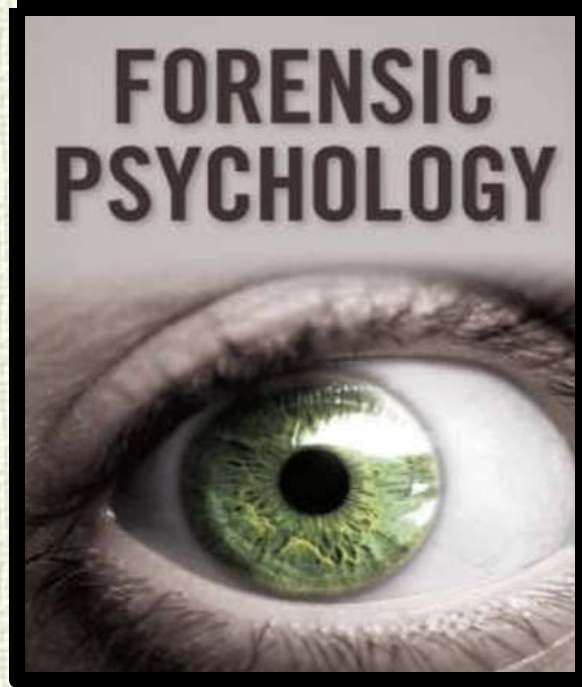
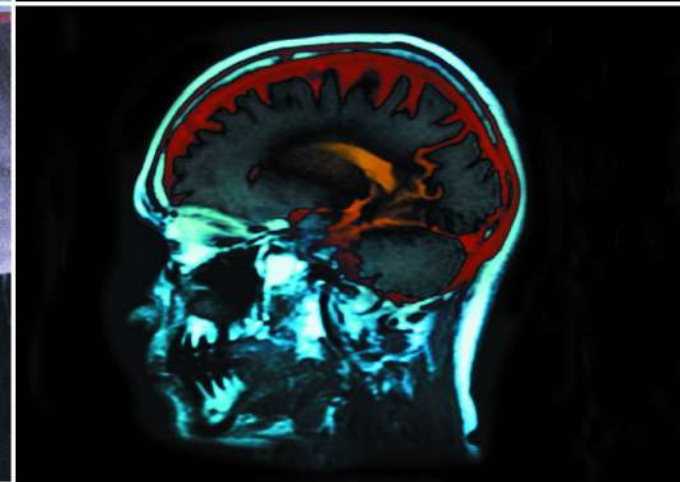
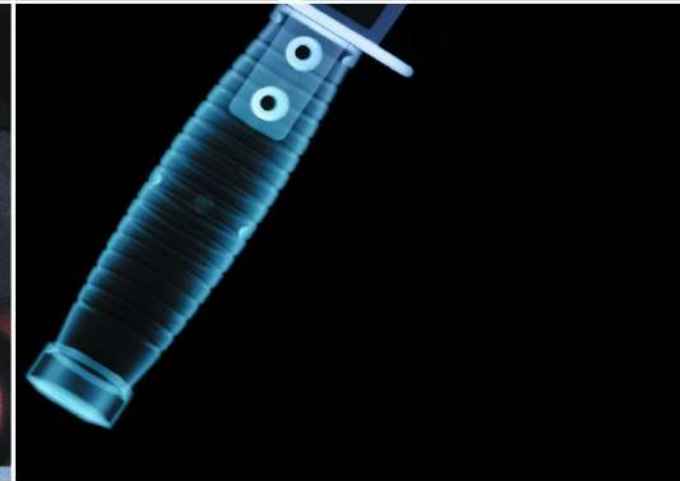
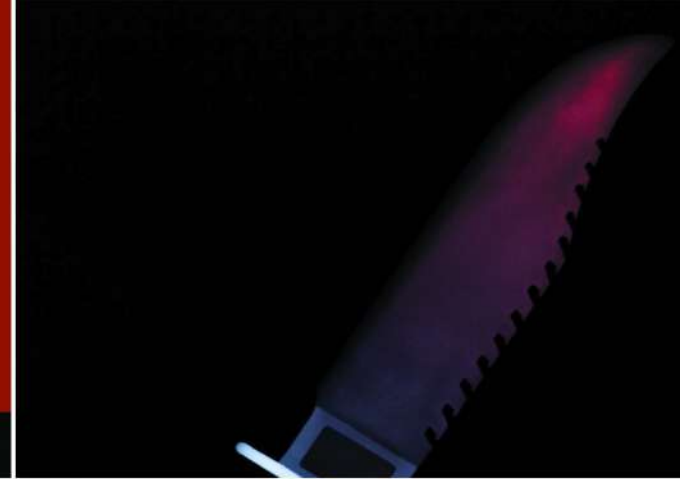


