Statement:** This study provides an empirically-grounded framework for transforming juvenile forensic assessment from an unreliable art to a transparent scientific practice. By enhancing the methodological rigor and ethical integrity of evaluations for young offenders, it supports judicial decisions that accurately account for developmental vulnerability, protects minors' rights during the assessment process, and strengthens the probative value of expert testimony in juvenile justice proceedings.

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## Keywords

Juvenile offenders, Forensic psychological assessment, Psychological architecture of evidence, Discernment continuum, Group crime dynamics, Hybrid assessment model, Cenei case, Suggestibility, Reconstructive memory, Developmental neuropsychology.

## Introduction: The Crisis of Paradigms in Assessing Juvenile Violent Offenders

### The Intersection of Law and Human Development

The forensic psychological assessment of minors who commit acts of extreme violence represents one of the most formidable challenges at the intersection of law and human development [1,2]. The justice system demands clear, actionable answers regarding criminal responsibility, intent, and future risk. Psychology, in turn, is tasked with providing these answers by examining a subject defined by inherent fluidity: the adolescent mind, a system in continuous development, uniquely vulnerable to social influence, emotional overwhelm, and contextual pressures [1,3]. This fundamental tension between law's need for categorical certainty and psychology's appreciation of developmental contingency creates an epistemic fault line running through the heart of forensic practice.

In Romania, this challenge is further complicated by a professional practice navigating a deep-seated methodological schism that remains largely unacknowledged in formal training and unaddressed in professional standards. On one side lies a powerful hermeneutic-clinical tradition, inherited from strong schools of dynamic psychology that dominated Romanian clinical training throughout the late twentieth century. This paradigm values depth, narrative understanding, and the symbolic interpretation of the individual's inner world, utilizing projective techniques, unstructured clinical interviews, and interpretive approaches that prioritize meaning-making over measurement [4]. Its practitioners develop rich, nuanced understandings of the young person's psychic reality, family dynamics, and unconscious conflicts.

On the other side, the imperatives of modern evidence-based justice and international standards—including EU Directive 2012/29/EU establishing minimum standards on victims' rights, the United Nations Convention on the Rights of the Child [2], and the evolving case law of the European Court of Human Rights—demand procedural rigor, empirical validation, and transparency. These qualities are embodied in structured investigative protocols, standardized psychometric tools, and empirically-validated risk assessment instruments [5-7]. The contemporary forensic psychologist must demonstrate not only clinical competence but also methodological defensibility, with conclusions that can withstand adversarial scrutiny.

### The Current State of Practice: Oscillation Between Poles

Current Romanian practice often oscillates uneasily between these poles, producing assessments of variable and often questionable quality. An expert might weave profound clinical insights with speculative interpretations, producing a report rich in narrative

depth but frail in its forensic defensibility—a document that illuminates the minor's inner world but fails to address the specific legal questions with the precision the court requires. Another practitioner might rigidly apply a checklist of tests, generating a sterile, decontextualized profile that reports scores without synthesis, numbers without narrative, and fails to capture the human dynamics of the crime, offering little utility for sentencing, treatment planning, or rehabilitation [8].

This inconsistency is not merely an academic concern or a matter of professional aesthetics. It carries grave practical consequences for the minors assessed, for the integrity of judicial proceedings, and for public confidence in both psychological and legal institutions. In the delicate ecology of the assessment session, an unstructured, suggestive approach can contaminate a minor's memory, embed post-event information, and lead to a co-constructed narrative that bears little resemblance to the original event [9,10]. This process can amount to a form of secondary victimization, where the quest for truth re-traumatizes a young individual already vulnerable from their involvement in serious violence. The power imbalance inherent in the forensic context—a minor facing an authority figure in a setting charged with legal significance—amplifies these risks exponentially [11].

Conversely, an excessively mechanistic evaluation can alienate a frightened or resistant adolescent, shutting down communication entirely and yielding no useful information at all. The minor who experiences the assessment as cold, impersonal, or judgmental may retreat into silence, provide minimal responses, or actively distort information to terminate the interaction. In such cases, the resulting report may be technically complete but substantively empty—failing to capture the psychological realities that the court requires for just decision-making [8].

### The Erosion of Probative Value

Ultimately, such practices erode the probative value of psychological expertise in the eyes of the court, reducing it from a scientific discipline to an unreliable art form [5,11]. When judges encounter expert reports that are internally inconsistent, methodologically opaque, or obviously influenced by the examiner's theoretical preferences rather than the minor's actual psychology, they may discount psychological evidence entirely or, worse, rely on it without understanding its limitations. This dual problem—both the overvaluing of unreliable expert opinions and the undervaluing of sound psychological evidence—undermines the legitimacy of judicial decisions affecting minors' lives and liberties.

The problem is compounded by the absence of standardized national guidelines for forensic psychological assessment of minors in Romania. Unlike jurisdictions with established forensic psychology specialty guidelines [12] or comprehensive practice manuals [8], Romanian practitioners operate without clear professional consensus on minimal methodological standards, acceptable instruments, or reporting requirements. This lacuna leaves individual experts to develop their own practices based on personal training, theoretical preferences, and clinical intuition—a

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situation that produces unacceptable variability in the quality and reliability of assessments.

### **The Need for Fundamental Reconceptualization**

This article argues that resolving this crisis requires more than incremental improvements to current practice—it demands a fundamental reconceptualization of the assessment process itself. We propose moving from a model of discovery—where the expert is conceived as a neutral archaeologist carefully unearthing a pre-existing psychological "truth" buried within the minor's psyche—to a model of conscious architecture. This "psychological architecture of evidence" framework posits that the assessment session is not a passive observation window onto psychological reality but an active epistemic laboratory, a specially constructed space where psychological reality is not simply found, but dynamically shaped through the interaction of multiple forces.

Within this laboratory, the interaction between the expert and the minor, the chosen methods and their sequence, the physical setting and its symbolic meanings, and the very structure of the encounter all participate in co-producing the narrative that will later be presented as evidence. The expert, therefore, is not a passive observer or neutral technician but an active architect and director of this process, wielding significant, often unacknowledged, influence over its outcome. This influence is not inherently problematic—indeed, skilled experts use their architectural power to create conditions for accurate, complete, and ethically-obtained information. The problem arises when this power operates unrecognized, unexamined, and unmanaged.

### **The Cenei Case as Critical Lens**

To ground this theoretical shift in the stark reality of forensic practice, this article employs an in-depth analysis of a paradigmatic case: the brutal group homicide committed by adolescents in Cenei, Timiș County, Romania. This case serves as a critical lens, a "stress test" for existing methodologies that exposes their limitations with unusual clarity. It encapsulates the extreme complexities inherent in assessing juvenile perpetrators of serious violence: severe, life-taking violence; potent and coercive group dynamics; potential substance involvement; differential participation among co-defendants; and the daunting task of differentiating individual culpability within a collective act where responsibility is distributed and emergent.

Through the Cenei case, we pursue four central objectives that structure the argument of this article:

First, to deconstruct the legal-psychological construct of discernment (*capacitatea de înțelegere și voință*) as operationalized in Romanian criminal law, arguing for its fundamental redefinition from a binary legal checkbox into a multidimensional, neuropsychologically-informed continuum of functional capacity that better reflects both developmental science and the phenomenological realities of adolescent decision-making in high-stakes situations.

Second, to analyze the critical role of psychosocial vulnerability—

particularly susceptibility to group pressure, interrogative suggestibility, moral disengagement mechanisms, and the synergistic interaction of multiple vulnerability factors—in facilitating criminal action by minors and in shaping their capacity to provide accurate accounts of their involvement.

Third, to examine the structural risks inherent in the assessment process itself, demonstrating how the forensic setting can inadvertently become a mechanism for memory contamination, narrative construction, and the production of evidence that reflects the assessment process as much as the original events.

Fourth, to propose and detail a comprehensive, sequential hybrid methodological framework for forensic assessment. This framework is specifically designed to manage the architectural power of the session consciously, ensuring ethical integrity, procedural transparency, and the generation of psychological evidence that is simultaneously scientifically robust, clinically meaningful, and forensically actionable.

### **Article Structure**

The article proceeds as follows. Section 2 articulates our methodological positioning, epistemological commitments, and acknowledges the inherent limits of this study. Section 3 develops the theoretical foundations of the psychological architecture framework, integrating research on reconstructive memory, suggestibility, altered states of consciousness, and psychodramatic surplus reality. Section 4 presents the Cenei case in detail, deconstructing its psychological dimensions and demonstrating the inadequacy of traditional assessment approaches. Section 5 proposes the integrated hybrid assessment model, complete with operational tools including the Triage and Sequencing Sheet. Section 6 examines the systemic implications of this model for professional training, legal practice, and public policy. Section 7 concludes by synthesizing the argument and charting a path toward institutional reform.

In doing so, this article aims to provide not merely a critique of current inadequacies but a constructive blueprint for evolving the practice of psychological assessment in juvenile justice toward greater reliability, validity, ethical fidelity, and ultimately, justice for the minors who come before the courts and for the communities they have harmed.

### **Methodological Positioning and Epistemological Limits Research Paradigm and Approach**

This study is situated within the paradigm of qualitative, critical-theoretical, and applied research [13]. Its primary aim is not hypothesis testing through quantitative means or the generation of nomothetic predictive models, but rather the elaboration, critique, and normative proposal of conceptual and procedural frameworks within a specific socio-legal context. The methodology is explicitly integrative and pragmatic, designed to bridge the persistent and damaging gap between theoretical knowledge and clinical practice that characterizes much of contemporary forensic psychology.

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The research is built upon a tripartite methodological foundation that reflects the complexity of the subject matter and the need for multiple forms of inquiry:

### **Critical Theoretical Synthesis and Doctrinal Analysis**

We conduct a comprehensive synthesis of relevant theoretical and empirical frameworks from multiple disciplines, integrating knowledge that is typically fragmented across specialized literatures. This synthesis includes: the psychology of reconstructive memory and its implications for forensic interviewing [9,10,14]; suggestibility research, particularly as it applies to vulnerable populations in interrogative contexts [9,15]; psychodramatic theory and the concept of surplus reality as developed by Moreno [16] and subsequently elaborated in experiential psychotherapy; developmental social neuroscience, particularly regarding adolescent brain maturation and its implications for psychosocial vulnerability and decision-making capacity [1,3,17]; evidence-based forensic interview protocols, especially the NICHD Investigative Interview Protocol and its adaptations [5-7]; risk-needs-responsivity models of offender assessment and rehabilitation [18]; and the Romanian legal framework for juvenile justice, expert evidence, and criminal procedure.

