

Forensic Psychology (PSY3173)

Lecture 1: Introduction and Theories of Crime

- most research has been done on eye-witness testimonies (US), Canada focuses on correction and correctional efforts
- very recent field; borrows from other fields

What Is Forensic Psychology?

- A field of psychology that deals with all aspects of human behaviours as it relates to the law or legal system
- began in the mid 1990's
- in the states, you can be a certified forensic psychologist and as a result must meet criteria to be a forensic psychologist, in Canada it is part of social psychology and as a result if you study forensic psychology or specialize in that field can be a forensic psychologist
- narrow approach:** focuses mainly on the applied/clinical aspects
 - the professionals practice by psychologists within the areas of psychology, counselling psychology, neuropsychology, and social psychology when they are engaged regularly as experts and represent themselves as such in an activity primarily **intended to provide professional psychological expertise to the judicial system**
 - limits research
- Broad approach:** includes both the applied and clinical research aspects
 - any research endeavor that 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
- will focus on criminal law only; since it is called forensic psychology civil law does not really have a place here, also very little research has been done in the field

Roles of Forensic Psychology

- as a Clinician
 - assessment and treatment of mental health as it pertains to law
 - not limited to clinical work, may also do research
 - wide variety of settings: schools, prisons, hospitals etc.
 - must be licensed clinical psychologist
 - forensic psychiatry vs forensic psychology: both are trained to assess individuals experiencing mental health issues who come into trouble with the law, the main difference being a psychiatrist is a medical doctor and tends to rely on the medical model of mental illness, psychologists have a broader view of this
- as a Researcher
 - study of human behaviour as it related to the law or legal system
- as a legal scholar
 - scholarly analyses of mental health law and psychologically legal movements/ policy analysis and legislative consultation
 - fairly uncommon

	Clinical	Experimental	Legal Scholar
Role	Research and practice	Research	Research and analysis
Focus	Mental health and the law	Human behaviour and the law	Mental health law and policy
Training	M.A. or Ph.D. in clinical psychology and internships	Ph.D. in psychology	Ph.D. in psychology and training in law (Ex. LL.B)

Research: ex. reliability of eyewitness testimony, how to improve identification in police line ups, how to reduce false memories, etc.

Relationship between Law and Psychology

- Psychology AND the law
 - the use of psychology to examine the operation of the legal system
- psychology and the law viewed as separate domains
 - looks at assumptions made in the legal system that are not in line with our idea of psychology
 - are judges fair, is the way we practice law fair etc.
 - goal is to communicate the knowledge psychologists have to the legal system and elicit change
- Psychology IN the law
 - the use of psychology in the legal system as that system operates
 - using the tools of psychology within the practice of the legal system
 - ex. Expert witness, police using psychological research to help their investigation etc.
- Psychology OF the law
 - the use of psychology to examine the law itself
 - less common

Influential Court Cases in the History of Forensic Psychology in Canada

- the queen or the crown vs. the criminal
- 3 levels of courts: trial courts, appellate courts, supreme court of Canada
- starts at trial court, can go to court of appeal if there has been an error of law
- if it makes it to the supreme court of Canada it is final

R v. Hubbert: impartial jurors

R v. Sophonow: learned you can influence eyewitness testimony through leading questions

R v. Lavelle: established guidelines for when and how expert testimony should be used in cases involving battered women syndrome

-syndrome was used to prove self defence

R v. Levogiannis: children are allowed to testify in court behind screens that prevent them from seeing the accused

R v. Mohan: established formal criteria for determining when expert testimony should be admitted into court

R v. Oickle: established that police interrogation techniques, which consist of various forms of psychological coercion, are acceptable and that confessions extracted through their use can be admissible in court

Psychological Theories of Crime

1. Psychodynamic Theories

- internal dynamic force (innate)
- try to explain criminal behaviour mainly through internal forces and experiences/events from childhood

a) The role of Superego (Blackburn)

- main source of criminal behaviour relates to inadequate formation of the superego during childhood

- Harsh Superego: (neurotic criminal)

- Weak Superego: common among serial killers

- often associated with psychopathic personality

- Deviant Superego: often have deviant role models in their lives

b) Bowlby's Theory of Maternal Deprivation

- any disruption of the mother child relationship during early childhood may have harmful and potentially irreversible long-term effects, especially on the child's ability to establish meaningful prosocial relationships

c) Hirschi's Social Control Theory

- the reason people typically do not violate the law is due to the relationship between the individual and society

- more likely to become a criminal when one or more of these bonds are broken

- 4 types of bonds

- attachment: refers to attachment and interest in others, mostly parents, friends and teachers

- one doesn't commit a crime because you do not want to ruin these relationships

- commitment: time, energy and effort placed in conventional behaviour

- involvement: if you are highly involved in other activities it gives you no time to become a criminal

- belief: how one views society in general

2. Learning Theories

- based on the principles of conditioning (learned)

- try to explain how criminal behaviour is developed and maintained

- classical conditioning

- operant conditioning

- vicarious learning

3. Personality Theories

- personality profile (mix of innate and learned behaviours)

- existence of criminal personality; makes you more likely to become a criminal

a) Eysenk's Biosocial Theory of Crime

- first testable theory of criminal behaviour by the psychologists

- interaction between biology, social and individual factors-biosocial theory of crime

-Three dimensions to personality (extraversion, neuroticism, psychoticism); the first two begin the most influential in the development of criminal behaviour

b) Kernberg's Theory of Borderline Personality Organization

- personality is organized along a continuum from psychotic to borderline neurotic, and defined by the capacity for reality testing and unconscious defensive process (defence mechanisms used)
- psychotic: absence of reality testing and the use of primitive defences
- Borderline: capacity for reality testing and use of primitive defences
- Neurotic: capacity for reality testing and use of higher level defences
- more sophisticated in the way they commit their crime

Lecture 2: Research Methods in Forensic and Police Psychology

-similar to typical psychological research; differences are questions and research population