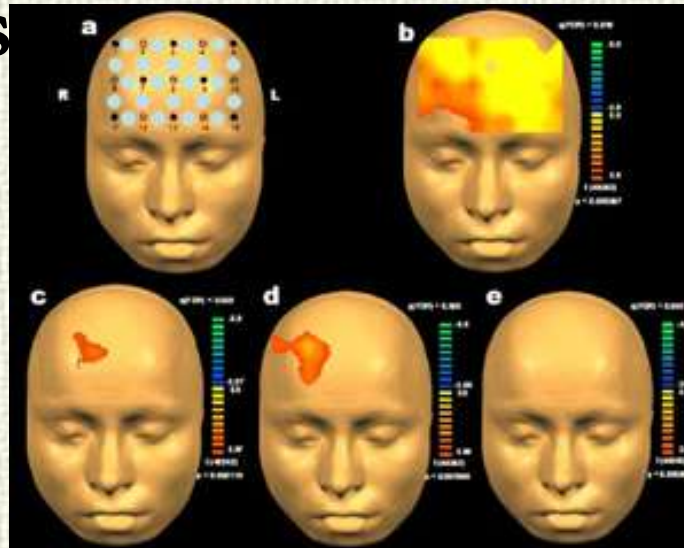
Forensic Psychology

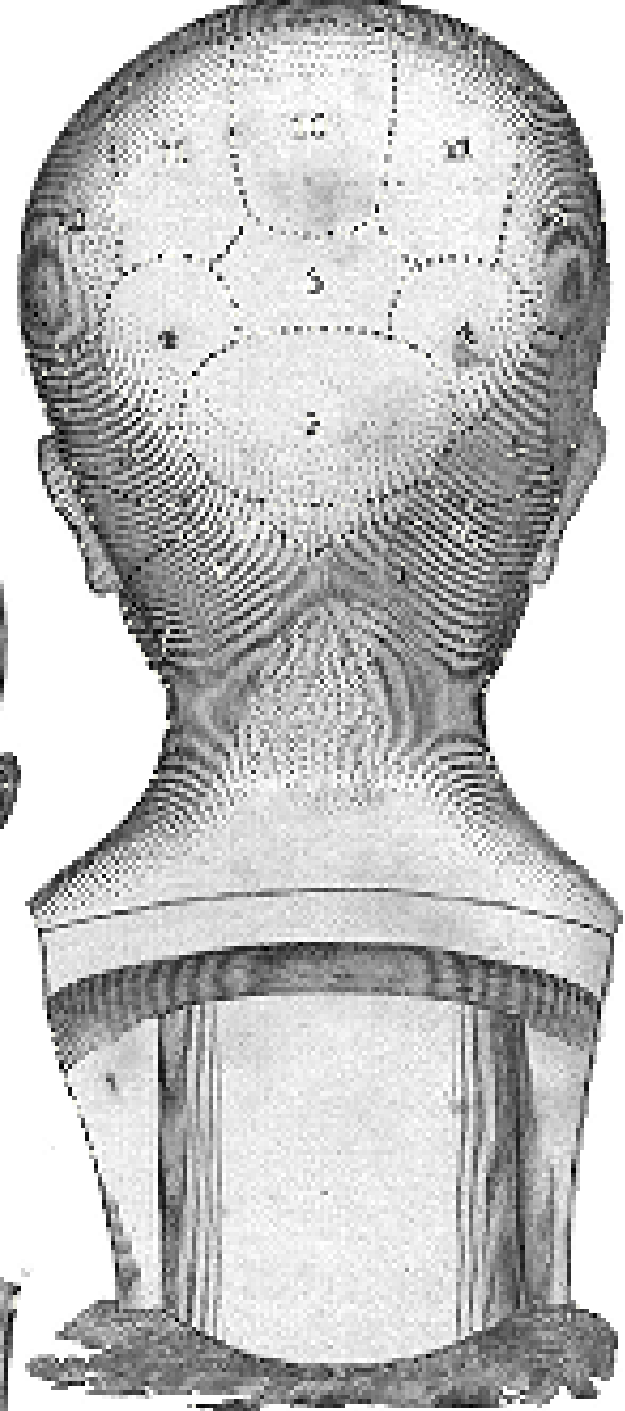
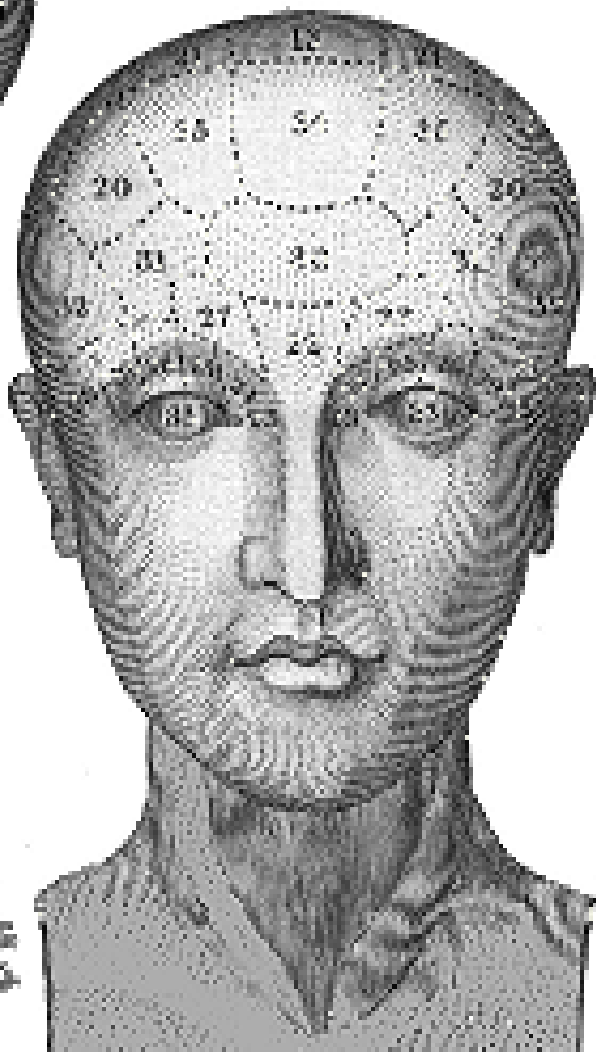