This synthesis is not merely additive but genuinely integrative. It identifies points of convergence and tension across these diverse literatures, using their intersections to construct the "architectural" lens through which the assessment process is analyzed. The goal is not eclecticism for its own sake but theoretical integration that yields practical insights unavailable from any single disciplinary perspective.

### **Instrumental, In-Depth Case Study**

The Cenei homicide is analyzed as an instrumental case study in the tradition of qualitative case study methodology [13]. Its selection is purposeful rather than random; it embodies the extreme complexities that most acutely expose the limitations of current assessment models and theoretical frameworks. As an instrumental case study, the Cenei case is examined not for its unique or idiosyncratic features but for its capacity to illuminate underlying mechanisms and principles applicable to other serious juvenile crimes [13].

The case data is derived from multiple sources: public court records and published decisions; doctrinal legal commentary analyzing the case; media reports contemporaneous with the events and subsequent legal proceedings; and psychological literature on group violence and juvenile homicide. This material is reconstructed here in a composite, anonymized form strictly for analytical and illustrative purposes, with all identifying details modified to protect the privacy of the individuals involved while preserving the essential criminological and psychological features of the case.

The case is examined not for statistical generalizability—a criterion inappropriate for qualitative case study research—but for theoretical transferability [13]: the degree to which the insights

generated from this case can inform understanding of other cases sharing similar structural features. The detailed analysis of group dynamics, differential participation, and assessment challenges in Cenei provides a template for analyzing these phenomena in other contexts.

### **Normative-Design and Tool Development**

Following the analytical and critical phases, the research engages in normative design. It does not stop at identifying problems but proceeds to construct and propose concrete, operational tools intended for practical implementation by forensic practitioners. The centerpiece of this design effort is the "Triage and Sequencing Sheet for Juvenile Forensic Assessment," a structured protocol document that guides the expert through the sequential phases of assessment while documenting methodological decisions and their justifications.

This design work bridges the gap between critical reflection and actionable reform, offering a tangible alternative to the criticized status quo. The proposed tools are presented not as final products requiring uncritical adoption but as prototypes requiring further refinement through practice-based evidence and empirical validation.

### **Epistemological Commitments**

The research is underpinned by a constructivist-leaning perspective on the production of forensic psychological knowledge. It views the expert report not as a discovered objective truth—a mirror reflecting pre-existing psychological reality—but as a co-constructed narrative shaped by multiple forces: the interactional dynamics of the assessment session, the chosen methodological architecture, the expert's theoretical lens and personal characteristics, the minor's motivations and capacities, and the broader legal context that frames the entire enterprise.

This stance acknowledges the inherently interpretative layer of psychological expertise applied in a legal context, moving away from a naive positivism that imagines psychological facts as simply waiting to be uncovered by a sufficiently skilled observer. However, this constructivist orientation does not imply epistemic relativism or the abandonment of scientific standards. Rather, it demands greater methodological rigor and transparency precisely because we acknowledge that psychological evidence is constructed, not discovered. The appropriate response to the constructed nature of forensic knowledge is not despair or the abandonment of objectivity as a goal, but rather the development of procedures that make the construction process visible, accountable, and subject to critical scrutiny [19].

### **Acknowledged Epistemological Limits and Delimitations**

Any research undertaking of this scope must acknowledge its inherent limits and delimitations. We identify five categories of limitations that qualify the claims made herein:

### **Context-Bound Nature of the Proposal**

The model and its proposed tools are meticulously designed for

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the specific contours of the Romanian legal system, professional culture, available resources, and jurisprudential traditions. Key elements—including the conceptualization of discernment as a legal construct, the specific instruments recommended, the procedural requirements for expert evidence, and the institutional structures within which assessment occurs—are grounded in Romanian realities. While the core principles of the framework—architectural awareness, sequentiality, hybridization, transparency—possess universal relevance transcending national boundaries, the precise procedural instantiation requires careful adaptation for other jurisdictions. Practitioners in other legal systems must map the framework onto their own legal categories, available instruments, and institutional constraints.

### **Provisional Validation Status**

The integrated hybrid model is a novel procedural framework, albeit one grounded in established scientific evidence from its constituent fields. Its efficacy in tangibly improving assessment accuracy, judicial utility, child protection, and ultimately, outcomes for minors in the justice system requires future empirical validation that this article alone cannot provide. This calls for a comprehensive research agenda including: longitudinal implementation studies tracking the effects of protocol adoption on report quality and judicial decision-making; comparative analyses of expert reports pre- and post-adoption using standardized quality rating instruments; systematic feedback from legal professionals (judges, prosecutors, defense attorneys) regarding the utility and comprehensibility of reports produced under the new framework; and ultimately, outcome studies examining whether improved assessment practices lead to better decisions and improved life trajectories for the minors assessed [20,21].

Pending such validation, the model is offered as a theoretically-grounded, ethically-defensible proposal requiring empirical testing—not as a final solution but as an evidence-informed hypothesis about better practice.

### **The Irreducible Role of Expert Judgment**

This model does not seek to eliminate clinical judgment, interpretive skill, or the art of therapeutic engagement. Such elimination would be neither possible nor desirable. Rather, the framework seeks to structure and inform this judgment within a reflexive, transparent, and scientifically-grounded container that makes its operations visible and accountable. The expert's skill in building rapport with a frightened or hostile adolescent, observing and interpreting nonverbal communication, synthesizing complex and sometimes contradictory data, and communicating findings in ways that are both scientifically accurate and practically useful to legal decision-makers remains absolutely paramount [8].

The framework aims not to replace these skills with a mechanical checklist but to make the exercise of judgment more visible, defensible, and ethically managed. It provides scaffolding for judgment, not a substitute for it.

### **Limitations of the Case Study Method**

As an instrumental case study, the analysis of the Cenei homicide provides deep insight into specific mechanisms and dynamics but cannot support generalizations about all juvenile homicides or all group crimes. The value of the case lies in its illustrative and theory-building capacity, not in its statistical representativeness. Readers must exercise judgment in determining which aspects of the analysis transfer to other cases and contexts.

### **Disciplinary Scope**

The analysis focuses on psychological assessment and does not address in detail other crucial aspects of juvenile justice, including policing practices, prosecutorial discretion, defense representation, judicial decision-making, correctional interventions, or community reintegration. These topics are addressed only insofar as they directly intersect with assessment practice.

### **Quality Criteria**

In keeping with qualitative research standards [13], this study should be evaluated using criteria appropriate to its paradigm: credibility (the plausibility and internal coherence of the analysis); transferability (the provision of sufficient detail to enable readers to assess applicability to other contexts); dependability (transparency about the research process and its theoretical underpinnings); and confirmability (grounding of interpretations in evidence and acknowledgment of alternative perspectives). We invite readers to apply these criteria in assessing the arguments that follow.

By openly stating these epistemological commitments and acknowledged limits, this article positions itself as a contribution to an ongoing, reflective practice—a proposal for a more rigorous and ethical way of building psychological evidence, fully aware of the complexities and responsibilities involved in this delicate work at the intersection of science, law, and human lives.

### **The Psychological Architecture of the Forensic Assessment Setting**

#### **The Assessment Room as an Epistemic Laboratory**

To understand why cases involving serious juvenile violence demand a fundamentally new approach to assessment, we must first deconstruct the environment in which the assessment takes place. The "psychological architecture of evidence" framework proposes that the expert's office is not a neutral observation room, not a transparent window onto psychological reality, but rather a generative system, an active epistemic laboratory with its own operational laws and constraints that actively shape the nature and quality of its final product.

A minor entering the expert's cabinet undergoes a significant and often unrecognized psychological transition. They leave the familiar flow of ordinary consciousness—with its diffuse attention, multiple simultaneous concerns, and groundedness in ongoing life—and enter a ritualistic, high-stakes space specifically dedicated to the examination of a painful past under the authoritative gaze of legal power. This transition is marked by multiple converging factors that together create a unique psychological field.

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### **The Elements of Architectural Transformation**

The physical setting itself carries symbolic weight. The expert's office, with its specific arrangement of furniture, its professional diplomas on the wall, its testing materials and recording equipment, its relative sensory isolation from the outside world, all communicate that this is a space apart—a place where ordinary rules are suspended and a special kind of discourse is required. This physical arrangement functions as what Goffman would term a "social institution," framing the interaction in ways that shape participants' expectations and behaviors.

The focused dyadic interaction with an authority figure compounds this transformation. The minor sits face-to-face with an adult who embodies institutional power, who will evaluate them, who will produce a document that may significantly influence their future. This power imbalance is not merely a matter of social roles but is encoded in the very structure of the interaction: the expert asks questions, the minor answers; the expert interprets, the minor is interpreted; the expert writes, the minor is written about.

The coercive attention on a potentially traumatic event further intensifies the psychological pressure. The minor is asked to direct their cognitive and emotional resources toward the detailed reconstruction of an experience that may be shameful, frightening, or deeply painful. This attention is not casual or diffuse but focused and sustained, maintained by the expert's questioning and the minor's awareness of the legal stakes.

These elements synergize to create conditions ripe for inducing a specific, non-pathological psychological state that has been described in the consciousness literature as a "dramatic reduction of the conscious field" [22]. The expert, by virtue of role and the structure of the setting, becomes a "director of attention," actively channeling the subject's cognitive and emotional resources toward a single, intensely-focused target: the narrative reconstruction of the event-in-question.

### **The Expert as Director of Attention**

This directorial function is not merely metaphorical. The expert makes continuous decisions—often intuitive and unexamined—that shape what the minor attends to and for how long. The phrasing of the first question, the tone of voice employed, the tolerance for silence or expressions of uncertainty, the decision to probe certain details while passing over others, the encouragement or discouragement of emotional expression, all of these micro-interventions cumulatively construct a particular path through the terrain of memory and meaning.

This is not inherently problematic. Skilled experts use their directorial capacity to create conditions that facilitate accurate, complete recall while protecting the minor from undue distress or suggestive influence. The problem arises when this directorial function operates unrecognized and unexamined—when the expert imagines themselves as merely receiving information that the minor independently produces, rather than actively participating in its construction.

### **Key Cognitive Mechanisms in the Laboratory**

Two interrelated cognitive mechanisms are central to this architectural process. Understanding these mechanisms is essential for both recognizing the power of the assessment setting and developing procedures that manage this power ethically and effectively.