Research in Forensic Psychology

- estimator variables:** variables present at the time of the crime that you cannot change
- all you can do is estimate their impact
- system variables:** variables that can be manipulated to increase or decrease the effectiveness of a procedure
- how do you do your line up, your identification etc.
- study the impact of different ways of doing things

Research Methods and Designs

-research methods

- archival research; limited in what we can control, however allows you to look at lots of information at once
- laboratory research
- field research

-research designs

- case studies: used often in forensic psychology ex. Serial killers
- correlational designs
- experimental designs
- longitudinal designs
- meta-analysis: very popular in the beginning of the field

Ethics in Forensic Psychology

- any psychological experiment must be conducted with respect to professional regulations and guidelines, and with respect to the law
- must weigh the risks and benefits of the method
 - must have **minimal risk**; the level of risk that could be experienced by anyone on a daily basis in a similar situation

-Informed consent

- participation must be voluntary
- knowledge and understanding of what one's participation involves
- ability to assess the risks of one's participation

- elimination or reduction of the perception of coercion
- consent can be hard under certain circumstances;
- the use of deception;** When is this acceptable?

Clinical Assessment Techniques

- self-report
- interviews
- free narrative; free speech
- structured; structured questions
- standardized tests; not used often in this field, but used to select police officers
- projective tests
- behavioural observation
- psychophysiological tests

Police Psychology

- the research and application of psychological knowledge and clinical skills to law enforcement and public safety
- a police psychologist does not have to be a present or former police officer to be an effective service provider to law enforcement agencies
- until the 80s very few police departments had a psychologist on staff; today most major stations do

Research

- Paoline (2003)
- Manning (1995)
- both studied the integration police psychology in stations across the united states
 - found one of the clear requirements to be successful I to recognize and understand the police culture
 - law enforcement culture is unique, the working environment can be hostile and dangerous, officers have also been granted the legitimate power to create and display their power over the public

Common Activities and Tasks of a Police Psychologist (slide 7)

- many potential tasks
- not common that only one psychologist does them all
- ON EXAM: comment on the 4 major categories and an example
- when you only have one psychologist on staff all tasks will not be completed, skill set is more limited

seriously mentally
disordered
Substance abuse
and alcohol
treatment
Operational-
related
consultation and
research
Mediation
Aumiller & Corey (2007)

Police Selection

-there is a set of procedures used by police to either screen out undesirable candidates or select in desirable candidate

-typically use one or the other:

-screening-out procedures try to eliminate those candidates who demonstrate significant signs of psychopathology or emotional instability, or who lack the basic ability or mental acuity to perform the job in a safe and responsible manner

-typically, hard to do, often done in places with fewer applicants or undesirable places

-screening-in procedures are intended to identify those attributes that distinguish one candidate as being potentially a more effective officer than another i.e. ranking order

-small amount of research has been done on this topic in Canada

-selection procedure is similar; physical fitness, cognitive ability, personality, background check, medical exam

Police Selection the Stages

1. Job Analysis

- identifying the knowledge, skills and abilities that make good police officers (KSAs)
- common problems with KSAs; makes things measurable but this is hard for certain characteristics
- can use surveys with the public and current police officers
- KSAs may not remain stable over time; requirements change
- determining who is right for the job; honesty, reliability, sensitivity to others, good communication skills, high motivation, problem solving skills, and being a team player

2. The Construction and Validation Stage

- Selection interview
 - used to determine the extent to which a candidate possesses the KSAs deemed important for the job
 - is usually a semi structured interview with questions based on the KSAs
 - often scenario based questions
- Psychological Tests
- cognitive ability tests
- personality tests: 2 used in Canada
 - MMPI2; used to identify people with psychopathological tendencies
 - Inwald Personality Inventory; had been developed by psychology for police applicants only, measures personality attributes and behavioural components
 - ex. Stress reactions, interpersonal difficulties, substance abuse etc.
- IQ tests
- Assessment Centres (situational tests)
- puts you into situational tasks

Police Discretion

- a policing task that involves discriminating between circumstances that require absolute adherence to the law and circumstances where a degree of latitude is justified
- Requires the following KSAs
- ability to adapt- flexibility
- common sense- good judgment
- ability to make efficient decisions
- good problem-solving skills
- why is police discretion necessary
- must exercise discretion in a none discriminatory fashion

-Factors Influencing Police Discretion

- seriousness of the crime; must enforce more serious crimes all the time
- strength of evidence; if the evidence is strong they should enforce the law
- the victim asks for an arrest to be made
- the victim and offender are strangers to each other
- the suspect is resistant or disrespectful to the other

-areas where police discretion is often used

- youth crime*; belief that formal criminal justice processing is probably not the most effective response in dealing with many young offenders

-resolution conference: informal processing of young offenders in which the offender and their family are brought together with the victim and a police officer to come up with a plan

PLAN: 1. compensate the victim, 2. Penalize the youth 3. Provide support to the youth's family 4. Establish a monitoring scheme to ensure the youth complies

-*offenders with mental illnesses:* usually have 3 options

-psychiatric hospital

-arrest individual

-resolve the matter informally

-*domestic violence:* police officers have a range of response available to them

-if victim asks for arrest they must arrest

-if not they have other options: mediation, community referrals and professional help

-How is it controlled?

-department policies as well as country wide policies in place

-use of force continuum; guidelines as to what level of force is acceptable based on the situation (do not have to memorize but know how it works)

-have the right to use force to protect themselves and the public

-goal is to get control over the situation

-model begins in the middle with the situation the police officer is in, dynamic model that changes as the situation evolves, helps the police officer assess the situation, determine the best way to react to the situation and determine the force needed to do so- is a matter of perception, previous experience etc.