History of Forensic Psychology

- American psychologists at turn of 20th C. relatively disinterested in applying research topics to the law.
- Throughout early 1900's the legal system resisted intrusion by psychologists into courtrooms





History of Forensic Psychology

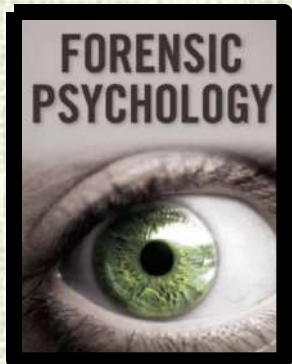
- 1911 several psychologists testified in a Belgium court of behalf of a man accused of raping and murdering a little girl. This is the 1st case in which experimental psychological data (in this case, the validity of testimony of children) was allowed to be presented in a court case.
- 1913 1st use of a psychologist in a U.S. correctional setting recorded in New York at a women's reformatory. Main job of psychologists at this time was to determine if a person was "feebleminded."

History of Forensic Psychology

- 1916-1917 Louis Terman 1st American to use mental tests as part of law enforcement screening tests.
- 1st case where an American Psychologist qualified as an expert was in 1921 in the case of *State v. Driver*. Although the evidence was later thrown out this gave psychologists a foothold.
- 1922, Karl Marbe 1st psychologist to testify in a civil trial. He offered testimony on the psychological issue of reaction time in a train accident case. In the case the train's engineer was accused of drinking alcohol prior to the accident.

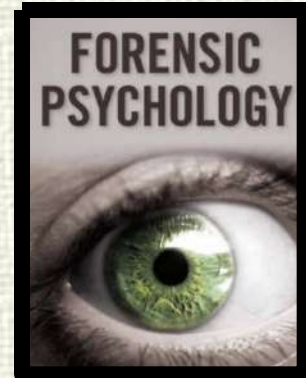
Even More History

- 1940, *People v. Hawthorne*, set the U.S. precedent for psychologist testifying as an expert witness on competence and criminal responsibility. This case overruled an earlier lower courts decision to disallow a psychologist testimony.
- Canada's 1st Correctional Psychologist hired in 1955 at St. Vincent de Paul Penitentiary.
- Hans Toch, the 1st psychologist to edit a book on psychological criminology called: *Legal and Criminal Psychology* in 1960. This is considered the 1st book about psychology and the law written by a psychologist.



Forensic Psychology

- Application of methods, theories & concepts of psychology within the legal system.
- Looks at impact of police officer, victim, juror, expert witness, lawyer, judge, defendant, prison guard &/or parole officer on the legal system.



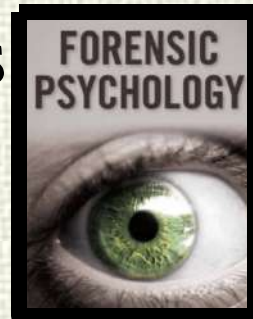
What Forensic Psychology is NOT.

Forensic Scientist

- ❖ Analyze, compare, identify & interpret physical evidence
- ❖ Identify evidence & link it to the suspect, victim & crime scene

Forensic Psychiatrist

- ❖ Apply Psychiatry to the Law
- ❖ Expert witnesses in court
- ❖ Application of medical treatment in forensic settings



Who Employs Forensic Psychologists?

- Federal, state & local government & facilities:
i.e. *prisons, jails, police departments, corrections facilities, probation and parole, military, etc.*
- Treatment facilities: i.e. drug/chemical rehabilitation, short/long term residential facilities, counseling centers, mental hospitals, etc.
- Courts, attorneys and legal advocacy groups
- Self employed, private practice & consultants
- Teaching: colleges/universities w/ courses in psychology &/or criminal justice

Subfields of Forensic Psychology

- Clinical-Forensic Psychology

Very similar to clinical psychology. Clients here are not only suffering from some type of mental problem, but their issues are of importance to legal decision making as well.

- Developmental Psychology

Deals w/ juveniles, the elderly, and the law. Focus on policy making rather than treatment of those with mental problems.

- Social Psychology

Concerned with how jurors interact and arrive at a group decision.

- Cognitive Psychology

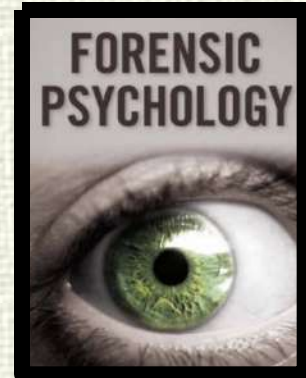
Closely associated w/ social psychology subfield, but looks more into how people make decisions in legal cases.