### **Piloted Attention and Hyper-Focus**

Attention is the gateway to conscious content—the selective process that determines which of the infinite stimuli potentially available to consciousness will actually become the focus of awareness and cognitive processing. In the assessment cabinet, the expert exercises significant control over this gateway. Instructions such as "Close your eyes and tell me everything you see when you think about that night" or "Try to hear the sounds again in your mind, tell me what you hear" serve to hyper-focus the subject's attention on specific sensory channels and specific moments in time.

This technique of directed attention is necessary for eliciting detailed recall—a phenomenon known in the memory literature as hypermnnesia, where repeated retrieval attempts can produce additional accurate information not reported in initial accounts. However, this benefit comes at a significant cost: the intense focus on internally-generated imagery degrades reality monitoring capacity.

Reality monitoring refers to the set of cognitive processes by which individuals distinguish between memories derived from external perception (actually experienced events) and memories derived from internal generation (imagined events, dreams, fantasies, or suggestions) [23]. These processes are not automatic but require attentional resources. When attention is fully absorbed by the "mental film" of the event being recalled, when the subject is deeply immersed in the sensory and emotional re-experiencing of the past, they have fewer cognitive resources available for the source monitoring function that would normally vet emerging images and details.

Consequently, a subtle suggestion embedded in an expert's question—"It was dark outside, wasn't it?" or "You must have been terrified when he pulled the knife"—can be seamlessly integrated into the unfolding mental scene and later reported as an authentic sensory memory, complete with perceptual detail and subjective conviction. This state of heightened suggestibility is not a pathology of the subject, not evidence of particular vulnerability or compliance, but a structural condition of the assessment session itself—a predictable consequence of the way attention is directed and cognitive resources are allocated under the conditions of intensive forensic inquiry [9,10,15].

### **Reconstructive Memory Under Interrogative Pressure**

The classic model of memory as a faithful recording device, analogous to a videotape that can be played back with varying degrees of completeness but essential accuracy, has been decisively overturned by decades of cognitive research. The work

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of Elizabeth Loftus and her colleagues [10], along with a vast body of subsequent research [14], demonstrates that episodic memory—memory for specific events—is fundamentally reconstructive rather than reproductive.

Remembering is not retrieving a stored file from a mental archive but actively rebuilding a story from mnemonic fragments, using multiple information sources: the fragments themselves, general knowledge about how the world works, logical inferences about what must have happened given what is remembered, schemas about typical events of that type, emotional responses and their associated meanings, and information encountered after the event itself. This reconstructive process is not a defect of memory but its normal mode of operation—the way a dynamic, adaptive cognitive system creates usable representations of the past from limited stored data.

In the pressure cooker of the forensic assessment, multiple factors powerfully activate this reconstructive mechanism. The demand for a coherent, complete, and satisfactory narrative—one that answers the implicit question "what really happened?" in a way that makes sense to both the minor and the expert—creates powerful pressure toward narrative closure. Gaps in memory, which are inevitable given the nature of encoding and retention, are experienced as problematic absences that must be filled. The material that fills these gaps is drawn from multiple sources: general knowledge about similar events, logical inferences about causal sequences, information gleaned from discussions with co-defendants or family members, media reports about the crime, and the implicit or explicit suggestions embedded in the expert's questions.

Under conditions of absorption in the mental scene and weakened source monitoring capacity, this supplementary material receives what Johnson [23] terms the "seal" of authentic recollection. The subject experiences the reconstructed narrative as genuine memory, complete with the subjective qualities—sensory detail, emotional resonance, contextual associations—that distinguish perceived from imagined events. Confabulation in this context is not lying, not deliberate deception, but a normal product of a cognitive system operating under conditions of extreme constraint and high demand for coherent output.

### **The Phenomenological Container: Morenian Surplus Reality**

While cognitive mechanisms explain how memory reconstruction happens under forensic conditions, the psychodramatic concept of "surplus reality" [16] explains the phenomenological space in which this reconstruction occurs and the transformative quality it can assume.

### **The Concept of Surplus Reality**

Moreno, the founder of psychodrama, developed the concept of surplus reality to describe a realm beyond both concrete reality (what actually happened) and fantasy reality (pure imagination). Surplus reality is the space of the possible—of re-enactment, of exploring what might have been, of giving voice to unexpressed feelings, of rehearsing alternative responses, of fulfilling unfulfilled

desires and achieving catharsis. In psychodramatic practice, the therapeutic stage becomes a container for surplus reality, a protected space where participants can explore dimensions of experience inaccessible in ordinary life.

### **The Forensic Cabinet as Surplus Reality Container**

Translated to the forensic setting, the assessment cabinet becomes such a container for surplus reality, though with purposes very different from therapy. The minor is not asked to recite a memorized script, to report a story they have previously constructed and can simply repeat. Rather, they are invited—or compelled by the structure of the situation—to re-enter the scene, to re-live, to contact again the sensory, emotional, and relational dimensions of the event.

The hard phenomenological distinction between "then and there" (the original event) and "here and now" (the assessment session) begins to blur. The minor speaks in the present tense, experiences emotions appropriate to the event rather than the session, may gesture or position their body as they did during the crime. The expert, through questioning techniques, empathic attunement, and the maintenance of a containing presence, co-creates this surplus reality container, enabling emotional and sensory re-actualization that goes far beyond simple verbal report.

### **The Paradox and Peril of Surplus Reality in Forensic Contexts**

The implications of this phenomenological transformation are paradoxical and fraught with peril for forensic practice. On one hand, this controlled immersion can facilitate access to deeper layers of memory, to affective and sensory details frozen in purely narrative recall. The minor who simply reports "I was there" may access little usable information; the minor who re-enters the scene may provide details of perception, action, and interaction that are essential for understanding what occurred.

On the other hand, the surplus reality container exponentially increases the risk that the subject will confuse multiple sources of experience: desire (what they wished had happened), fear (what they feared would happen), regret (what they now wish had happened differently), or subsequently elaborated hypothetical scenarios (what they have imagined might have happened) with the initial factual reality. The boundary between re-experiencing and confabulation, between exploratory re-enactment and retroactive contamination, becomes dangerously thin—easily crossed without either participant recognizing the transition.

The expert working within this framework must function as a constant monitor of the subject's level of "warm-up" and immersion, to use Moreno's terminology. They must track not only the content of what is said but the phenomenological mode in which it is being experienced. When does exploration become construction? When does immersion become confusion between past and present, between actual and imagined? The expert is tasked with preventing the loss of contact with present reality—the threshold beyond which assessment inadvertently becomes a distorting therapeutic intervention that produces psychological

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material bearing an unknown relationship to historical events.

### **The Expert as Conscious Architect**

In light of these mechanisms—the structural induction of modified consciousness, the degradation of reality monitoring under hyper-focused attention, the reconstructive nature of memory under pressure, the creation of a surplus reality container—the expert's role is radically reframed. They are no longer a mere test administrator, no longer a passive receiver of information that the minor independently produces, no longer a neutral scribe recording pre-existing psychological facts.

They become, instead, an active architect whose every methodological choice influences the final form and content of the evidentiary construct. The phrasing of the first question, the tone of voice employed, the tolerance for silence and expressions of uncertainty, the decision to probe certain details while passing over others, the insistence on sensory specifics, the encouragement or containment of emotional expression—all of these are structural elements that direct attention, modulate the state of consciousness, shape the reconstructive process, and influence the nature of the surplus reality that emerges.

In Morenian terms, the expert is the director of the scene playing out in the surplus reality of the office. They hold the frame, set the boundaries, establish the rules of engagement, and guide the protagonist through the terrain of memory and meaning. This is not a metaphor but a precise description of the expert's functional position in the phenomenological field of the assessment.

### **The Ethical Imperative of Architectural Awareness**

This awareness of architectural power is the ethical bedrock of the new practice we propose. To ignore this power, to proceed as if the expert were simply a neutral observer and the assessment setting a transparent window onto psychological reality, is to conduct an uncontrolled experiment with human lives as the subjects. It is to risk producing evidence that reflects the assessment process as much as—or more than—the events it purports to represent, while remaining blind to this contamination.

The conscious architect, by contrast, accepts responsibility for their influence and builds procedures that make this influence visible, manageable, and ethically accountable. They do not pretend to be neutral observers but strive to be transparent about their role, their methods, and the limits of their conclusions. They recognize that the goal is not to eliminate their influence—an impossibility—but to exercise it deliberately, skillfully, and in ways that serve the truth-seeking function of the legal process while protecting the rights and well-being of the minor being assessed.

### **Implications for Practice**

This architectural understanding carries specific implications for how assessment should be conducted:

First, the assessment must be recognized as an intervention that changes its subject. The minor who undergoes a forensic assessment is not the same person afterward. Their memory

has been accessed and potentially altered, their narrative has been shaped, their relationship to their own experience has been modified. This recognition imposes a duty of care that goes beyond mere non-maleficence.

Second, the assessment must be structured to make its architectural features explicit and accountable. This means documenting not only what information was obtained but how it was obtained—the questions asked, the techniques employed, the sequence of phases, the management of the relationship.

Third, the assessment must include procedures specifically designed to monitor and manage the architectural risks identified above: regular checks on the minor's phenomenological state, explicit re-anchoring in present reality, systematic protection against suggestive influence, and transparent documentation of the entire process.

Fourth, training for forensic examiners must include not only technical skills in test administration and interpretation but also architectural awareness—the capacity to observe and reflect on one's own role in shaping the assessment process and its products.

The psychological architecture framework does not make assessment easier; it makes it more demanding. It replaces the comfortable fiction of neutral observation with the challenging responsibility of conscious architectural practice. But in doing so, it offers the possibility of assessments that are more honest, more transparent, more defensible, and ultimately more just.

### **Deconstructing the Cenei Case: A Microcosm of Assessment Challenges**

#### **Case Presentation and Context**

The crime committed in Cenei, Timiș County, Romania, serves as a potent instrumental case study to test the resilience and adequacy of our assessment frameworks. It is not merely an instance of extreme youth violence, however tragic, but a natural laboratory that concentrates all the critical variables described by the architectural theory: neuropsychological immaturity interacting with extreme situational pressures, pathological group dynamics amplifying individual tendencies, potential psychoactive substance influence clouding cognition and volition, and immense judicial and public pressure on the evaluation process itself.

#### **The Events**

A group of adolescents from Cenei, a small locality in Timiș County, planned and carried out a collective assault with bladed weapons against another youth, resulting in the victim's death. The act was characterized by remarkable violence exceeding what might have been necessary to subdue or threaten, a degree of premeditation evidenced by the procuring or preparing of weapons in advance, and a differentiated involvement of group members suggesting varying degrees of initiation, participation, and restraint.

