

Forensic Psychology

The Basics

Sandie Taylor

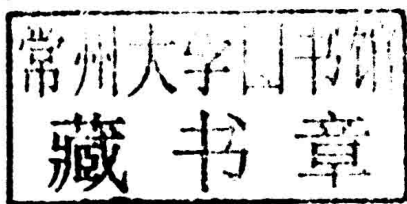


The Basics

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Sandie Taylor



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FORENSIC PSYCHOLOGY

THE BASICS

This text provides an engaging overview of the core topics within Forensic Psychology, guiding the reader through this exciting and popular discipline. Combining a discussion of theory with information about the role of a professional forensic psychologist, it addresses such key issues as:

- Police psychology
- Psychology of crime and delinquency
- Victimology and victim services
- Legal psychology
- Correctional psychology.

With a glossary of key terms, case studies and suggestions for further reading, this is an informative study guide for anyone approaching the academic study of Forensic Psychology for the first time.

Sandie Taylor has 20 years of experience teaching Forensic, Criminological and Investigative Psychology at both graduate and undergraduate level at the University of West London, Bath Spa University and the University of South Wales.

THE BASICS

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I would like to dedicate this book to Professor Lance Workman for all his support during this entire project

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FORENSIC PSYCHOLOGY AND THE ROLE OF THE FORENSIC PSYCHOLOGIST

Interestingly, the word 'forensic' derives from the Latin word *forensis*, which when translated into English means 'of the forum' – the central area of ancient Rome where the city's law courts were held. Since then, the term 'forensic' has evolved to include scientific principles and practices applied within a legal context, and as such is a recognised specialised area that links psychology and law. An excellent way of introducing what forensic psychology entails and what a forensic psychologist does is by using the example of a personal account, in this case practising forensic psychologist Dr Eric Mart.

DR ERIC MART SPEAKS

Forensic psychology is a speciality area of applied psychology. Forensic psychologists work at the intersection of the legal world and clinical psychology. They provide assessments and expert testimony in a variety of types of cases and some also provide court ordered treatment in clinics and prisons. I work in a variety of forensic areas, but much of my practice involves evaluating persons accused of criminal offenses to see if they are competent to stand trial, evaluating defendants to see if they are legally insane (not guilty by reason of insanity) and evaluating convicted sexual

offenders to see if they are eligible for commitment as sexually violent predators. I also perform personal injury, child custody, and fitness for duty assessments.

(Cited by McKay and McKay 2009)

What should be immediately apparent to the reader is the diversity of work carried out by forensic psychologists. Much of this work arises out of the core areas taught in most forensic psychology courses. These core areas include:

- Police investigations
- Psychology of crime and delinquency
- Victimology and victim services
- Legal psychology
- Correctional psychology.

While this list provides us with some insight as to what forensic psychology entails, Blackburn (1996) gives us a succinct working definition, stating that forensic psychology is:

... the provision of psychological information for the purpose of facilitating a legal decision.

(Blackburn 1996, p. 7)

The British Psychological Society (BPS) expands on this, defining forensic psychology as follows:

Forensic Psychology is devoted to psychological aspects of legal processes in courts. The term is also often used to refer to investigative and criminological psychology: applying psychological theory to criminal investigation, understanding psychological problems associated with criminal behaviour and the treatment of those who have committed offences.

(British Psychological Society 2013)

This will provide the backbone for our discussion of forensic psychology. First, however, we will explore the history of forensic psychology and how it developed into a discipline in its own right.

THE HISTORY OF FORENSIC PSYCHOLOGY

An important question to consider is that of when forensic psychology actually began. While the term 'forensic psychology' is a relatively recent one, the roots of the science date back at least 100 years. The development of forensic psychology has been helped along by influential figureheads who used their research findings and experience as evidence in a court of law.

Figure 1.1 highlights four key figureheads whose testimony, research and publications have impacted on the development of forensic psychology as a respectable discipline and helped shaped the role and status of what forensic psychologists do within a legal framework. From evidence presented by figureheads such as Schrenk-Notzing and Marston, for example, research determining whether a defendant has provided a false confession is now within the domain of forensic psychology. Forensic psychologists have developed ways (albeit not foolproof) of distinguishing different types of confession, including false confessions. This is important and would have been a blessing, for example, during the Salem witch trials of 1692, where 19 women were accused of practising witchcraft and were forced to confess by being tortured. It is the role of the forensic psychologist in British and American society to ascertain whether a confession is false or true and, if false, why it was falsely made.

Another important role for the forensic psychologist derived from past developments is the determination of whether a defendant is fit to stand trial and the decision as to whether an insanity plea is appropriate. If we go as far back in history as 1772 BC, for instance, the insanity defence was mentioned in Hammurabi's code, the legal code of ancient Mesopotamia. The Romans also had an equivalent concept, *non-compos mentis*, used to describe an individual who had little mental control over their behaviour and therefore could not possibly be guilty of a crime. In the past, the determination of insanity has generally been based on biblical tests of 'knowing good from evil' or on the 'wild beast test'. The wild beast test was applied in the British case of *Rex v. Arnold* in 1724. Under the rules of the test, a defendant considered to be unaware of what he was doing was considered to behave like a wild beast and therefore should be acquitted. In a similar vein, the Criminal Lunatics Act of 1800 decreed that a mentally ill defendant should be acquitted on grounds of insanity and detained in an