-the idea is they have to analyze the situation, must analyze the person and their behaviour and then decide the best approach

-once the situation is controlled you must stop using force

-can only use a level of force one step higher than the person they are trying to control

-study of Butler and Hall: 2008 with the Calgary police

-wanted to see how the use of force was used

-conclusion: use of force is relatively rare, not common in everyday work

-only accounted for less than 1% of all interventions; force was used mainly with male offenders (94% of the time), about 88% of the interventions where force was used the individuals were under the influence of substances or in emotional distress, most common use of force is the police baton, 29% of people received injured from batons

Police Stress

-considered to be one of the most stressful occupations by police psychologists, police officers and their families (Anshel, 2000)

-sources of police stress (Finn and Tomz, 1996)

-organizational stressors

-occupational stressors -- jobs : irregular work schedules, shift work, physical and mental health as well

-criminal justice stressors -- the justice system in general;

-public stressors -- they see things that most people don't see; exposed to negative events

There are a lot of stressors being a police officers but there are also a lot of standard consequences ..

-what are the consequences of Police stress?

- job performance problems -- decrease in work efficiency, productivity, increase in absenteeism, tardiness, early retirement due to difficult job
 - physical health problems -- higher rate of cardio diseases and some type of cancer
 - psychological health problems / personal : PTSD, depression (high rate), alcohol abuse, high rate of suicide

The Psychology of Police investigations

Police Interrogation: A process whereby the police interview a suspect for the purpose of gathering evidence and obtaining a confession

Confession as a piece of evidence increases chances that they are found guilty.

Emphasis on confession makes a lot of methods to obtain confession, and it could go wrong.

Could even lead to the supreme court ...

R. v. Oickle (2000) submitted himself voluntarily to a polygraph and failed, leading him to feel he has to confess. Used the fact that he failed to put pressure on him to confess.

Trial court - guilty

Appeal court - not guilty

Supreme court -

Failed to tell him that the polygraph was inadmissible evidence in court.

This case leads to... in 2000:

What criteria make a confession voluntary, thus admissible in court?

- Have the police made any threats or promises to the suspect [quid pro quo]?
- Where there any distasteful or inhumane conducts that would amount to an involuntary confession?
- Does the suspect have an operating mind (is he or she sufficiently aware of what they are saying and who they are saying it to?)?-- under influence of drugs/alcohol/ have a disorder?
- What was the degree of police trickery?

The Reid Model of Interrogation - John Reid of

It is a three-part process with the primary objective of having the suspect confess to the crime

- **Stage 1:** Gathering evidence related to the crime and to interview witnesses and victims
- **Stage 2:** Conducting a non-accusatorial interview of the suspect to assess any evidence of deception; try to see if you're lying; looking for inconsistencies in what you're saying.

Look for lying cues,

- **Stage 3:** Conducting an accusatorial interrogation of the suspect in which a nine-step procedure is implemented

-Goal is to make confessing to the crime more desirable than the anxiety of lying about it

-Used in Canada and in the United States

The Nine-step Procedure (stage 3)

Step 1: The suspect is immediately confronted to his or her guilt

Step 2: Psychological themes are then developed that allow the suspect to justify, rationalize, or excuse the crime. E.g. if someone expected of sexual assault they say well the victim may have been asking for it

Step 3: The interrogator interrupts any statements of denial by the suspect

Step 4: The interrogator overcomes the suspect's objections to the charges to a point at which the suspect becomes quiet and withdrawn

Step 5: The interrogator ensures that the suspect does not tune out of the interrogation by reducing the psychological distance between them

Step 6: The interrogator then exhibits sympathy and understanding, and the suspect is urged to come clean

Step 7: The suspect is offered face-saving explanations for the crime "maybe you were drinking, you didn't know what you were doing..."

Step 8: Once the suspect accepts responsibility for the crime, the interrogator develops this admission into a full confession

Step 9: The interrogator gets the suspect to write and sign a full confession
3-8 hours

Keep in mind: big difference between CAN and US

Recent decision by the supreme court - no right to lawyer during interrogation, unless you become a suspect

Techniques used in the Reid Model of Interrogation can be broken down into two general categories

1. Minimization Techniques

- Soft cell tactics used by police interrogators that are designed to lull the suspect into a false sense of security (good cop)

2. Maximization Techniques

- Scare tactics used by police interrogators that are designed to intimidate a suspect believed to be guilty (bad cop)

What are the potential problems with this model of interrogation?

- Deception detection
- Investigator Bias
 - Belief that the suspect is guilty when beginning the interrogation
 - Study by Kassin & al. (2003)
- The coercive nature of the interrogation
 - Risk of false confession
 - WHEN YOU know someone is guilty you're more likely to change the way you interact with them.
- The admissibility of confessions in Court
 - A second look at R. v. Oickle (2000)
 - Did not tell him fdsafdsasfdas

- R. v. Houlett (1999)
 - Arrested for sexual assault in Toronto
 - Alcohol, cocaine
 - Officer came to his cell and removed his clothing for examination, was left naked in his cell for an hour and a half
 - He was given light clothing no underwear and shoes were too small
 - Wasn't given a tissue to wipe his nose
 - During interrogation he made incriminating statement and it went to trial where the judge said it was voluntary and inadmissible
 - Appealed and found not guilty
 - New trial without confession because of inhumane treatment, he was under the influence (unaware), promise to give tissue so he wanted to confess..
 - They still concluded his confession was involuntary and inadmissible
 - He was found guilty eventually but without a confession

The PEACE Model of Interrogation

- Model based on information gathering rather than confession
- Prefer the use of the term "investigative interviewing"
- Used for all parties involved
 - Witness, victim and suspect
- Five-step Model
 - Preparation and planning: before interviewing, you must be prepared mentally and consider all the required needs for the interview: where, who will, and what
 - Come up with clear objective
 - Engage and explain
 - Account: ask the person to report all that they can freely with no or very little interruption
 - Closure: Summarize the main facts/everything that was said, make sure there is common understanding between interviewee and interviewer. Then interviewee leaves.
 - Evaluation: Compare interviews of others from same case, assess the interview itself, verify if objectives were met, evaluation of procedure to improve it (this model is still relatively new, but the RCMP is looking to implement it more in Canada.
- Psychological explanations regarding some of the advantages of this model over the Reid Model

Evidence there is some advantage over Reid model since it has many problems; maybe there will be less false confessions with it). Allowing free narrative allows person to recall, at first, general memories, but tend to get more specific as they are allowed to continue.