The victim, also a minor, was known to the perpetrators. The dynamics leading to the fatal encounter involved complex

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interpersonal history among the adolescents, including prior conflicts, status negotiations, and shifting alliance patterns typical of adolescent social worlds but carrying lethal consequences in this instance.

### **The Legal Questions**

From a legal standpoint, the questions posed to psychological experts focused on the discernment (*capacitatea de înțelegere și voință*) of each minor at the time of the offense, as well as an evaluation of the specific psychological vulnerabilities that could have modulated this capacity. Under Romanian criminal law, the presence or absence of discernment at the time of the act fundamentally determines the legal framework applicable to the minor and the range of potential dispositions [24,25].

Additional questions addressed the differential culpability of group members, the potential mitigating or aggravating role of substance use, and recommendations for appropriate educational measures or security responses should the minors be found responsible.

### **The Psychological Problematic**

The psychological questions raised by the Cenei case are vast, interconnected, and extraordinarily challenging for traditional assessment approaches. They can be organized around four core problematics:

#### **Assessing Discernment in a Group Context**

How does one isolate and evaluate individual volitional capacity when the action in question is not an individual act but an emergent product of a collective dynamic? The philosophical and legal construct of individual responsibility assumes a sovereign agent choosing and acting based on their own reasons and values. But in group contexts, particularly among adolescents for whom peer influence is developmentally amplified, the very notion of individual choice becomes problematic.

Conformity pressure in adolescent groups can be overwhelming. The fear of exclusion, the desire for status and belonging, the power of a leader's authority, the emergent group norm that defines certain actions as required or expected—these forces are not merely influences on a pre-existing individual will but forces that shape and constitute that will in the moment of action [1]. The adolescent in a group may not experience themselves as choosing among options but as responding to a situation that has already defined what must be done.

The expert asked to assess discernment in this context faces an almost impossible task if they rely on traditional individualistic models. They must somehow reconstruct, from after-the-fact interviews with individuals now separated from the group and facing serious legal consequences, what the phenomenological and volitional reality was for each participant in the heat of the collective action.

#### **The Impact of Group-Induced and Substance-Influenced Altered States**

The participants' psychological state prior to and during the act was

almost certainly not the neutral, reflective state assumed by legal models of rational choice. It was likely one of group agitation, what might be termed "group thrill"—the heightened arousal, diminished self-focus, and increased susceptibility to social influence that characterizes crowd behavior and collective action.

Group processes can induce a state of deindividuation, where normal self-regulatory mechanisms are attenuated and behavior becomes more responsive to immediate situational cues and group norms than to internal standards and long-term consequences [18]. In this state, individuals may engage in actions they would not consider alone, not because their values have changed but because the normal relationship between values and action has been temporarily disrupted.

Add to this the potential influence of alcohol or other substances, and the picture becomes even more complex. Alcohol is known to impair executive functions, particularly inhibitory control and the capacity to anticipate consequences. It narrows attention to immediate situational cues and reduces access to longer-term considerations. In the context of group arousal, these effects are compounded: the disinhibition produced by alcohol interacts synergistically with the disinhibition produced by group immersion.

How does the expert retrospectively assess the impact of this acute state on the minor's inhibitory control and capacity to anticipate consequences? How does one distinguish between state effects that temporarily overwhelmed capacity and trait characteristics that indicate enduring deficits? These questions resist easy answers from traditional assessment methods.

#### **Differentiating Roles and Degrees of Involvement**

Group dynamics in violent events almost always involve differentiation of roles. There is typically a leader or instigator who initiates the action, sets the tone, and perhaps directly commits the most serious violence. There are followers who participate but with less initiative and perhaps less commitment. There may be bystanders who are present but do not actively participate, or who participate minimally under pressure. There may be individuals who attempt to restrain others or who withdraw when violence escalates.

The psychological assessment must capture these role differences and the differential psychological vulnerabilities to influence that they reflect. The court requires not a portrait of a monolithic group—"the defendants"—but portraits of individuals with varying capacities, varying degrees of responsibility, and varying needs for intervention [8,12,21].

This requires the expert to map each minor's position in the group structure, their relationship to the leader and to other members, their history of involvement with the group, their motivations for participation, and the specific psychological characteristics that made them more or less susceptible to the group's influence. It requires, in other words, a fine-grained analysis that traditional assessment approaches, focused on individual pathology, are poorly equipped to provide.

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### **The Risk of Contaminating the Assessment Itself**

Finally, and most fundamentally from the perspective of this article, the assessment of Cenei participants was itself at risk from all the architectural mechanisms described in Section 3. Entering the expert's cabinet, these minors—now defendants facing potentially severe consequences—were exposed to the full force of the epistemic laboratory.

The pressure to provide a narrative that serves their interests is immense. Some will be motivated to minimize their involvement, to portray themselves as victims of the group rather than active participants. Others, perhaps identifying with the leader or with a narrative of toughness, may exaggerate their role. Still others may be genuinely confused about what happened, their memories fragmented and contaminated by post-event information from co-defendants, media, family discussions, and their own efforts to make sense of what they did.

The expert must navigate these turbulent waters without becoming an actor who contaminates the memory or shapes the narrative in ways that serve neither truth nor justice. This requires not only technical skill but deep awareness of the architectural power inherent in the assessment role.

### **The Failure of Binary Discernment: Towards a Functional Continuum Model**

Traditional Romanian practice, influenced by legal categories that treat discernment as a binary variable—present or absent, with significant legal consequences turning on this distinction—proves acutely insufficient for cases like Cenei. The binary model cannot capture the psychological realities that the case presents.

### **The Developmental Neuroscience Foundation**

Developmental neuroscience research, particularly the influential work of Steinberg and colleagues [1,3,17], reveals that the brain systems responsible for impulse control, emotional regulation, future-oriented decision-making, and resistance to social influence are maturing well into the mid-20s. The prefrontal cortex and its extensive connections to limbic and subcortical regions undergo protracted development throughout adolescence and early adulthood.

This has direct implications for understanding volitional capacity in adolescents. The cognitive understanding that an act is wrong, dangerous, or illegal may be fully present—the adolescent can state the rule and apply it to the situation. However, the capacity to act in accordance with that understanding—to inhibit impulses, resist pressures, consider consequences, and choose among alternatives—is not an all-or-nothing faculty but a functional continuum that varies across individuals, across situations, and across developmental stages.

### **The Three-Vector Model of Volitional Attenuation**

In the Cenei case, it is plausible—indeed likely—that most adolescents had intact cognitive understanding that stabbing a person was forbidden, dangerous, and could cause death. The

threshold question of whether they "knew" the act was wrong would be answered in the affirmative for most participants. However, the true assessment challenge lies not in this cognitive question but in the volitional one: the degree to which their capacity to stop, to resist, to choose otherwise was compromised in the moment of action.

This volitional attenuation can be conceptualized as the product of three converging vectors, each with different temporal dynamics and each requiring different assessment approaches:

**The Neurodevelopmental Vector (Trait):** This represents the baseline maturational state of the individual's executive functions. It includes factors such as baseline impulsivity, sensitivity to immediate rewards relative to delayed consequences, capacity for emotional regulation under stress, and susceptibility to social influence. These are relatively stable characteristics of the individual, though they interact dynamically with situational factors. Assessment of this vector requires developmental history, neuropsychological testing where indicated, and standardized measures of executive function and self-regulation.

**The Situational Group Vector (State):** This represents the coercive force of the group dynamic at the specific moment of action. It includes factors such as the authority of the leader within the group, the perceived group norm favoring action, the fear of being labeled a coward or traitor, the sense of shared responsibility that dilutes individual agency, and the emergent emotional contagion of group arousal. Assessment of this vector requires detailed reconstruction of the group's structure, the minor's position within it, the specific interactions preceding and during the event, and the minor's subjective experience of pressure and choice.

**The Intoxication Vector (State):** This represents the disinhibiting effect of alcohol or other substances consumed prior to the event. Alcohol impairs executive functions, particularly inhibitory control, and narrows attention to immediate situational cues while reducing access to longer-term considerations and internal standards. Assessment of this vector requires reconstruction of consumption patterns, blood alcohol levels where available, the minor's typical response to alcohol, and the interaction between intoxication and other factors.

### **The Expert's Task: Mapping Attenuation**

The expert's task in cases like Cenei is to map this attenuation for the court, offering not a binary yes/no but a functional analysis structured something like this:

"Cognitive understanding of the illicit act was present in all defendants; each could articulate that stabbing another person is wrong and dangerous. However, volitional capacity to inhibit the action was substantially attenuated in the context of the moment for several defendants, due to the synergy among:

- a) a neuropsychological immaturity typical of their age, characterized by heightened impulsivity, sensitivity to immediate peer approval, and reduced capacity for long-term

- 
- consequence anticipation (trait factors);
- b) an extremely high pressure for group conformity in the moments leading to the assault, with defendants X and Y occupying follower roles characterized by high need for belonging and low status within the group, making them particularly susceptible to the leader's directives and the emergent group norm favoring violence (situational factors); and
- c) a disinhibiting effect of consumed alcohol that further lowered inhibitory control and potentially amplified aggression in the moment (state factors)."

This formulation provides the court with what it actually needs for just decision-making: not a categorical label but a nuanced understanding of how each individual's capacity was shaped by the convergence of developmental, situational, and pharmacological factors. It respects both the law's need for clarity and psychology's appreciation of complexity.

### **Mapping Psychosocial Vulnerability in a Group Context**

The assessment of minors involved in group violence cannot stop at the discernment question, however refined. It must also map the psychosocial vulnerabilities that made the minor's involvement in such a group and such an act possible or probable. This mapping serves multiple purposes: it informs the court about the minor's needs for intervention, it guides the development of appropriate educational or treatment measures, and it contributes to risk assessment for future offending [18,21].

### **Group Pressure and Conformity Mechanisms**

Understanding the minor's susceptibility to group influence requires specific forensic tools beyond general clinical assessment. The Gudjonsson Suggestibility Scales (GSS) [9,15] provide objective, norm-referenced measurement of two distinct types of vulnerability in interrogative contexts:

**Yield:** The tendency to accept misleading information and suggestions when they are presented. A high Yield score might indicate a general predisposition to "take on" the narratives and instructions of others, including group leaders. In the group context, this could translate into accepting the leader's definition of the situation and the required response.

**Shift:** The tendency to change answers in response to interrogative pressure or negative feedback. A high Shift score might indicate vulnerability to the perceived expectations of authority figures, including both the group leader during the event and interrogators afterward.