Key figureheads	Contribution towards the development of forensic psychology
James McKeen Cattell 1895	He asked students at Columbia University to respond and rate their degree of confidence in the answers they gave to a series of questions. He found many inaccuracies in the responses provided, and that correctness and confidence were unrelated – some students were overly confident in their incorrect answers while others had little faith in their correct answers. By doing this experiment he highlighted the problems associated with jury perceptions of confident eyewitnesses with accuracy.
Albert von Schrenk-Notzing 1896	He testified at a murder trial providing evidence of the detrimental effects suggestibility has on witness testimony. He referred to mainstream psychological research on memory to argue how pre-trial media coverage could confuse witnesses into believing they had seen what was reported in the press when they had not. This is an error of perception resulting in the falsification of information. His testimony highlights the relationship between psychology and law as his expert advice arises from within a legal context used to inform the courts of a legal decision.
Hugo Münsterberg 1908	He published 'On the Witness Stand: Essays on Psychology and Crime' where he discussed the flaws of eyewitness memory, the role of hypnosis within a legal context and the detection of false memories. Investigators trying to establish the number of shots fired during the assassination of President Kennedy referred to Münsterberg's research some 60 years later.
William Marston 1917	He established the link between systolic blood pressure and lying. After he testified in the case of <i>Frye v. US</i> (1923), the acceptance of expert witnesses in court judging the psychology of testimonial reliability had begun. His work also led to the development of the polygraph.

Figure 1.1 Key figureheads that helped to shape forensic psychology

institution until considered fit for release into society. To ascertain a defendant's mental state required expert knowledge about the human mind – a role seemingly fit for a forensic psychologist. This ability to ascertain the mental state of a defendant was put to the test when, in 1843, Daniel McNaughton shot the secretary of the Prime Minister instead of his target the Prime Minister, whom he believed was persecuting him. He was clearly deluded and was deemed insane, which meant he was not accountable for his actions. This case led to the introduction of the McNaughton Rules (to the U.K. in 1843 and the U.S. in 1851), which holds that a person found insane cannot be guilty of a crime they have committed. To this day, forensic psychologists are called upon to assess the mental state of a defendant and ascertain fitness to stand trial using the insanity plea.

Another role of the forensic psychologist derived from past developments, this time in psychology itself, is the use of assessments. Of particular importance are intelligence and personality tests used to assess normal mental or cognitive functioning (see Chapters 3 and 5). Tests using questions and problem-solving tasks to assess intelligence were first used in 1889 by Alfred Binet and later in the work of David Wechsler, who developed the Wechsler Adult Intelligence Scale in 1921. Such tests as these and personality tests like the Minnesota Multiphasic Personality Inventory (MMPI), developed in 1939 by Starke Hathaway (a psychologist) and J.C. McKinley (a psychiatrist), remain widely used as assessment tools by forensic psychologists today.

It is clear from these examples that the contributions of past research, testimony and publications have helped to shape forensic psychology as a discipline and define the role of forensic psychologists. In fact, they have helped to create two types of forensic psychologist with very different roles – the academic and the practitioner. The academic and practitioner and their varying roles will be our next topic of consideration.

HOW HISTORY HAS SHAPED FORENSIC PSYCHOLOGY: ACADEMIC AND PRACTITIONER

Forensic psychologists – whether academics or practitioners – are interested in the same theories, issues and subject matter but deploy their skills rather differently. The difference in the acquired skill base for academics and for practitioners of forensic psychology primarily

derives from their working environments, what their aims and objectives are, and their daily job activities. This difference can be traced back historically to the different pathways taken. There are those, for example, who have taught and researched forensic psychological phenomena (i.e. primarily the academic) and those who have applied their knowledge of forensic psychological phenomena to contexts deriving from their work environment (i.e. primarily the practitioner). This, however, does not preclude the academic from acting as a professional expert in a court case, or the practising forensic psychologist from imparting knowledge to students at university. Academics who teach forensic psychology tend to have a range of different training backgrounds, qualifications and experiences of the area. Practitioners, on the other hand, are expected to undergo specialised training and experience, leading to a Diploma in Forensic Psychology which allows them, in the U.K., to become Chartered Forensic Psychologists. In the U.S., certification as a Diplomate in Forensic Psychology is awarded by the American Board of Professional Psychology (ABPP). According to the Division of Criminological and Legal Psychology (DCLP) Training Committee 1994, there are numerous skills and a range of knowledge that a forensic psychologist must possess before he or she is allowed to have Chartered status – which, in the U.K., means that they can qualify as a practising forensic psychologist (see Figure 1.2).

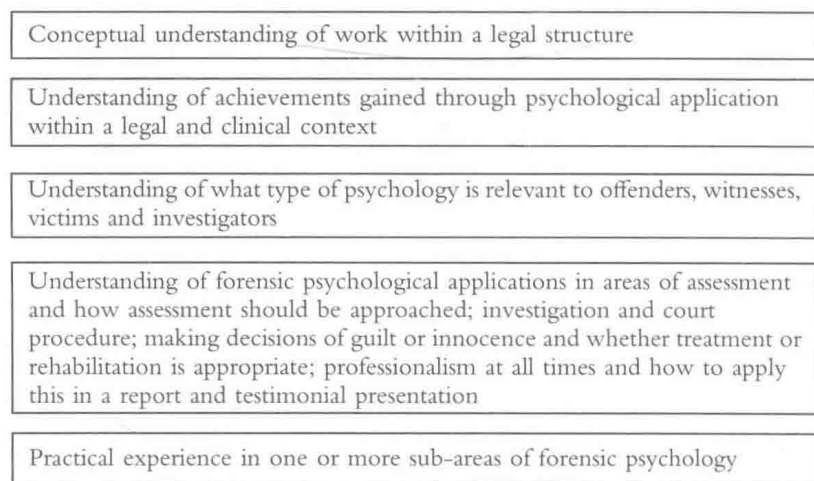


Figure 1.2 Skills of a practising forensic psychologist