Another advantage is there are no nonverbal behaviors that are 100% associated with deception; so many behaviors can be associated with it that you cannot assume they are lying,

so there is less risk of relying on those behaviors that are not 100% accurate during PEACE model (they are not trying to look for deception).

Another advantage is that people are susceptible to power of suggestion, so there is less risk of being influenced by interrogator (contaminated memory) than in Reid model.

False Confessions

- A Confession that is either intentionally fabricated or is not based on actual knowledge of the facts that form its content
- Are false confessions frequent? (Watch Video)
- Different types of false confessions
 - Voluntary false confessions
 - Coerced-compliant false confessions
 - Coerced-Internalized false confessions
- What are some of the consequences of false confessions

VICLAS

5 categories of profiling:

- Leans towards intuition
- Not science based
- 1. Crime scene profiling
 - Try to figure out the suspect(s) based on crime scene
 - Can lead investigation astray
- 2. Geographic profiling
 - Environment and personality of the offender
 - Hotspots of criminal activity
 - burglars
- 3. Psychological profiling
 - Threat assessment and risk assessment
 - clinical
- 4. Suspect-based profiling
 - May lead to racial profiling
- 5. Psychological autopsy
 - Equivocal death: often performed to det if death was a suicide or why they did it

Deductive and inductive

Forensic Psychology Class #3 What is Criminal Profiling? Most common information are offender's age, sex, race, intelligence level, educational history, criminal history, employment status, psychosexual development, and more. While predictions are often made by forensic

psychologists/psychiatrists, but most profilers are experienced and specially trained law enforcement officers. It is useful when offender and victim do not know each other; difficult to determine who committed the crime.

The original purpose was to narrow list of suspects; it still is today, but now it is used for a variety of other situations (listed in slides).

The Origins of Criminal Profiling: Malleus Maleficarum (hammer of witches) resulted from two monks tasked by church to create a document to accurately identify, interrogate, and eradicate witches. The document may represent the first systematic approach for identifying individuals supposedly guilty of horrific crimes. Witch hunters advised to look for specific things (scars, birth marks, etc), such as those who chanted over the sick or used herbal remedies. Also prescribes numerous methods of gaining confessions (such as hanging witches by their tongues).

Modern profiling may have originated from Eadgar Allen Poe's 1841 book where Poe created a fictional detective that pieced together clues based on newspapers reports and visited crime scenes; solves the crime through the process of "ratiocination" (able to put himself in mind of criminal through rational thoughts and vivid imagination). In real life, Jack the Ripper was a serial killer who brutally murdered 5 prostitutes in 1888, and the case was never solved, but Dr. Phillips tried to help police by attributing personality characteristics to the type of wounds that the victims had (believed examination of wound patterns could provide clues about personality and behavior of killer) for example the wounds were inflicted skillfully, could indicate he had background in biology/medicine. Some evidence that people also conducted profiles of known individuals.

Modern profiling Dr. James Brussel considered father of profiling. Mad bomber planted 47 bombs over 16 year period, police contacted Dr. James Brussel and he provided first real profile in that case (but it was not the best, criticized by police, but put profiling on the map), people studied his approach and criticized it, but profiling is not well seen by the research community (considered more an "art" with biases) which is the reason for criticism (two main criticisms were that his profile did not closely fit the person arrested, and most statements he used in the profile could be descriptive of many men, such as Barnum statements; very general statements that could be applied to most people, for example the strong need for other people to like him, suspect does not make full use of his potential, etc, and the second criticism was that he had tendency to change the profile in the face of new information).

The FBI played an important role in popularity of criminal profiling as investigative technique (it gave some credibility to the technique), it was the first time profiles were conducted in a systematic way by the law enforcement agency, and first time training was provided on how to construct criminal profiles.

Class 3 (continued)

THE ORGANIZED/DISORGANIZED DICHOTOMY -

The organized/disorganized dichotomy was introduced by Hazelwood and Douglas

- This model assumes that crime scenes and serial offenders can be categorized as organized and disorganized
- o A disorganized crime scene is supposed to be an indication of a disorganized offender
- o If the crime scene is organized we assume that the behavior of the offender is also organized

The offender

- Organized nonsocial offender
 - Methodological and cunning, could be quite amiable, and usually carries out his crime at a distance from his residence
- Disorganized asocial offender
 - Lacks cunning, has an aversion to society, and experiences difficulty maintaining relationships; tends to commit his crimes closer to his residence
- We find characteristics that are both organized and disorganized Ex. The crime may have been carefully planned but when they were carrying out the crime the plan deteriorated things didn't go as planned (the drugs didn't work or the victim fought back) They were surprised that things didn't go the way they had planned It is up to the profiler to determine if the crime was organized but something went wrong or the offender panicked while committing the crime There must be some evidence of methodology even though the scene is messy It is rare to see the opposite: a disorganized offender becoming organized during the crime

The crime scene

- Organized - A deliberate, cold, systematic scene
- Disorganized - A chaotic and messy scene

The O/D dichotomy today – The mixed crime scene

CRIME SCENE PROFILING TERMINOLOGY

The Modus Operandi: The actions and procedures an offender uses to commit a crime successfully

- *How they proceed What is typical about the way they actually commit the crime The offender adopts a behavioral pattern as they gain more experience doing the crime The main problem with the MO is that it is subject to change because as the offender*

becomes more experience, they may want to use different tools or techniques making it harder to link the offender to subsequent crimes Ex. A burglar may find better ways to override a security system So while the MO can not be ignored, investigators may make serious errors if they place too much significance on the MO since it is subject to change