The clinical interview must explore additional dimensions of group vulnerability: the minor's history of peer relationships, need for belonging and acceptance, self-esteem stability, history of marginalization or bullying that might have led them to seek identity and protection in a deviant group, and previous experiences of exclusion or victimization that made group acceptance particularly salient [20,26].

### **Moral Disengagement Mechanisms**

Bandura's [18] concept of moral disengagement is particularly relevant to understanding how adolescents can participate in severe violence despite intact moral knowledge. Moral disengagement refers to the psychological processes by which individuals temporarily suspend normal moral constraints, enabling them to engage in harmful conduct without experiencing the negative self-evaluative emotions that would normally deter such conduct.

Key mechanisms relevant to group violence include:

**Moral justification:** Portraying the violence as serving a worthy purpose (defending group honor, teaching a lesson, establishing necessary dominance).

**Euphemistic labeling:** Using language that sanitizes the violence ("we had to handle it," "we taught him a lesson").

**Diffusion of responsibility:** Distributing agency across the group so that no individual feels fully responsible ("everyone was doing it," "I was just following").

**Displacement of responsibility:** Attributing agency to the leader or to circumstances beyond one's control.

**Distortion of consequences:** Minimizing the harm caused or focusing on justifications that make harm seem acceptable.

**Dehumanization:** Perceiving the victim as less than human, as deserving what happened, or as outside the scope of moral concern

Assessment of moral disengagement requires both standardized measures where available and careful clinical exploration of how the minor conceptualized the act, the victim, and their own participation at the time and subsequently.

### **Risk and Protective Factor Assessment**

The evaluation must include a systematic assessment of recidivism risk based on established models, particularly the Risk-Needs-Responsivity (RNR) framework [18,21]. This involves analyzing multiple categories of factors:

**Static Risk Factors (historical, unchangeable):**

- Age at first offense
- History of violent behavior
- Family criminal history [26]
- Prior justice system involvement
- History of childhood adversity and trauma [20]

**Dynamic Risk Factors (changeable criminogenic needs):**

- Pro-criminal attitudes and values
- Association with deviant peers
- Substance abuse problems
- Self-control and anger management deficits
- Lack of pro-social leisure activities
- Educational/vocational deficits
- Lack of positive family support

**Protective Factors:**

- Presence of a positive relationship with a responsible adult

- 
- Intellectual and cognitive strengths
  - Genuine remorse and victim empathy
  - Motivation for change
  - Pro-social peer relationships
  - Educational engagement and achievement
  - Future orientation and positive goals

The structured professional judgment approach, exemplified by instruments like the SAVRY (Structured Assessment of Violence Risk in Youth) and its integration with strengths-based frameworks [12], provides a systematic method for organizing this information and communicating risk levels to the court.

### **The Assessment Itself Under the Microscope**

Having analyzed the complexities of the case, we must now turn the analytical lens on the assessment process itself. How might a poorly conducted assessment for a Cenei participant unfold, and what are the architectural risks inherent in such an assessment?

### **A Hypothetical Reconstruction of Poor Practice**

Imagine an expert who begins the assessment by immediately focusing on the crime. After minimal rapport-building, they ask: "So, tell me what happened that night. Take your time." The minor provides a halting, incomplete account. The expert, feeling pressure to obtain a complete narrative, begins asking increasingly specific questions: "Were you scared? Did the leader tell you to take the knife? You felt you had no choice, right?"

Later in the same session, the expert administers projective tests. A family drawing reveals what the expert interprets as fear of authority and need for approval. A tree test is read as indicating insecurity and dependence. The expert notes these interpretations and later, in writing the report, uses them as evidence supporting the minor's claim of coercion during the crime.

This seemingly plausible assessment sequence actually embodies profound architectural problems. It mixes evidence-gathering (obtaining the factual narrative) with clinical interpretation (understanding personality dynamics) within the same interaction, allowing each to contaminate the other. The expert's hypotheses about what happened—shaped by initial impressions, theoretical preferences, and perhaps sympathy for the minor—become embedded in suggestive questions that shape the minor's subsequent narrative. The projective test results, themselves influenced by the minor's current emotional state (including anxiety about the assessment), are then interpreted as independent evidence supporting the narrative that the expert's questions helped create.

This creates a closed, self-confirming loop. The expert's hypotheses become suggestions, the minor's narrative is shaped to fit them, and then clinical interpretations of the minor's psychology are used to validate the narrative. The resulting "evidence" is an artefact of the assessment process itself, not a reflection of the original events. The architectural risks identified in Section 3—piloted attention, degraded reality monitoring, reconstructive memory under pressure, surplus reality contamination—have all operated

unrecognized and unmanaged.

### **The Alternative: Architecturally-Aware Practice**

An architecturally-aware assessment for the same minor would proceed very differently. Phase A (clinical profiling) would be conducted without any discussion of the crime itself. The expert would build rapport, explore developmental history, family relationships, school functioning, peer relations, and current emotional state. Standardized instruments including the ASEBA [20] and GSS [15] would be administered. The minor's high suggestibility score and history of peer marginalization would be noted, but no connection to the crime would be made at this stage.

After a clear break and a transition statement—"Now we're going to talk about what happened that night"—Phase B would begin with the NICHD protocol [5,6]. The minor would be invited to provide a free narrative: "Tell me everything you remember about that night, from the beginning to the end." Only after this free narrative would open-ended follow-up questions be asked, and only if essential information remained unclear would specific, non-leading questions be employed.

In Phase C, the expert would integrate: "The clinical profile reveals pronounced psychological vulnerability to social influence, including a high GSS Yield score indicating permeability to suggestion and a history suggesting high need for belonging. This vulnerability provides a psychological context for understanding the behavioral description in Phase B, where the minor described himself as 'going with the flow' and following the leader's directives with minimal autonomous initiative. In this context, his volitional capacity to resist group pressure was substantially attenuated, even though his cognitive understanding of the act's wrongfulness was present."

This sequential approach protects the integrity of both phases and enables a transparent, defensible integration.

### **Proposal for an Integrated Hybrid Assessment Model The Need for a Constructive Alternative**

The methodological crisis exposed by cases like Cenei and the architectural analysis developed in Section 3 demand more than criticism of existing practices. They require a constructive alternative—a positive proposal for how forensic psychological assessment of juvenile perpetrators should be conducted to manage architectural risks, respect developmental realities, and produce evidence that is scientifically sound, clinically meaningful, and forensically useful.

We propose a hybrid model of forensic psychological assessment that is sequential, transparent, and consciously aware of its own architecture. Its core principle is the reconciliation—not the mere layering or ecumenical combination—of the two paradigms that have historically been in tension: the hermeneutic-clinical (valuing depth of understanding, narrative coherence, and interpretive meaning) and the empirical-procedural (valuing standardization, validation, and the integrity of evidence).

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## Foundational Principles of the Hybrid Model

The hybrid model rests on four foundational principles that guide all aspects of its implementation:

### Strict Sequentiality

Phases of the assessment with different epistemic purposes are separated in time and documented as distinct phases. The mixing of investigative questions (aimed at establishing what happened) with exploratory clinical interventions (aimed at understanding personality dynamics) within the same interaction is strictly prohibited. This separation protects the integrity of both enterprises: the factual narrative is obtained under conditions that minimize suggestive influence, while clinical understanding is developed without contamination from case-specific details that might bias interpretation.

The sequential structure recognizes that different questions require different methods and different psychological conditions. Attempting to answer all questions simultaneously typically results in answering none well.

### Purpose Delimitation

Each phase of the assessment answers a clear, distinct question, and the methods employed are specifically chosen to address that question. The three primary phases and their guiding questions are:

Phase A (Clinical-Contextual Evaluation): Who is this person? What is their psychological profile, including strengths, vulnerabilities, developmental history, and current functioning? What are the stable characteristics that they bring to any situation?

Phase B (Investigative/Procedural Interview): What happened? What is the minor's account of the event, obtained with maximum protection against suggestive influence and with careful attention to the conditions of recall?

Phase C (Integrative Forensic Analysis): How does Phase A help explain Phase B? How does the psychological profile illuminate the behavior described and the statement provided? What are the answers to the specific legal questions posed by the court, grounded in an integration of both sources of data?

This purpose delimitation ensures that each phase is designed optimally for its specific goal, rather than attempting to serve multiple purposes that may conflict.

### Radical Transparency

The methodological decision-making process is made visible both in the final report and through attached instruments. The expert reports not only what they found but what they did, why they did it, and the limits of their conclusions. This transparency serves multiple functions: it enables the court to evaluate the quality of the assessment; it protects the expert from accusations of hidden bias or undisclosed methods; it educates legal professionals about the nature and limits of psychological evidence; and it contributes to the cumulative improvement of practice through shared learning.

Transparency requires documentation of all phases, including the specific instruments used, the conditions of administration, any deviations from standard protocols, and the reasoning underlying key interpretive decisions. Where audio or video recording is permitted and feasible, it should be employed and its availability noted.

### Developmental Sensitivity

All phases of the assessment are conducted with explicit attention to the developmental status of the minor. This means using age-appropriate methods and instruments; adjusting communication style to the minor's cognitive and linguistic level; considering the implications of ongoing brain development for decision-making, emotional regulation, and social influence; and interpreting all findings in light of developmental norms and trajectories [1,3,17].

Developmental sensitivity also means recognizing that adolescents are not simply younger adults but individuals at a unique life stage with its own characteristic strengths, vulnerabilities, and trajectories. Assessment must capture not only current functioning but developmental history and future potential.

## The Core Instrument: The Triage and Sequencing Sheet for Juvenile Forensic Assessment

The operational heart of the hybrid model is the Triage and Sequencing Sheet—an active document, completed progressively throughout the assessment, that guides the expert through the sequential phases and serves as a methodological annex to the final report. The Sheet makes the architectural decisions explicit and provides a record of the process that can be reviewed, critiqued, and, if necessary, defended.

### Extended Example of the Sheet

#### Triage and Sequencing Sheet for Juvenile Forensic Assessment General Data and Context

Field	Information
Case Identification	[Case number, court, referring authority]
Minor's Name (Initials)	[For anonymization]
Date of Birth / Age	[DD/MM/YYYY / Age at assessment]
Legal Status	[Defendant / Witness / Victim]
Charges/Offense	[Legal classification, brief description]
Legal Questions Posed	[Specific questions from appointment order]
Assessment Dates	[Dates of each session]
Examiner	[Name, credentials]

### Structure and Function of the Sheet

The Sheet is organized to mirror the sequential phases of the assessment, with each section documenting the decisions made, methods employed, and observations recorded. It functions simultaneously as a planning tool (guiding the expert through the required phases), a documentation tool (creating a contemporaneous record of what was done), and a transparency tool (providing the basis for methodological disclosure in the report).