- Criminal Investigative Psychology

Police psychology, criminal profiling and psychological autopsies. Experts may choose to conduct research and/or work closely in analyzing the minds of criminal suspects

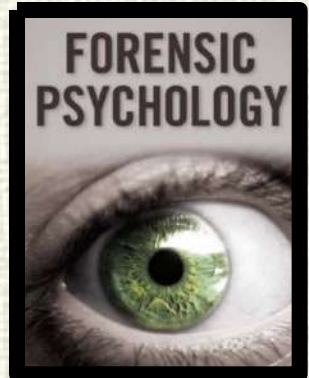
Clinical Forensic Psychology

- Jury Selection
- Consultation with Lawyers
- Expert Witness
- Competency Assessment
- Insanity Assessment
- Lethality Assessment
- Custody Assessment
- Researcher
- Law Enforcement Screening



Forensic Psychologists in the Court

- Psychologists and Psychiatrists testify in an estimated 8% of all federal civil trials
- Mental health professionals participate in as many as a 1,000,000 cases per year.



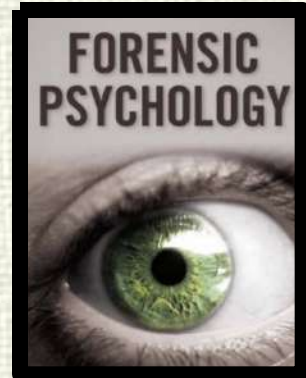
Consulting with Lawyers

Witness Preparation

- Help witness present testimony better without changing the facts
 - Manner of presentation, associated emotions, preparation for being a witness in a courtroom, etc

Convincing the Jury

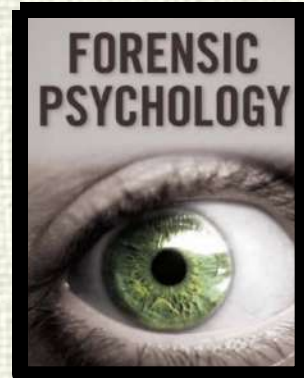
- Help attorneys in way they present cases and evidence to jurors
- Help establish presentation of opening and closing statements



Jury Selection

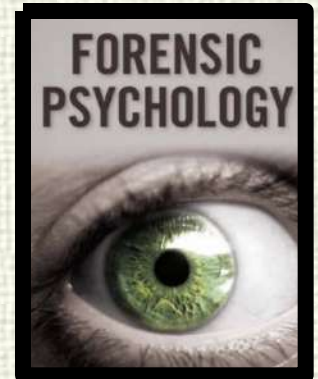


- Lawyers hire psychologists as jury selection consultants
- Psychologist use empirically-based procedures to select jurors
 - Focus groups
 - Shadow juries
 - Systematic rating of prospective jurors
 - Surveys of community to detect bias



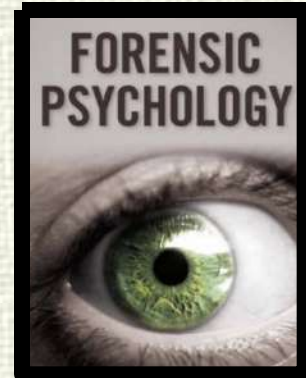
Expert Witness

- Must help the court understand and evaluate evidence or determine a fact at issue
- Experts can be asked to testify by the court or by counsel of either defendant or plaintiff
- Judge decides if an expert witness can claim expert status



Areas Psychologists Testify as an Expert Witness

- Commitment to mental hospitals
- Child custody issues
- Offender Treatment Programs
- Release from involuntary confinement
- Jury Selection
- Criminal Profiling
- Advice to attorneys regarding factors that will affect jurors' behaviors
- Predicting dangerousness
- Rights of a mentally disabled person in an institution
- Competency to stand trial
- Criminal Responsibility (Insanity Defense)
- Battered Women



Courts & Forensic Psychology

- **Family** Court
- **Civil** Court
- **Criminal** Court

Family Court

- **Child Custody Evaluations**
- **Visitation Risk Assessments**
- **Grandparent Visitation Evaluations**
- **Mediation of Parental Conflicts about Children**
- **Child Abuse Evaluations**
- **Adoption Readiness Evaluations**
- **Development of Family Reunification Plans**
- **Evaluations to Assess Termination of Parental Rights**

Civil Court

- **Personal Injury Evaluations**
- **IME Second Opinion Evaluations**
- **Assessment of Emotional Factors in Sexual Harassment and Discrimination**
- **Worker's Compensation Evaluations**
- **Civil Competency Evaluations**
- **Psychological Autopsies**

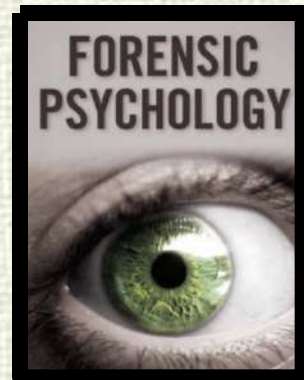
Criminal Court

- Evaluations of Juveniles accused of criminal acts
- Juvenile Pre-sentencing Evaluations
- Juvenile Probation Evaluations
- Juvenile Waiver Evaluations
- Evaluating the Credibility of Child Witnesses
- Assessment of Juvenile and Adult Sexual Offenders
- Competency and Diminished Capacity Evaluations
- Adult Pre-sentencing Evaluations.