Personation: Any behaviour that goes beyond what is necessary to commit the crime

- *Ex. If they're robbing a bank and decide to vandalize everything this goes beyond what the main goal of robbing the bank*
- *Personation gives clues about the persons age, whether or not they are impulsive When we are talking about serial offenders, we refer to personation as their signature*
Signature – when such behaviours are demonstrated by a serial offender
 - *Ritualistic and repetitive behaviors that are the same from crime scene to crime scene It can involve leaving something behind at every crime scene It is thought to be related to the cognitive processes of the offender because if they are taking the time to leave it behind it is probably something with significant value or meaning to them Ex. If they leave clues behind to taunt the police, the person is probably cunning or likes riddles so it can give some insight into what the offender is like Signatures are also consistent so they become more important than the MO (MOs change but signatures are usually stable)*

Staging: The intentional alteration of the scene prior to the arrival of the police

- *Staging is seen at crime scenes, suspected suicides or accidental death Staging is believed to be done for two reasons: Either to redirect the investigation from the most logical suspect (if it's a crime scene) Or to protect the victim or victims family from public embarrassment (like try to make it look accidental instead of a suicide for example) Thus staging can be done by the perpetrator or by the person who discovered the crime scene It is up to the profiler to figure out if staging took place*

A Trophy / A Souvenir: An item taken from the crime scene; *Can also be a signature for serial offenders but it can also be a one time thing The offender will usually take something from the crime scene in violent crimes*

- *A trophy – item symbolizes the offender's triumph over the victim;*
- *A souvenir – meaningful item taken by the offender to remember the crime*

Undoing: Behavioural pattern at the crime scene in which the offender tries to psychologically undo the crime

- *Ex. A distraught offender may try to undo killing the person by putting them back in bed and cover them with a blanket to make it look like they're sleeping and not actually dead The offender does this more for themselves than to derail the investigation (which is the point of staging) The offender desperately tries to return the victim into a natural looking state In these situations the offender usually knows the victim and they're just trying to undo the crime psychologically In other situations that involved undoing, the perpetrator may dehumanize the victim so they don't feel as bad They will usually engage in actions that will obscure the victim's identity (ex. With excessive facial battery) Again this is not*

done to derail the police investigation – the offender just hates the person so much that they try to make the victim unrecognizable

SOME PSYCHOLOGICAL AND COGNITIVE PITFALLS OF CRIME SCENE PROFILING -

Memory and cognitive biases

- Most models lack an empirical foundation *and are largely based on the authors anecdotal experiences*
 - o They almost always rely on their experience so when they are face with a new crime scene they make connections to previous cases they've encountered
 - o So the better the memory of the profiler the more accurate the profile will be
 - o Working memory is constantly being reconstructed and updated with new information when your inexperienced you're still constructing this memory so you don't have the ability to make links between crimes
 - o
- The role of experience and the **belief persistence**
 - *So yes, the profilers with the most experience are better at making profiles in some respects but the problem occurs when they become too confident in their experiences and they start to believe that what they think is the only truth It is the tendency to cling to one's initial belief even after receiving new information that contradicts or disconfirms the basis of that belief -*

Confirmation bias

- Research shows that a large proportion of the conclusions and predictions contained within profiles are both ambiguous and unverifiable
- *There is a tendency to gather evidence that confirms pre-existing expectations or beliefs while failing to acknowledge contradictory evidence or information Barnum effect*
 - *Ambiguous information is included in the profile The tendency to interpret new evidence as confirmation of one's existing beliefs or theories When confirmation bias operates it places us in a closed system we only look for clues and evidence that fits our profile -*

Self-serving bias o.

- Tendency to interpret events in a way that assigns credit to oneself for any success but denies any responsibility for any failure
 - *It is a form of self deception designed to maintain self esteem Ex. The Mad bomber profiler who's profile wasn't even accurate INSISTS that he was of importance in finding the bomber;*
- Study of **Kocsis et al on accuracy**
 - *Took real cases with real characteristics of the perpetrators*
 - *He describes the crime scene and asks five groups to come up with a profile (physical characteristics, cognition, social history, etc.) based on what they learned about the crime*
 - *The five groups were: 1) professional profilers 2) police officers 3) psychics 4) students 5) psychologists*

- *Results: Profilers were better at determining some characteristics (social history and cognitive processes) than the other groups.*
- *But when the 5 groups were compared there wasn't one specific group that was better than the other at profiling*
- *If we compare the profilers to the other 4 groups combined, it was concluded that profilers are better than the general public at profiling but not by very much (and they're trained!) -*

Fundamental attribution error

- Tendency to explain another person's behavior in terms of dispositional or personality factors rather than situational or environmental factors
 - *This is the main criticism of crime scene profiling This error comes up when we don't know someone very well and chances are we don't know the offender It often assumes there is a consistent relationship between offending behavior and personality characteristics and rarely take into consideration the situation/circumstances in which the crime took place What actually happened in the situation is often exclude in the profile because profilers are so focused on figuring out the offenders personality*

GEOGRAPHIC PROFILING -

- A geoprofiler is a person trained to see spatial patterns in crimes -

Geographic mapping o Analysis of the spatial patterns of crimes committed by numerous offenders over a period of time

- *The goal of mapping is to identify hot spots of certain types of crimes Which area of the city has the most robberies or drug dealings You are able to input all of the different crimes and then identify hot spots with a greater than average amount of criminal activity*

Geographic profiling o Analysis of geographic locations associated with the spatial movement of a single serial offender or a small cohort of offenders

- Done using a computer software
- Has 6 basic assumptions -

Basic assumptions of geographic profiling o A series of cases are linked to one offender (*link can be made by forensic evidences, fibers, finger prints, a signature*)

