

# Forensic psychology text book notes

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## Chapter 1

**Forensic Psychology:** A field of psychology that deals with all aspects of human behaviour as it relates to the law or legal system.

**Retroactive memory falsification:** This term was used to refer to a process whereby people confuse actual memories of events with the events described by the media. Children in particular are susceptible to this and are prone to suggestion.

**Hugo Munsterberg:** Considered by many to be the father of forensic psychology, he advocated that psychology had a lot to offer the legal system including issues regarding eye witness testimony, crime detection, false confessions, suggestibility, hypnotism, and even crime prevention.

**Forensic Psychology in Canada:** The most significant contributions by psychologists in Canada have been in the area of corrections (risk assessment tools, effective treatment approaches). An avid actor in this field is Dr. Paul Gendreau, who has conducted numerous studies that have shown that “get tough” strategies have little effect in deterring crime and can often lead to higher rates of reopening. Dr. Gendreau also developed the correctional program assessment inventory which is used to evaluate the quality of offender treatment programs.

**Defining forensic psychology:** There is generally no accepted definition of the the field, It is often referred to as legal psychology or criminal psychology. Much of the on-going debate surrounding defining the disciplines centres centres on whether it should be defined narrowly or more broadly. A narrow definition might focus on clinical aspects of the field while ignoring experimental research. Most psychologists choose a more broad definition and the most commonly cited definition states “The research endeavour examines aspects of human behaviour directly related to the legal process and the professional practice of psychology within or in consultation with a legal system that embraces both civil and criminal law” (Bartol and Bartol). This research frequently originates in areas such as social, cognitive, personality, organization and developmental psychology.

**Roles of a forensic psychologist:** There are 3 important roles; The forensic psychologist as a clinician, Forensic psychologist as a researcher, Forensic psychologist as a legal scholar.

**1)Clinical Forensic Psychologist:** Clinical forensic psychologist are broadly concerned with the assessment and treatment of mental health issues as they pertain to law or legal system. Clinical forensic psychologist work in a variety of settings including, prisons and hospitals. Roles include, assessing offenders to determine risk of reoffending, providing expert testimony, conducting personnel selection for law enforcement agencies, conducting critical incident stress debriefings with police officers, Facilitating treatment programs for offenders.

**2)Forensic Psychology as Researcher:** Experimental Forensic psychologists are concerned with mental health issues as they pertain to the legal system and they can be found in a variety of criminal justice settings. Some topics of interest include examining the effectiveness of risk assessment strategies, Determining factors that influence jury decision making, developing better ways to conduct eye witness lineups. Requires expertise in areas such as memory, processing, decision making, and organizational issues.

**3) Forensic Psychologist as Legal scholar:** Their role as a legal scholar would likely engage in scholarly analyses of mental health law and psychologically oriented legal movements, whereas their applied work would most likely centre around police analyses and legislative consultation

### **The relationship between psychology and Law**

**Psychology and the Law:** The use of psychology to examine the operation of the legal system. Psychology and the Law is largely the domain of the legal scholar role. Examines and analyses various components of the law from a psychological perspective. Asks questions like “Are eye witnesses accurate”, “Do certain interrogation methods leads to false confessions”, “Is it possible to accurately predict whether and offender will be violent when released from prison”?

**Psychology in the Law:** Involves the use of psychological knowledge in the legal system. May consist of psychologists in court providing expert testimony. Psychology in the law might consist of a police officer using his or her own knowledge of psychology during an investigation. Broadly defined as “The use of psychology in the legal system as that system operates”.

**Psychology of the Law:** Psychology of the law involves the use of psychology to study the law itself. It addresses questions such as “Does the law reduce the amount of crime in our society”, “What impact should court rulings have on the field of forensic psychology”.

**Psychological experts in court:** Forensic psychologists can now testify in many countries on the following topics; custody issues, deception, the accuracy of eye witness identification, the effects of crime on victims, and the assessments of dangerousness. Another name for this would be an “Expert witness”.

**Expert witnesses:** These generally serve one of two functions; To provide the court with information that assists in understanding a particular issue, and to provide the court with an opinion. Expert witnesses can provide the court with their personal opinion on matters relevant to the case, the testimony must be deemed reliable and helpful to the court. Lastly the witness is supposed to be there as an educator to the judge and jury, not as an advocate for the defence or the prosecution.

**The Challenges of providing expert testimony**

Dimensions of Difference	Psychology	Law
Knowledge	Cumulative research	Legal precedent, logical thinking, caselaw
Methodology	Aims to uncover broad patterns and general trends through experiments and statistics.	The law is idiographic and operates on a case by case basis.
Epistemology	Psychologists assume it is possible to uncover hidden truths if the appropriate experiments are conducted.	The law is based on who can provide a more convincing story of what happened. (Who has a better lawyer).
Criteria	To accept a hypothesis results must be replicated and conservative statistical criteria are used.	The law decides what is true based on a single case and criteria that are often more lenient.
Nature of Law	Psychology is to describe how people behave.	Law is prescriptive and tells people how they must behave.
Principles	Psychologists always consider alternative explanations	Good lawyers always convince the judge and jury that their explanation is the only correct explanation.
Latitude	Psychologists are severely limited by the courts when acting as an expert witness.	The law imposes fewer restrictions on the behaviour of lawyers in court.

**General acceptance test:** A standard for accepting expert testimony, which states that expert testimony will be admissible in court if the basis of the testimony is generally accepted within the relevant scientific community.

**Daubert Criteria:** A standard for accepting expert testimony which states that scientific evidence is valid if the research on which it is based has been peer reviewed, is testable, has a recognized rate of error and adheres to professional standards.

**Mohan Criteria:** A standard for which accepting expert testimony which states that expert testimony will be admissible in court if the testimony is relevant, is necessary for assisting the trier of fact, does not violate any exclusionary rules and is provided by a qualified expert. (R.V MOHAN).