Insanity vs. Competence

- *Relates to the defendant's mental state at the time the offense occurs.*
- *Competence refers exclusively to the defendant's mental abilities at the time of the proceeding.*



Insanity Defense

An insanity defense is based on the theory that most people can choose to follow the law;

But a few select persons cannot be held accountable because mental disease or disability deprives them of the ability to make a rational/voluntary choice



What is Insanity?

- Mental illness of such a severe nature that a person...
 - cannot distinguish fantasy from reality,
 - cannot conduct her/his affairs due to psychosis, or
 - is subject to uncontrollable impulsive behavior.



Legal Standards of Insanity

- **McNaughton Rule**

- *States that, in order to establish insanity, it must be proven that at the time of a crime, the accused had a mental defect (i.e. such as a mental disease) so that she/he did/could not know the nature or quality of their crime at the time of offense--or if the accused did not know that what she/he did was wrong.*

- **The Durham Rule**

- *States that the accused is not criminally responsible if her/his unlawful conduct is or was the product of mental disease or defect.*

The Original test

- The insanity defense traces its roots back to the 1843 when Englishman **Daniel McNaughton** shot and killed the secretary of the British Prime Minister, believing that the Prime Minister was conspiring against him.
- The court acquitted McNaughton "*by reason of insanity,*" and
- He was placed in a mental institution for the rest of his life.
- However, the case caused a public uproar, and Queen Victoria ordered the court to develop a stricter test for insanity.

The M_cNaughton Test

- **also called the "right-wrong test"**
- **a person was not criminally responsible if at the time of the crime, he did not know the nature of the act or that it was wrong.**

The Jury was required to answer two questions:

- 1. Did the defendant know what he was doing when he committed the crime?**
- 2. Did the defendant understand that his actions were wrong?**
 - *This test allowed a prosecutor to prove sanity easily by simply showing a defendant understood the moral consequences of an action; mental illness did not matter.***

AMERICAN LAW INSTITUTE (ALI) TEST

Under the ALI test the defendant must prove by a pre-ponderance of the evidence of the time of the crime because of a mental disorder, he lacked substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law

This test is more favorable to defendants because it excuses a defendant of whether his cognitive or volitional capacity was substantially impaired; it doesn't require complete impairment.

Famous Cases

John Hinckley

- Shot President Ronald Reagan, in front of television cameras -- but declared “not guilty by reason of insanity” and sent to a mental institution.



Hinckley

- Developed an **obsession of Jodi Foster**, who played a child prostitute in the movie *Taxi Driver*
- Followed her to Yale University and stalked her for a short time, slipping poems and messages under her door and repeatedly contacting her by telephone.



Hinckley

- Failed to develop meaningful contact with Foster.
- Developed such plots as hijacking an airplane and committing suicide in front of her to gain her attention.
- Settled on a scheme to win her over by assassinating the president (just like the main character in *Taxi Driver*).



Hinckley

- Followed Jimmy Carter for a while until arrested in Nashville for firearms charges.
- He returned home once again.
- Despite psychiatric treatment for depression, his mental health did not improve.



Hinckley

- As of 1981 started to target newly-elected president, Ronald Reagan
- Started viewing Lee Harvey Oswald (Kennedy assassin) as



Hinckley

- Just prior to Hinckley's failed attempt on Reagan's life, he wrote to Foster
- *"Over the past seven months I've left you dozens of poems, letters and love messages in the faint hope that you could develop an interest in me. Although we talked on the phone a couple of times I never had the nerve to simply approach you and introduce myself. [...] the reason I'm going ahead with this attempt now is because I cannot wait any longer to impress you."*

Hinckley

- On March 30, 1981, Hinckley fired a .22 caliber Röhm RG-14 revolver six times at President Reagan, as he left the Hilton Hotel in Washington, D.C. after addressing an AFL-CIO conference.
- Wounded press secretary James Brady, police officer Thomas Delahanty and Secret Service agent Timothy McCarthy.
- Bullet ricochet off the side of the limousine and hit President Reagan in the chest.
- All victims survived, but Brady -- hit in the right side of the head -- endured a long recuperation period and remained paralyzed on the left side of his body.

Hinckley

- At the trial in 1982, charged with 13 offenses
- Hinckley was found *not guilty by reason of insanity* on June 21.
- The defense psychiatric reports found him to be insane while the prosecution reports declared him legally sane.
- Hinckley was confined at St. Elizabeth's Hospital in Washington, D.C.



Hinckley

- The verdict led to widespread dismay
- The U.S. Congress and a number of states rewrote the law regarding the insanity defense.
- Idaho, Kansas, Montana, and Utah have abolished the defense altogether.
- Shortly after his trial, Hinckley wrote that the shooting was "*the greatest love offering in the history of the world*", and was upset that Foster did not reciprocate his love
- To this day still resides in St. Elizabeth's Hospital with limited freedoms.

Famous Cases

- **Lorena Bobbitt** argued she was temporarily insane when she severed her husband's penis with a kitchen knife
- A Virginia jury agreed; she was released after three months of psychiatric evaluation.