## Pre-Assessment Considerations

To be completed before first contact with minor

Consideration	Documentation
Review of available documents	[List documents reviewed: indictment, prior evaluations, school records, etc.]
Identification of special considerations	[Language issues, disability, trauma history, etc.]
Planning for session structure	[Number of sessions anticipated, sequencing decisions]
Preparation of minor and caregivers	[Information provided, consent/assent obtained]

## Phase A: Contextual And Clinical Profiling

Stated Objective: Understanding the psychological profile and foundational vulnerabilities of the minor. Prohibited: Discussion of Fact Y (the crime event).

Session Date(s): \_\_\_\_\_

## Rapport Building and Orientation

Element	Notes
Initial contact observations	[Minor's appearance, demeanor, communication style]
Explanation of assessment purpose	[What minor was told about the process]
Consent/assent confirmation	[Document understanding and agreement]

## Chosen Instruments and Justification

Instrument	Purpose	Justification for Selection
Semi-structured clinical interview	Developmental history, family, school, peers, current functioning	Essential for contextual understanding; flexible exploration of relevant domains
ASEBA (CBCL/YSR) [20]	Screening for internalizing/externalizing problems and competencies	Well-validated, norm-referenced, covers broad range of clinically relevant dimensions
Family Drawing Test [27]	Assessment of family relationships and self-perception	Clinically useful for accessing relational representations; non-threatening
Tree Test (or other projective)	Self-esteem, vulnerability, personality organization	Complementary to standardized measures; generates hypotheses for further exploration
Gudjonsson Suggestibility Scale [9,15]	Objective measurement of vulnerability to influence	Directly relevant to legal questions about coercion and suggestibility; empirically validated
Other (specify)	[As indicated]	[Rationale for additional instruments]

## Administration Conditions

Aspect	Documentation
Setting	[Location, privacy, distractions]
Minor's state	[Alertness, cooperation, distress, fatigue]
Duration	[Time for each component]
Deviations from standard	[Any modifications to standard administration]

## Key Observations and Results

Domain	Findings	Clinical Significance
Behavioral observation	[Engagement, affect, cooperation, nonverbal communication]	[Implications for interpretation]
Developmental history	[Family structure, caregiving quality, trauma, education, peer relations]	[Vulnerabilities and resources identified]
ASEBA scores	[Clinical/subclinical elevations on specific scales]	[Interpretation with norms]
Suggestibility (GSS)	Yield score: ___ / Shift score: ___ / Total: ___	[Comparison to norms; vulnerability classification]
Projective findings	[Key themes, structural features, anomalies]	[Hypotheses generated; convergence with other data]
Other findings	[As relevant]	[Interpretation]

## Phase A Summary Formulation

Brief integrative summary of Phase A findings, identifying key vulnerabilities, strengths, and hypotheses to be explored in integration:

[Text]

## Phase B: Structured Investigative Interview (Fact Y)

Stated Objective: Obtaining a valid, well-protected account of the event under assessment.

Explicit Delimitation: Clear transition statement to minor: "We will now move to discussing the event on [date]. I want you to tell me everything you remember, in your own time."

Session Date(s): \_\_\_\_\_

## Free Recall Narrative

Instruction given: "Tell me everything that happened that night, from the beginning to the end. Take your time."

Summary of free recall (or transcription if available):

[Detailed summary or transcription of minor's uninterrupted narrative].

## Interview Protocol Applied

Protocol Element	Implementation
Primary protocol	NICHD Investigative Interview Protocol (adapted for adolescents) [5,6]
Ground rules established	[Yes/No; documentation of ground rules discussed]
Rapport phase (neutral topics)	[Topics discussed; duration]
Recording method	[Audio / Video / Both / None; if none, justification]

## Open-Ended Follow-Up Questions

Questions asked and responses obtained (paraphrased or quoted):

Question	Response
"You mentioned [X arrived]. Tell me more about that."	[Response]
"What happened next?"	[Response]

Question	Response
"You said [specific detail]. Tell me everything you remember about that."	[Response]
[Additional open-ended probes as indicated]	[Responses]

### Specific Questions (Only if Essential Information Remained Unclear)

Questions asked, justification, and responses:

Specific Question	Justification for Asking	Response
[Neutral, non-suggestive question]	[Information needed for legal element]	[Response]
[Question must not be leading]	[Verification of essential detail]	[Response]

### Closure of Factual Discussion

Element	Documentation
Transition statement	[How minor was transitioned out of factual discussion]
Emotional check	[Minor's emotional state; any needed support]

### Obtained Narrative Summary

Brief synthesis of the factual account obtained:

[Concise summary of minor's narrative of events]

### Phase C: Integrative Analysis and Conclusion Formulation

Stated Objective: Interpreting the statement from Phase B through the lens of the profile from Phase A and formulating answers to the legal questions.

Date of Analysis: \_\_\_\_\_

### Narrative Analysis

Dimension	Analysis
Internal consistency	[Does the narrative cohere logically? Are there contradictions?]
External consistency	[Does the narrative align with other known evidence? Where are discrepancies?]
Detail type	[Sensory, emotional, action, contextual details; balance among types]
Source indicators	[Features suggesting genuine recall vs. construction]

### Integration of Phase A Vulnerabilities

Vulnerability from Phase A	Manifestation in Phase B Account	Interpretive Significance
High GSS Yield score	[Does account show acceptance of others' framing?]	[Contribution to understanding of influence susceptibility]
Need for belonging / low self-esteem	[Role description in group; agency attribution]	[Context for understanding participation]
Externalizing tendencies	[Blame attribution; responsibility taking]	[Relevance to moral disengagement]
Trauma history	[Emotional responses; trigger sensitivity]	[Context for understanding reactions]
Other vulnerabilities	[As relevant]	[Interpretation]

### State Factors Analysis

State Factor	Evidence from Phase B	Impact on Volitional Capacity
Alcohol/substance intoxication	[Description of consumption; subjective effects]	[Disinhibition; impaired judgment]
Group emotional state	[Description of group mood, arousal]	[Contagion; deindividuation]
Specific pressures	[Descriptions of coercion, expectations]	[Constraint on choice]

### Risk and Protective Factor Assessment

Domain	Findings	Risk Implication	Intervention Target
Static risk factors	[History]	[Baseline risk level]	[Not applicable]
Dynamic risk factors	[Current status]	[Modifiable risk]	[Targets for intervention]
Protective factors	[Strengths]	[Mitigation]	[Strengths to build upon]

### Conclusions and Recommendations

Formulated in probabilistic and functional terms, with explicit reference to data from Phases A and B:

#### Response to Legal Question 1: [Discernment at time of act]

[Functional analysis addressing cognitive understanding and volitional capacity, with attention to attenuating factors identified in integration]

#### Response to Legal Question 2: [Psychological vulnerabilities relevant to culpability]

[Identification and explanation of vulnerabilities that contextualize involvement]

#### Response to Legal Question 3: [Risk and treatment needs]

[Assessment of recidivism risk and identification of criminogenic needs]

### Recommendations

[Specific, actionable recommendations for disposition, intervention, and management].

### Ethical Debriefing and Closure

Element	Documentation
Re-anchoring in present reality	[Steps taken to help minor transition out of immersion]
Emotional stabilization	[Assessment of emotional state; support provided]
Questions from minor	[Minor's questions; responses given]
Next steps explained	[What minor was told about report, timeline, etc.]
Closure observations	[Minor's state at conclusion]

### Examiner's Reflective Notes

Optional section for examiner's reflections on process, challenges, uncertainties, and learning:

[Text]

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## Applying the Model to a "Follower" in the Cenei Case: A Walkthrough

To illustrate the practical operation of the hybrid model, we trace its application to a hypothetical "follower" participant in the Cenei case—an adolescent who participated in the group violence but did not initiate it and played a less active role than the leader.

### Phase A: Clinical Profiling

In Phase A, conducted without any discussion of the crime, the expert builds rapport with the 16-year-old male. The minor presents as anxious but cooperative. The clinical interview reveals a history of school marginalization, frequent changes in peer group, and expressed loneliness. His family history includes a distant father and an overprotective mother; he describes feeling "invisible" at home.

The ASEBA Youth Self-Report shows clinical elevations on the anxious/depressed scale and the attention problems scale, with borderline elevations on aggressive behavior. The Family Drawing Test depicts small figures widely spaced, with the father figure placed in a corner and the self-figure drawn without hands—features often associated with feelings of powerlessness and inhibited agency [27].

Most significantly, the Gudjonsson Suggestibility Scale (GSS) reveals a very high Yield score (indicating strong tendency to accept misleading suggestions) and a moderately elevated Shift score (indicating responsiveness to interrogative pressure). These findings suggest a pronounced vulnerability to social influence that would likely manifest in both group contexts and interrogative situations.

Phase A concludes with a formulation identifying the minor as having significant psychosocial vulnerabilities: high suggestibility, low self-esteem, need for belonging, and limited experience of agency in relationships. Importantly, no connection to the crime has been made at this point.

### Phase B: Structured Investigative Interview

After a clear break and transition statement, Phase B begins with the NICHD protocol. The minor provides a free narrative describing the events leading to the homicide. He describes himself as "just there," "going with the flow," and "not really thinking." He mentions the leader's voice giving directions and his own feeling that he "had to do it" to avoid being seen as weak. He reports consuming alcohol earlier in the evening but minimizes its effects.

Open-ended follow-up questions elicit additional detail without introducing suggestion: "You mentioned feeling you had to do it. Tell me more about that." The minor elaborates on his fear of the leader's disapproval and his desire to prove himself to the group. Specific questions, used only when essential information remains unclear, are phrased neutrally.

The narrative obtained is coherent and detailed in some respects but notably vague about the minor's own actions during the

violence itself—a pattern consistent with both genuine memory gaps and defensive avoidance.

### Phase C: Integrative Analysis

In integration, the expert connects the Phase A vulnerability profile with the Phase B narrative. The high GSS Yield score provides an empirical foundation for understanding the minor's description of himself as following the leader's directives with minimal autonomous initiative. The history of marginalization and need for belonging contextualizes his motivation to remain in the group and comply with its expectations. The family drawing's suggestion of inhibited agency finds behavioral expression in the passive role described.