- At least 3 or 4 crimes are needed
- Offenses should have a stable base of operations
 - *If not, its going to be harder to use if the offender sleeps and commits crimes in a different place every time* o
- There should be a sort time interval between offenses
 - *This technique is most effective when crimes are committed within a reasonable amount of time from each other If there is too much time in between its less likely that the crimes are going to be linked together by investigators vs. if they happen within the same week, the investigators are able to remember that something similar happened recently and they can link the cases*
- The crime series must occur continuously over time

- *When there is a pattern its easier to locate the most probable place of residence or where they might commit their next crime (especially if the crimes happen on a certain day of the week or at a certain time of day)*

PSYCHOLOGICAL PROFILING -

- Gathering data on a known individual or individuals, such as through background investigations, observations, psychological tests, personality inventories, risk assessment instruments, and interviews with that person or with those who know him or her
- Conducted by mental health professionals only
- Objective is to predict the likelihood that a specific individual will be dangerous or violent to others at some point in time

Threat assessment

- Process to determine the credibility and seriousness of a threat – the probability of it being carried out. *Concerned with predicting future violence against someone specifically or an institution Then they try to determine if the threat is real (are they just talking or are they actually going to do it?)*
- Ex. Profiling school shooters
- *Threat assessment is done on specific individuals to see if they pose a threat After the columbine shooting they tried to determine the characteristics of a potential school shooter The problem was that there weren't enough cases to come up with a profile so instead they developed a checklist of the early signs that might someone more likely to shoot a school and assist in early detection and prevention The characteristics on the checklist have to be present at a high level in the individual o Distinction between transient and substantive threats*
 - *Transient threat Statements that do not communicate a lasting attempt to harm someone and usually end in an apology These types of threats are very common in a school setting and are usually linked to an emotional state that dissipates rapidly The individual making the threat did not have a sustained intent to harm someone*
 - *Substantive threat A statement that expresses a continuing intent to harm someone indicates a desire to harm someone that extends beyond the immediate incident or argument*
- *5 indicators of a substantive threat: o*
 - 1) specific plausible details have been described in the plan (and communicated to other peers, on social media etc.)*
 - 2) The threat has been repeated over time or passed on to a number of peers (its not the first time they've talked about ti) Its also not an emotional reaction like saying I'm going to kill you as a joke or out of anger, it is planned*
 - 3) There is evidence that planning to carry out the threat has been established (the individual probably knows when its going to happen)*
 - 4) The student has recruited accomplices or invited an audience to witness the incident*

5) *There is evidence that the student has access to fire arms, bomb arterial We need to look out for these indicators!*

Risk assessment

- Process used in evaluating individuals who have violated social norms or displayed bizarre behavior, particularity when they appear menacing or unpredictable
- *Predicts if the person poses a threat to unspecified individuals*
- *They may be a danger to society eventually*
- *Risk assessment is usually done when you're about to grant parole*

SUSPECT-BASED PROFILING

- *Doesn't have to be done by mental health professionals*
- Suspect based profiling summarizes the psychological features of person who might commit a specific crime
- However, it also sometimes involves demographic features of individuals, including race, ethnicity and national origins, making it a controversial topic – ex. Racial profiling
 - *Police initiated action that relies on the race, ethnicity or origin rather than the actual behavior of the individual when police use these demographics to make an arrest then its discrimination but its also very difficult to prove o It's a vicious circle we arrest more people of that race so statistically speaking more people from that race commit that crime*

The specific case of terrorism

- Distinction between members of organized terrorist groups and lone wolves
- The media thinks of terrorist as mentally deranged individuals
- However when we did investigations, there is actually little evidence to show that terrorists that are part of an organization are emotional disturbed or irrational. They are actually probably more mentally healthier than other violent criminals The main characteristic that they have is that they are deluded by an ideology which affects how they view the world.
- Effective terrorist groups don't want someone mentally unstable in their group because they risk being a liability Its different for lone wolves and extremists that operate on their own and don't belong to an organized group.
- They may admire these groups but they aren't part of them
- A majority of lone wolves display emotional or mental disorders
- They may sympathize with extremist groups but they design their own plans, own targets and own MO and make their own decisions
- More often than not, they come up with their own ideologies which will combine personal vendettas (ex. Revenge) with religious/political ideologies

Typology of terrorists

- ***Rationally motivated terrorist:*** Driven by well-defined and theoretically achievable goals – political, social, economic
 - Their goal is to cause damage to infrastructure and avoid any loss of lives
 - They want to make a political or ecological stand and they want to be heard

- **Psychologically motivated terrorist:** Commits violence out of a profound sense of failure or inadequacy for which he or she may seek redress through revenge
 - Lone wolf terrorists Have a desire for revenge In most cases they are unwilling to negotiate with authorities
 - They will most of the time either be shot by police or commit suicide
 - Their focus is almost exclusively on harming others and taking lives
 - So when they blow up a building its to kill the people inside its not to make a statement o
- **Culturally motivated terrorist:** Motivated by an overriding fear of losing cultural identity or cultural extermination
 - The most important and volatile aspect of an ideology is religion
 - especially when there is a strong link between politics and the culture
 - These people believe they are doing it for the greater good
 - They are believed to be unwilling to negotiate unless their wishes are met entirely
 - The culturally motivated terrorists are usually organized terrorist groups

PSYCHOLOGICAL AUTOPSY

A psychological autopsy is conducted on a dead person for the purpose of determining not the cause, but the mode and motivation of the death – his or her mental state and circumstances prior to death

- *If we believe it was a suicide we want to try to understand why they did it o It is also useful if we suspect foul play if there was no evidence that it was a suicide, trying to establish their mental state can be useful because we'll know they couldn't have killed themselves find*
- It is a form of profiling since It involves the discovery and reconstruction of a deceased person's life based on the evidence left behind by that person
- It can be valuable in various situations such as insurance benefit determinations (insurance companies love doing psychological autopsies because suicide voids life insurance policies), worker's compensation cases (if the suicide is a result of harassment at work the company can be sued), testamentary capacity cases (people can contest the will on the grounds that the deceased made changes to the will when they weren't in the right state of mind), product liability determinations, malpractice cases (dying in the hospital after basic surgery) and criminal investigations