LORENA BOBBITT



JOHN WAYNE BOBBITT

Bobbitt

- After being raped by her husband Lorena went into the kitchen where she noticed a carving knife on the counter.
- *"memories of past domestic abuses raced through her head."*
- Lorena Bobbitt entered the bedroom where John was asleep; and she proceeded to cut off more than half of his penis.



Bobbitt

- She then left the apartment
- After driving a short while, she rolled down the car window and threw the severed body part into a field.
- Realizing the severity of the incident, she stopped and called 911.



Bobbitt

- Lorena was taken into custody
- Lorena stated that John sexually, physically, and emotionally abused her during their marriage
- Lorena's defense attorneys maintained that John's constant abuse caused Lorena to eventually "snap"
- She was suffering from *clinical depression* and a possible bout of *post traumatic stress disorder* due to the abuse.



Bobbitt

- A court-appointed forensic psychologist, **Dr. Henry Gwaltney** of Petersburg, Va, stated that she had been **clinically depressed**, frightened and **emotionally overwrought** when she maimed her husband.
- But he reiterated the finding of a report, in which he was joined by two other state-appointed psychologists, that Mrs. Bobbitt's act was "**a goal-directed, angry attempt at retaliation.**"

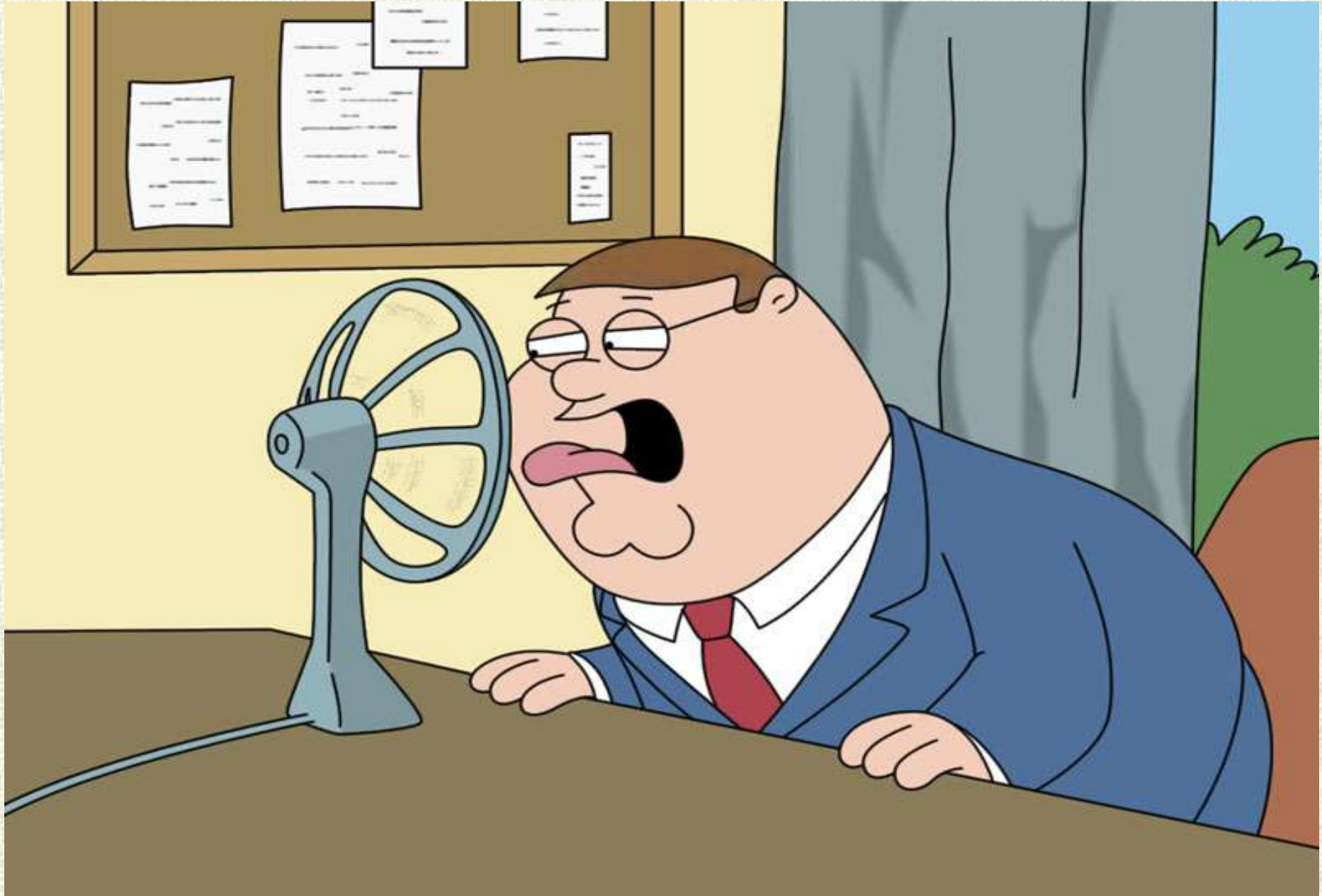


Bobbitt

- After seven hours of deliberation, the jury found Lorena "not guilty" due to insanity causing an irresistible impulse to sexually wound her husband.
- As a result, she could not be held liable for her actions

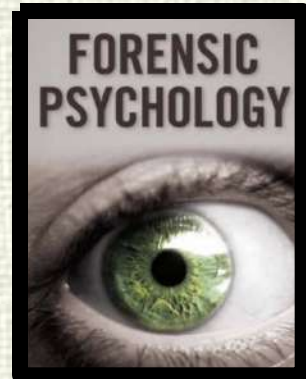


How can we tell if someone is competent?