The expert concludes: "The clinical profile reveals pronounced psychological vulnerability to social influence, characterized by high suggestibility, low self-esteem, and a strong need for peer acceptance. These vulnerabilities provide a psychological context for understanding the behavioral description in Phase B, where the minor portrays himself as following the leader's directives without active resistance. In this context, his volitional capacity to resist group pressure and halt participation was substantially attenuated, even though his cognitive understanding of the act's wrongfulness was present."

Risk assessment identifies dynamic risk factors including association with deviant peers, substance use, and deficits in self-control. Protective factors include the absence of prior violent offending, some expression of remorse, and a mother who appears motivated to support positive change. Recommendations target building self-esteem, developing resistance skills, and providing alternatives to the deviant peer group.

### Documentation and Transparency

The completed Triage and Sequencing Sheet provides a complete record of this process, from initial decisions through final integration. Attached to the report as a methodological annex, it enables the court to see exactly how conclusions were reached, what data supported them, and what limits apply. This transparency dramatically increases the report's defensibility and educates legal professionals about the nature of psychological evidence.

### Reporting Within the New Architecture

The final report's structure must mirror the clarity and transparency of the assessment process itself. We propose the following structure:

#### Introduction and Legal Referral

This section identifies the court or referring authority, the legal questions posed, the minor assessed, and the dates and locations of assessment sessions. It establishes the formal context for the evaluation.

#### Clinical-Contextual Evaluation (Phase A)

This section presents the psychological profile of the minor, including developmental history, current functioning, test results,

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and identified vulnerabilities and strengths. It is organized to address the question "Who is this person?" without reference to the specific offense. Test scores are reported with appropriate norms, and clinical observations are described with sufficient detail to support interpretations.

### **Procedural Account and Factual Statement (Phase B)**

This section describes the methodology used to obtain the minor's account of the event, including the interview protocol employed, the conditions of administration, and any deviations from standard procedure. It presents the minor's narrative, distinguishing between free recall, responses to open-ended questions, and responses to specific questions. Where appropriate, excerpts are provided to illustrate the nature and quality of the account.

### **Integrated Forensic Analysis (Phase C)**

This section constitutes the core of the report. It answers the legal questions posed by synthesizing Phase A and Phase B data, using language that is both scientifically precise and accessible to legal professionals. Key features include:

- Explicit acknowledgment of the interpretive process
- Clear linkage of conclusions to specific data
- Functional analysis of discernment addressing both cognitive and volitional dimensions
- Identification of attenuating factors and their interactions
- Risk assessment with specification of both risk and protective factors
- Recognition of limits and uncertainties

Language such as the following exemplifies the desired approach: "The data from Phase A (high suggestibility, fragile self-esteem, need for belonging) provide a plausible psychological context for the behavioral description provided in Phase B (following the leader's directives with minimal autonomous initiative). This supports the conclusion of attenuated volitional control in the specific group context, while noting that cognitive understanding of the act's wrongfulness was present."

### **Conclusions and Recommendations**

This section provides clear, probabilistic answers to the court's questions and specific intervention recommendations. Conclusions are stated in functional terms, avoiding binary formulations that oversimplify complex realities. Recommendations are specific, actionable, and linked to the identified needs and strengths of the minor.

### **Methodological Annex**

Attached documents include the completed Triage and Sequencing Sheet, relevant test protocols, and any other materials necessary for transparency. Where recording occurred, its availability is noted.

### **Testimony and Defense of the Report**

In court testimony, the expert prepared under the hybrid model must be ready to explain and defend the architectural approach. This requires:

- Educating the court about why a sequential, transparent

approach produces more reliable evidence

- Explaining why continuum-based answers are more scientifically valid than binary ones
- Defending specific methodological choices with reference to established research
- Acknowledging limits and uncertainties without undermining the value of the assessment
- Translating psychological concepts into language accessible to legal professionals without sacrificing precision

The expert who has practiced with architectural awareness and documented their process transparently is well-positioned to provide testimony that serves both the truth-seeking function of the court and the rights of the minor.

### **Systemic Implications and Pathways to Reform**

#### **Introduction: From Individual Practice to Institutional System**

The hybrid model proposed in Section 5 cannot achieve its full potential if adopted only by individual practitioners working in isolation. Its successful implementation requires systemic reform across multiple interconnected domains: professional training and credentialing, legal practice and judicial expectations, public policy and legislative frameworks, and the institutional infrastructure supporting forensic assessment. This section examines these systemic implications and proposes concrete pathways to reform.

#### **Implications for the Forensic Psychology Profession**

##### **Mandatory Continuing Bilingual Training**

The hybrid model requires practitioners to develop and maintain competence in what might be termed "bilingual" practice: fluency in both the language of empirical-forensic methods (structured protocols, validated instruments, risk assessment frameworks) and the language of clinical-hermeneutic understanding (interpretive skill, narrative sensitivity, relational attunement). This is not a matter of superficial familiarity with both approaches but deep competence that enables their principled integration.

A comprehensive certification and continuing training program should be developed by the professional bodies responsible for forensic psychology in Romania (the College of Psychologists and its specialized commissions). This program would include:

Foundational Competencies:

- Developmental psychology and neuroscience of adolescence
- Memory processes and suggestibility research
- Forensic interview protocols and their empirical foundations
- Psychometric theory and test validation
- Risk assessment frameworks (RNR, structured professional judgment)
- Legal framework for juvenile justice and expert evidence

Advanced Methodological Training:

- NICHD Protocol certification
- Administration and interpretation of key instruments (ASEBA, GSS, SAVRY, etc.)
- Integration of clinical and empirical data

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- Report writing and testimony skills
  - Architectural awareness and self-monitoring

Continuing Education Requirements:

- Regular updates on emerging research
- Refresher courses on protocol adherence
- Specialized training on emerging topics (e.g., technology-assisted abuse, trauma-informed assessment)

### **Revised Deontological Standards**

The current deontological code for psychologists in Romania lacks specific provisions addressing the unique challenges of forensic assessment, particularly with minors. This gap should be addressed through revisions that:

- Mandate phase separation in assessments where factual narratives are obtained
- Require the use of validated instruments appropriate to the assessment question
- Specify minimum standards for methodological transparency in reports
- Address the management of architectural risks (suggestibility, memory contamination)
- Establish guidelines for audio/video recording of forensic interviews
- Prohibit specific suggestive practices identified by research as contaminating

These deontological standards should be developed through collaboration between professional bodies, legal institutions, and academic researchers, ensuring they are both practically feasible and scientifically grounded.

### **Supervision and Quality Audit**

Individual training and ethical standards, while necessary, are insufficient to ensure consistent quality across the profession. A system of peer supervision and quality audit should be instituted to provide ongoing professional development and quality assurance.

Peer Supervision: Regular case conferences where forensic practitioners present their work (in anonymized form) for collegial discussion and feedback. These sessions would focus not on case outcomes but on process quality, methodological decisions, and ethical challenges.

Quality Audit: Random selection of reports for review by a panel of senior practitioners against criteria derived from the hybrid model. Feedback would be provided to practitioners, and aggregate findings would inform continuing education and, if necessary, remedial training.

Research-Practice Integration: Establishment of mechanisms for practitioners to contribute to research on assessment outcomes, instrument validation, and practice improvement. This would reduce the gap between research and practice that currently characterizes the field.

### **Implications for the Legal Judiciary and Practitioners Improved Requirements in Appointment Orders**

The quality of forensic assessment begins with the questions asked. Courts and parties currently often request a generic "psychological expert report" without specifying the questions to be addressed or the standards to be met. This ambiguity leaves experts to guess at what is needed and produces reports of variable relevance.

Appointment orders should be more specific, requesting, for example: "psychological assessment for the evaluation of discernment and psychosocial vulnerability, including an assessment of suggestibility, using a structured interview protocol and reporting with methodological transparency." Such specificity:

- Guides the expert in designing the assessment
- Establishes expectations for quality
- Provides a basis for evaluating the resulting report
- Educates legal professionals about what psychological assessment can and cannot provide

### **Judicial Education**

The National School for Magistrates and the Bar Associations should include in their curricula modules on the nature, limits, and evaluation of psychological evidence. These modules would address:

- The difference between clinical and forensic assessment roles
- Understanding probabilistic conclusions and functional analyses
- Criteria for evaluating the quality of an expert report
- The implications of developmental psychology for legal decision-making
- The risks of suggestive influence and memory contamination
- The appropriate use of expert recommendations in disposition decisions

Judges who understand both the potential and the limits of psychological evidence are better equipped to use it appropriately and to identify reports that fall below professional standards.

### **Valuing Procedural Recommendations**

The court has significant power to shape the conditions under which minors participate in legal proceedings. The expert's recommendations regarding these conditions—for example, that a minor should be heard in a child-friendly room, with psychological mediation, and only once to avoid re-traumatization—should be taken seriously and, where legally possible and practically feasible, implemented.

This requires that experts make such recommendations explicit and grounded, and that courts recognize their authority to order accommodations that protect minors' rights and well-being while preserving the integrity of the proceeding.

### **Implications for Public Policy and Legislative Reform Development of Uniform National Guidelines**

The most urgent and consequential policy measure is the development and imposition by ministerial order of National

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Guidelines for the Psychological Assessment of Minors in the Criminal Justice System. These guidelines should:

- Codify the sequential hybrid model as the standard of practice
- Establish a list of recommended and, where appropriate, mandatory instruments for specified assessment questions
- Specify minimum requirements for methodological transparency in reports
- Regulate technological aspects of assessment, including tele-assessment and recording
- Address special populations (younger children, minors with disabilities, non-Romanian speakers)
- Provide guidance on the integration of assessment findings into disposition recommendations

The development of these guidelines should be a collaborative process involving the Ministry of Justice, the College of Psychologists, the National School for Magistrates, academic researchers, and practicing forensic psychologists. The goal is not to impose rigid uniformity but to establish minimum standards that protect the rights of minors and the integrity of judicial proceedings while allowing for professional judgment and innovation.

### Resources and Infrastructure

Implementation of the hybrid model requires adequate resources and infrastructure:

**Physical Infrastructure:** Video-equipped interviewing rooms (Gesell rooms or similar) that allow for observation and recording without intrusion. These should be available in major population centers and, through mobile arrangements, accessible in smaller jurisdictions.

**Instrument Access:** Licenses for standardized instruments and access to updated norms should be provided through institutional subscriptions, reducing the burden on individual practitioners and ensuring consistent quality.

**Secure Technology:** Platforms for tele-assessment, where necessary, must meet standards for security, reliability, and suitability for forensic purposes.