Purposes of psychological autopsies

- **Research** Researchers involved in the field of suicide will conduct autopsies to look at the circumstances and mental state someone is in before they commit suicide This knowledge can help us determine early warning signs for suicide
- **Clinical practice applications** If you discover the reason behind the suicide it often diminishes the shame and guilt that the victim's family may be feeling They try to understand the factors that led to the suicide instead of blaming themselves so it can be therapeutic for the family find more resources at oneclass.com find more resources at oneclass.com

- **Litigation** Insurance companies want to know whether the death was a result of foul play, an accident or suicide

Lecture 4

MALINGERING AND DECEPTION

DETECTING DECEPTION

- One of the objectives of the judicial process is to sort out who is telling the truth; therefore, the detection of deception is important
 - Someone can lie about their involvement in a crime, present fake psychological symptoms, and so we need a way to figure out if they are lying or not
- Psychologists have participated in the development of a variety of techniques to detect deception -
- The polygraph technique is one of the most well known techniques to detect deception -
- The polygraph is a device for recording an individual's autonomic nervous system responses
 - The polygraph itself is comprised of specific devices that are attached to the upper chest and abdomen to measure breathing rate
 - Sweat is detected by placing electrodes on the fingers (galvanic response)
 - Heart rate and blood pressure are measured using a blood pressure cuff -
- Is the polygraph used in Canada? Under which circumstances?
 - The polygraph is used in Canada but those who want to administer the test have to undergo 12 weeks of intensive training
 - The police often use it to help with their investigation (ex. If the subject fails the test they may be pressured to confess)
 - Police may also ask alleged victims to take the test to see if the crime actually occurred
 - If the polygraph shows that they lied then the police may decide to not pursue the case
 - Insurance companies also love to use the polygraph test (did you set your house on fire just to get money) its not criminal court so they can use the results as they please (its unregulated for insurance companies)
 - Government agencies also use it as a tool for general screening to assess applicants reliability and loyalty

TYPES OF POLYGRAPH TESTS -

Polygraph tests rely on measuring physiological responses to different types of questions (so need the instrument paired with an interview)

- The polygraph doesn't detect lies per se, it detects changes in physiological states normally associated with lying -
- These changes are also similar to anger, anxiety and fear so they have to measure a baseline for the individual because if you're normally an anxious person your baseline is

going to be different than a calm person, then comparisons are made to the baseline - People that exhibit the greatest changes are more likely to be guilty than those who are innocent

The Comparison Question Test

- Includes irrelevant questions that are unrelated to the crime, relevant questions concerning the crime being investigated, and comparison questions concerning the person's honesty and past history prior to the event being investigated
- Pretest interview
 - Most commonly used test to determine if someone is lying
 - The pretest interview is meant to develop the control questions that will be used later on We learn about the background of the person
 - Yes or no questions o Irrelevant questions help establish the baseline, these questions don't elicit any emotions (ex. Do you live in Canada)
 - These questions are no scored they are just used to make the baseline
 - Then relevant questions are asked
 - Comparison, control (probable lie comparison) questions: designed to emotionally arousing and typically focus on the persons honesty and past history prior to the event being investigated
 - All polygraph testing techniques normally begin with a **pretest interview**. The examinee and examiner discuss the test, test procedure, examinee's medical history, and details of the test issues. The examiner also observes the behavior of the examinee and, in test formats that allow for discretion in question design, may gather information to be used in choosing comparison questions for the test
 - the **relevant-irrelevant test** format compares examinee responses to relevant and irrelevant questions. A relevant question is one that deals with the real issue of concern to the investigation. These questions include asking whether the examinee perpetrated the target act or knows who did it and perhaps questions about particular pieces of evidence that would incriminate the guilty person. An irrelevant question is one designed to provoke no emotion
 - **Comparison question tests** (also called control question tests) compare examinees' responses to relevant questions to their responses to other questions that are believed to elicit physiological reactions from innocent examinees. Guilty suspects are assumed to react more to relevant questions than comparison questions The innocent are more likely to react to comparison questions than to relevant questions (because they know they are telling the truth about the crime so questions about their past are more likely to cause a reaction from them)

The Concealed Information Test

- Designed to determine if the person knows details about a crime Used more in Japan It takes a long time to develop questions for this test
- It is known as the guilty knowledge test It doesn't detect deception rather if they know details about the crime that only the person who committed the crime would know This test still uses a polygraph test individuals are asked multiple choice questions with one

correct option called the critical option. Their physiological responses to the critical option are measured (there will be a greater physiological response to the critical option if they know it's the correct answer). An innocent person won't show a difference when they hear all of the options. People react more to information that they recognize than to random information. It is rarely used in Canada because it is more difficult to construct the questions. If CQT works fine, there is no need to add more work and use a different test. It's also difficult because the details of the crime need to be only known by the offender for this to work, but this is difficult when everything is shared on the news.

THE POLYGRAPH TECHNIQUE

Are polygraph tests accurate or not?

- Its accuracy is controversial
- **The comparison question test**
 - Tends to produce better results for guilty suspects than for innocent suspects. Many innocent suspects were classified as inconclusive or falsely identified as guilty (i.e. a high false positive rate). CQT works well if the person actually committed the crime.
- **The concealed information test**
 - Effective at identifying innocent participants and slightly less effective at identifying guilty participants in mock crime lab studies.
 - Tends to be vulnerable to false-negative errors (falsely identifying guilty suspects as innocent) in field studies. CIT is less effective for identifying guilty people.

Is it possible to beat the polygraph?

- o Yes o
- Are there techniques to conceal guilt? using physical counter measures or mental counter measures
- Would anti-anxiety drugs affect the accuracy of the test? No, it just lowers your baseline, the important thing here is that we're looking for changes.