Competency

- ❑ The mental state of the defendant at the time of trial
- ❑ Criminal proceedings should not continue against someone who cannot understand their nature and purpose.
 - ❑ This rule applies at every stage of the Criminal Justice process, but is most often applied at pretrial hearings concerned with two topics:
 - ❑ Competence to plead guilty
 - ❑ Competence to stand trial



Competence to *plead guilty* vs. Competence to *stand trial*

Waive rights to:

Jury trial, to confront accusers, to call favorable witnesses, and right to remain silent.

The Supreme Court has held that a waiver of such important rights must be intelligent, knowing, and voluntary.

Trial judges are required to question defendants to make sure they clearly understand they are waiving their constitutional rights by pleading guilty.

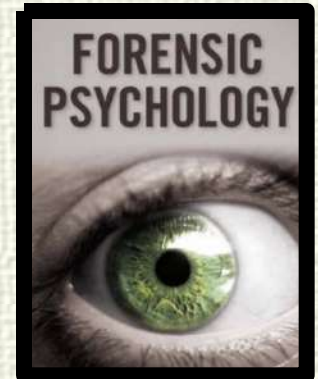
Defendant must understand the consequences.

- “Sufficient present ability to consult with one’s attorney with a reasonable degree of rational understanding and, a rational, as well as functional understanding of the proceedings against him or her”
- Defendant must understand the nature of the proceedings.



Competency Exams

- **Competency Assessment Instrument (CAI)**
- **Georgia Court Competency Test (GCCT)**
- **Interdisciplinary Fitness Interview (IFI)**
- **Competency Screening Test (CST)**

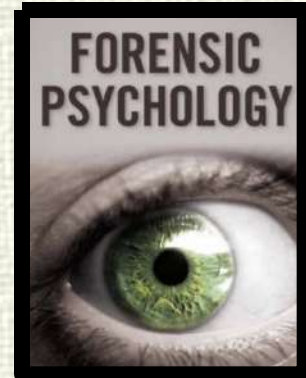


Competency Assessment Instrument (CAI)

- Instrument used for assessing competence defendants with suggestive findings on the CST.
- Structured interview lasting ~ one hour, that covers 13 functions relevant to competent functioning at trial.
- Defendant is rated on each function with a score from 1 (total incapacity) to 5 (no incapacity)
- There has been no specific cutoff decided, but a substantial number of scores of 3 or less is cause for concern.
- Has adequate interrater agreements on the separate functions and a 90% agreement with separate decisions about competence rendered after a lengthy hospital evaluation.

13 functions of the CAI

- Appraisal of available legal defenses
- Unmanageable behavior
- Quality of relating to attorney
- Planning of legal strategy; including guilty pleas to lesser charges where pertinent.
- Appraisal of role of:
 - Defense counsel
 - Prosecuting attorney
 - Judge
 - Jury
 - Defendant
 - Witnesses
- Understanding of court procedure
- Appreciation of charges
- Appreciation of range and nature of possible penalties
- Appraisal of likely outcome
- Capacity to disclose to attorney available pertinent facts surrounding the offense, including the defendant's movements, timing, mental state, and actions at the time of the offense
- Capacity to realistically challenge prosecution witnesses
- Capacity to testify relevantly
- Self-defeating vs. self-serving motivation



Georgia Court Competency Test (GCCT)

- Consists of 21 questions, the GCCT has been found to be highly a highly reliable instrument that taps three dimensions:
 - General legal knowledge
 - Courtroom layout
 - Specific knowledge --how to interact with defense counsel (Bagby, Nicholson, Rogers, & Nussbaum, 1992)
- The GCCT does not do as good of a job measuring the less cognitive aspects of competence such as defendants' ability to cooperate with counsel and assist in their defense.

Interdisciplinary Fitness Interview (IFI)

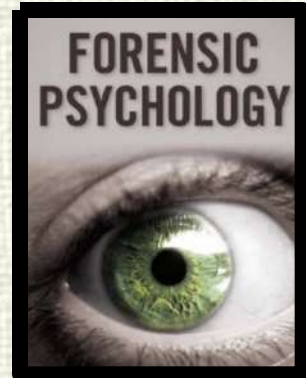
- Semi-structured interview that evaluates a defendant's abilities in specific legal areas (five items).
- It also assesses 11 categories of psychopathological symptoms.
- Each area is rated from 0 to 2 in terms of the degree of capacity the defendant demonstrates.
- Evaluators also rate each item on the weight they attached to it in reaching their decision about competence. (vary depending on the case)
- Interviewers using the IFI agreed on judgments of competence in 75 of 77 cases evaluated.