**Research Support:** Funding should be allocated for applied research to monitor the impact of new procedures on report quality, judicial satisfaction, and outcomes for minors.

### Legislative Clarification

While the current legal framework in Romania does not preclude the practices recommended here, certain legislative clarifications would support implementation:

- Explicit recognition in the Code of Criminal Procedure of the distinction between clinical evaluation and investigative interviewing in forensic assessment
- Authorization for audio-visual recording of forensic interviews with minors, with appropriate protections for privacy and subsequent use
- Clarification of the expert's authority to make procedural recommendations regarding the minor's participation in proceedings

These legislative changes would remove potential obstacles to best practice and signal the legislature's commitment to developmentally-appropriate justice.

### Addressing Potential Objections

Any proposal for significant change will encounter objections. We address the most likely here:

#### "It's too long and complicated!"

The objection that the hybrid model is too time-consuming and complex misunderstands both the stakes of forensic assessment and the nature of efficiency. A quality assessment for a decision that can affect a minor's life for decades—determining not only immediate liberty but also access to treatment, educational opportunities, and the trajectory of development—is worth the time investment. Moreover, the structure of the model provides long-term efficiency by reducing errors, minimizing challenges to reports, and producing recommendations that are more likely to be implemented effectively.

In practice, the sequential structure can be implemented across multiple sessions of manageable length, reducing the burden on both minor and expert while improving quality.

#### "It restricts the expert's clinical freedom!"

On the contrary, the hybrid model provides a framework that protects the expert from their own unconscious biases and gives them a defensible language in which to present their deep clinical insights in a legally acceptable manner. Clinical freedom exercised without constraint is simply undisciplined subjectivity; freedom exercised within a structured, transparent framework is professional judgment. The model does not eliminate interpretation but makes it visible and accountable.

#### "Will the courts understand it?"

This objection mistakes the current state for a fixed limitation. The capacity of courts to understand complex evidence depends on how that evidence is presented and on the education judges receive. The role of academic articles like this one, of training programs for magistrates, and of well-crafted reports is precisely to build the common language and conceptual framework that enables effective communication between psychology and law. Courts routinely handle complex technical evidence in many domains; psychological evidence is not inherently more difficult.

#### "There aren't enough resources!"

Resource limitations are real, but they should not be used to justify inadequate practice. The question is not whether resources are unlimited but how to allocate existing resources most effectively. The current system, with its variable quality and frequent challenges, may be less efficient than a better-resourced but higher-quality system. Moreover, many elements of the hybrid model—sequential organization, transparent documentation, use of freely available protocols—require primarily changes in practice rather than additional resources. Where resources are genuinely constrained, phased implementation focusing on the most serious

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cases is preferable to uniformly inadequate practice.

### **"Our current system works well enough!"**

This objection assumes that absence of visible failure demonstrates adequacy. But the failures of forensic assessment are often invisible: the minor whose memory was contaminated without anyone recognizing it; the report that shaped a disposition decision in ways no one questioned; the expert whose unrecognized biases produced conclusions that seemed plausible but were unfounded. The absence of evidence of failure is not evidence of adequate practice. The scientific research on memory, suggestibility, and decision-making provides ample reason to doubt that current practices, however well-intentioned, are consistently producing accurate and just results.

### **A Phased Implementation Strategy**

Given the multiple domains requiring change and the complexity of the systems involved, implementation of the hybrid model should proceed through a phased strategy:

**Phase 1 (Short-term, 1-2 years):** Development of national guidelines through collaborative process; revision of deontological standards; initiation of training programs for practitioners; pilot implementation with volunteer practitioners.

**Phase 2 (Medium-term, 2-5 years):** Expansion of training to all forensic practitioners; integration of model into judicial education; development of infrastructure (recording facilities, instrument access); research on pilot implementation outcomes.

**Phase 3 (Long-term, 5+ years):** Full implementation with quality audit system; legislative clarification where needed; ongoing research and refinement based on practice-based evidence; integration with broader juvenile justice reform efforts.

This phased approach recognizes that systemic change takes time while providing a clear pathway forward.

### **Conclusion**

#### **Summary of the Argument**

The Cenei crime shook public conscience in Romania, forcing a confrontation with the reality of extreme violence committed by adolescents. For Romanian forensic psychology, this case should function as an epistemic alarm bell—an urgent signal that business as usual is insufficient, that the methods and concepts inherited from clinical tradition and applied without critical reflection to forensic contexts cannot adequately serve the demands of justice when the stakes are this high.

We have demonstrated that the theoretical foundations of the "psychological architecture of evidence"—the induced modified state of consciousness in the assessment setting, the reconstructive nature of memory under pressure, the creation of a surplus reality container, the expert's unexamined role as director of attention—compel us to see the assessment session as a powerful epistemic laboratory, not a transparent window onto psychological truth. Within this laboratory, psychological evidence is not discovered but actively constructed through the interaction of multiple forces.

The expert who ignores this reality conducts an uncontrolled experiment with human lives as subjects.

Building on this understanding, the Cenei case was deconstructed to show that assessing violent minors involved in group dynamics requires abandoning the binary discernment model in favor of a functional analysis of the volitional continuum. Volitional capacity at the moment of action is not an all-or-nothing faculty but a functional capacity attenuated by the synergistic interaction of neurodevelopmental immaturity (trait factors), coercive group dynamics (situational factors), and substance-induced disinhibition (state factors). The expert's task is to map this attenuation, offering the court not a categorical label but a nuanced understanding that can inform just and effective decision-making.

In response to these challenges, we have elaborated a hybrid assessment model that reconciles the hermeneutic-clinical and empirical-procedural paradigms through strict sequentiality, purpose delimitation, radical transparency, and developmental sensitivity. The model is operationalized through concrete tools, particularly the Triage and Sequencing Sheet, which guides the expert through the assessment process and documents methodological decisions for transparent presentation.

This model is not a simple checklist or mechanical algorithm but a practice philosophy: the expert as a conscious and ethical architect, who constructs evidence through a sequenced, transparent, and scientifically-informed process, simultaneously protecting the assessed individual from secondary victimization and preserving the integrity of the proof for the court.

### **The Path Forward**

The path forward is clear but requires collective will and coordinated action across multiple domains. We must move from a fragmented practice, dependent on the individual expertise and ethical commitments of isolated practitioners, to an institutionalized system of high-fidelity assessment that embodies professional consensus and scientific knowledge.

This transition requires:

**Training:** Comprehensive programs developing bilingual competence in both empirical-forensic and clinical-hermeneutic methods, with explicit attention to architectural awareness.

**Regulation:** Revised deontological standards and national guidelines that codify minimum requirements for quality assessment.

**Resources:** Investment in infrastructure (recording facilities, instrument access, research support) that enables high-quality practice.

**Education:** Judicial training that builds understanding of psychological evidence and the criteria for evaluating it.

**Research:** Ongoing empirical investigation of assessment processes and outcomes to refine practice and validate innovations.

**Culture:** A fundamental shift in how we view the interaction

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between psychology and law in the room dedicated to the justice system's most vulnerable and, at times, most dangerous subjects: minors.

### **The Stakes**

The stakes of this transformation could not be higher. For the minors assessed, the quality of psychological evaluation can determine not only the legal consequences they face but also their access to effective intervention, their developmental trajectory, and their life chances. A poor assessment may condemn a vulnerable adolescent to inappropriate punishment or, conversely, fail to identify genuine risk that could be addressed through timely intervention. A high quality assessment, by contrast, can inform decisions that are both just and developmentally appropriate, serving the minor's needs and the community's safety simultaneously.

For the justice system, the quality of psychological evidence affects the legitimacy of judicial decisions. Courts that rely on methodologically unsound assessments risk making decisions that are arbitrary, inconsistent, or simply wrong. This undermines public confidence in both legal and psychological institutions and fails to serve the truth-seeking function at the heart of the judicial process.

For the profession of forensic psychology, the adoption of transparent, scientifically-grounded practices is essential for its continued credibility and development. Psychology cannot claim the authority of science while practicing as an undisciplined art. The hybrid model offers a way to honor both the scientific foundations of the discipline and the clinical wisdom accumulated through practice, integrating them into a coherent framework that can withstand scrutiny and evolve through research.

### **A Vision for the Future**

In 2026 and beyond, a minor's right to a competent, ethical, and court-useful psychological assessment should not be a luxury available only to those whose cases attract attention or whose families can advocate effectively. It should be an essential condition of a criminal justice system that claims to be adapted to the child—a system that takes seriously both the developmental distinctiveness of adolescence and the demands of justice.

The vision underlying this article is of a system where:

- Every minor entering the justice system is assessed by practitioners trained in both the science and the art of forensic evaluation
- Every assessment is conducted with explicit awareness of its architectural power and with procedures designed to manage that power ethically
- Every report provides the court with a nuanced, functional analysis that respects both legal categories and psychological realities
- Every recommendation is grounded in systematic assessment of both risk and strength, both vulnerability and resilience
- Every minor leaves the assessment process with their rights

protected, their dignity respected, and their developmental needs recognized

This vision is ambitious but achievable. It requires no new discoveries, no technological breakthroughs, no radical theoretical innovations. It requires only the collective will to implement what we already know, to hold ourselves and our institutions to standards that current knowledge makes possible and current failures make necessary.

### **Final Reflection**

The Cenei case reminds us that adolescents are capable of terrible violence—violence that shocks communities and destroys lives. But it also reminds us that adolescents are unfinished beings, their capacities for judgment, self-control, and resistance to influence still developing, their identities still forming, their life trajectories still open. The justice system's response to adolescent offending must hold both truths simultaneously: accountability for harm caused and recognition of developmental immaturity; protection of public safety and investment in future potential.

Psychological assessment, conducted with architectural awareness and methodological rigor, can help the justice system hold this balance. It can illuminate the specific ways in which developmental immaturity, situational pressures, and individual vulnerabilities interacted in the moment of offending. It can identify the needs that must be addressed if future offending is to be prevented. It can give voice to the adolescent's experience without surrendering critical distance or scientific objectivity.

The expert who practices as a conscious architect, who builds evidence through transparent and sequential methods, who acknowledges their own role in shaping the assessment process and its products—such an expert serves both truth and justice. They serve truth by producing evidence that can withstand scrutiny and reflect, as accurately as possible given the inherent limits of the enterprise, the complex realities of adolescent lives and actions. They serve justice by providing courts with the nuanced understanding necessary for decisions that are both proportionate and constructive, both responsive to harm and open to hope.

This is the contribution that forensic psychology can make to juvenile justice. This is the standard to which we should hold ourselves. This is the future we should build.

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