Competency Screening Test (CST)

- 22 item sentence completion task designed as an initial screening test for incompetence (Lipsitt, Lelos, & McGarry, 1971)
- This is useful because it can quickly identify those who are competent, and save time and expense.
- The defendant answers each of the 22 sentence stems, and each response is then scored as 2 (a competent answer), 1 (a questionably competent answer), or 0 (and incompetent answer)
- Scores can range from 0 to 66; generally, a score of 20 or less suggests possible IST. (incompetent to stand trial)

Weaknesses of the CST

- The scoring of the CST reflects a naively positive view of the legal process.
- Produces a lot of false positives.
- Takes extensive training and experience with the instrument.



Research and Forensic Psychology

Jurors

- ❖ Personality Traits
 - ❖ Authoritarianism
 - ❖ Locus of Control
 - ❖ Just World Belief
- ❖ Demographics
 - ❖ Gender
 - ❖ Socioeconomic Status

Eye Witnesses

- ❖ Weapon Focus Effect
- ❖ Extreme Stress
- ❖ Unconscious Transference
- ❖ Overestimating/Underestimating

Forensic Psychologists in Police Departments

Survey of *Police Psychologists*:

- 37% time spent counseling police officers & families
- 32% time spent screening/selecting police personnel
- 31% time on training or organizational development

(Bartol, 1994)

How Do Psychologist Evaluate Police Candidates?

- Personal Interviews
 - Law Enforcement Candidate Interview
- Observations of Candidates Performing in Special Situations
 - Clue Test
- Psychological Tests
 - Personality, etc.



What About Forensic Psychologists in Corrections?

- **Work closely with inmates, probationers, and parolees**
- **Administer psychological assessments, interpret results, and prepare comprehensive results**
 - **MMPI, Suicide, Lethality, Cognitive Assessments**
- **Develop, organize, and administer individual and group therapy**
 - **Alcohol and Other Drugs, Sex Offender Treatment, Anger Management, Domestic Violence Counseling and Cognitive Intervention Counseling**

When Are Inmates Psychologically Assessed?

- **When the offender enters the correctional system**
- **When decisions are made concerning the offender's exit into the community**
- **During times of psychological crisis**
- **In death penalty cases where competency to be executed is considered**

If I continue on in Forensic Psychology, what can I expect to do?

• OPTIONS WITH A BACHELOR'S DEGREE

- Residential youth counselor, case worker, probation/parole officer.

• OPTIONS WITH A MASTER'S DEGREE

- Those w) M.A. (focused on clinical psychology) usually work in *institutions*, where a Ph.D. will supervise them.
- *Correctional facilities* are a primary place for employing master's level forensic psychologists rather than doctoral level psychologists because they can be paid a lower income.
- Also, in *research* settings--for the government, &/or non-profit org.
- May also become involved in *policy making*.

• OPTIONS WITH A DOCTORAL DEGREE

- With a doctorate, one can go into independent practice.
- Private practice areas might include counseling offenders, being an expert witness for hire, conducting assessment, conducting psychotherapy, and consulting on civil and criminal issues.
- Ph.D.'s can also work in colleges and universities.
- Along with this, they can now supervise those who only have their master's degree.

Pros and Cons of a career in Forensic Psychology

Helping Others

- Forensic psychology can be very rewarding when you make a difference in someone's life.

Opportunities

- There are many different subspecialties within the field.

Changing Environment

- When working in prisons and with juvenile offenders, every day can be different.

Recognition

- Those who act as expert witnesses are usually well known.

Personal Fulfillment

- When conducting research, psychologists' findings are often beneficial to society.

Risk of Injury

-The people that forensic psychologists work with in prison settings are sometimes very

Continuing Education-Continuing Education

- Attending seminars and conferences throughout one's professional life is important for keeping current in the field. Also, it is not easy to get a job directly out of the doctoral program without additional training.

Teamwork - Teamwork

- Some people would rather work independently. In this field, people are constantly working with the courts, police, and a variety of other professionals.

Pay - Pay

- The pay range for someone in this field does not always compensate for the hard work and long hours.

Burnout Risk

- Forensic psychology can be a very stressful job. Often, people and situations cannot be changed easily.

How does the future look?

- **Forensic Psychology is growing for several reasons.**
 - There are a lot of topics on which mental-health professionals claim expertise. (It is important to attorney's to be able to use their information)
 - The law permits and encourages expert testimony in a variety of areas.
 - Expert testimony by forensic psychologists is a lucrative business. It pays between \$100 - \$400 per hour.
 - Prisons are growing

Things are looking good

- Forensic psychology has experienced steady growth in the past two decades.
- It is predicted that research work, consultation, and clinical practice in psychology and the law will continue to grow over the next ten years.
- The highest demand is predicted to be working with the courts, attorneys, and lawmakers.
- Jobs will also continue to grow in colleges and universities where most of the research is conducted.
- Laws are constantly changing, which can be good news for a forensic psychologist.
- Exploring different ways of dealing with juvenile offenders is also becoming a popular subject; decisions related to dealing with these offenders often require the expert advise of a forensic psychologist.
- Those who hold doctorate degrees will have many more career opportunities than those with only a master's degree. It is almost impossible to specialize in this field with only a bachelors degree.

Forensic Psychology