Are polygraph test results admissible in court? o

- It is not admissible in criminal courts but may be used in civil cases
- Ex. Crown v. Balant
- The Supreme Court of Canada ruled that polygraph evidence should not be admitted in court to help determine if the person is telling the truth or not.
- The court referred to the polygraph test as falsely imbued with the mystique of science, which deters the jury into putting more weight on the polygraph as evidence.

OTHER DECEPTION DETECTION TECHNIQUES

There are several other techniques to detect deception.

- These are not used officially by the police - They are used informally or are still in the research stage
- **Event-related brain potentials**
 - Brain activity measured by placing electrodes on the scalp and by recording electrical patterns related to the presentation of a stimulus. Shows promise but

the problem is that its not practical to use (takes forever to put all of the electrodes on)

- **Verbal cues**

- Speech fillers, speech errors, pitch of voice, rate of speech, speech pauses
People who make more errors are usually lying
- Those speaking in a higher pitch or are speaking really fast or taking too many pausing are likely to be lying HOWEVER there isn't strong evidence that supports one specific cue as a perfect detector of deception o

- **Non verbal cues**

- Gaze aversion, smiling, blinking, fidgeting, body movements, shifting positions, etc.
- There is some evidence that non verbal cues are associated with deception but its not significant enough
- Depaula: Found that most of the verbal and non verbal cues that they coded could not make the discrimination between liars and truth tellers However liars provided fewer details than truth tellers Liars also told less compelling account compared to truth tells (liars stories were less likely to make sense, and less engaging or fluent than those told by truth tellers)
 - Liars were also rated as less cooperative and more nervous
 - Truth tells were more likely to spontaneously correct their stories and admit to a lack of memory than the liars were (if you're telling the truth you can admit you made an error) Verbal cues with the strongest correlation to deception are pitch, speech pauses and errors in speech Nonverbals linked to deception: nodding less, less foot and leg movements, less hand movements body movements in general decreased

- **Hypnosis**

- ***The case of the hillside strangler***

- Not used much because of how people view it in general It is used to help people remember blocked memories Hillside strangler: He admitted under hypnosis that he has multiple personality disorder and that it was his other personality committing the crimes
- The psychologist who assed him seriously doubted that he was telling the truth and it actually turns out that the offender was lying

- Are some people better at detecting deception?

- People are only slightly better than chance at detecting deception (except if you know the person really well)
- On average the accuracy for professional lie catchers was 55.5% which is not very high
- This is no higher than the rate for students and other people at detecting liars which have a 54.2% accuracy
- Ekman showed that only the US CSI did much better than chance
- 1/3 of the agents were 80% accurate or better

- Those that were the most accurate were those who relied on more than one cue to detect deception

DISORDERS OF DECEPTION -

Deception is a central component of some psychological disorders

- Is the person intentionally or consciously producing symptoms?
- Is the motivation internal (for themselves) or external (doing it to escape trial)?

Factitious disorder

- A disorder in which the person's physical and psychological symptoms are intentionally produced and are adopted to assume the role of a sick person
- There is an absence of external incentives ; They are aware that they are producing the symptoms but they lack the insight as to why they are acting like this
- ***Munchausen syndrome*** – physical complaint
 - Constantly seek hospital visitations to get consultations and treatment and even surgery when in fact they are not sick
 - In some cases the person will purposely infect their own wounds to continue being a patient
 - It is difficult to treat because it is chronic in nature -

Somatoform disorder

- A disorder in which physical symptoms suggest a physical illness but have no known underlying physiological cause and the symptoms are not intentionally produced
 - Usually occurs with other disorders like anxiety and depression
 - They have the symptoms but there is not physiological cause

MALINGERING -

Intentionally faking psychological or physical symptoms for some type of external gain

- The psychological or physical symptoms are clearly under voluntary control
- There are external motivations for the production of symptoms (ex. Be declared unfit for trial)

Three explanatory models of malingering (Rogers 1990) o

- ***Pathogenic model***
 -
 - Underlying mental disorder
 - They have a mental disorder but its not the one they are faking
 - The patient attempt to take control over their pathology by creating bogus symptoms
 - What usually ends up happening is that over time they experience more severe symptoms of their actual mental disorder and they lose control over i
- ***Criminological model***
 - Antisocial personality disorder; forensic assessment; lack of cooperation; marked discrepancy between subjective complaints and objective findings
 - The person is in legal difficulties
 - Malingering is strongly suspect if two or more of these things are evident

- The idea of this model is that it's a bad person, they're a difficult person who's gotten into some trouble
- **Adaptational model**
 - Presence of a perceived adversarial context where personal stakes are very high and no other alternatives are perceived
 - People will fake a disease because they are in a bad situation and they're trying to get out of it
 - The likelihood of malingering increase when the stakes are high and there appear to be no other options -
 - So they're all faking it but for different reasons

MALINGERING -

Malingering psychosis

- **Resnick** – identified cues to malingering psychosis
 - Understandable motive for committing crime
 - Presence of a partner in the crime; If they fake psychosis then the other person gets all of the consequences
 - Current crime fits pattern of previous criminal history
 - Suspicious hallucinations; Hallucinations are continuous rather than intermittent (in real life they should be intermittent); They describe their hallucinations vaguely or describe strategies they use to cope with them; They claim that they have to do everything the voice in their head tells them to
 - Suspicious delusions
 - Marked discrepancies in interview versus non interview behavior; They're psychotic in the interview but they act normal elsewhere
 - Sudden emergence of psychotic symptoms to explain criminal act; They're suddenly having a psychotic breakdown; Its also rare for these to occur after the age of 25;
 - Absence of any subtle sign of psychosis; Person focuses on acting out the major signs but forgets to fake subtle signs of psychosis

Malingering amnesia

o **Retrograde** (can't remember the past, everything before the onset but you keep your abilities so you can form new memories) vs **anterograde** amnesia (cannot form new memories)

How to detect malingering amnesia

- Anterograde is easier to detect than retrograde amnesia (because you cant tell if they actually don't remember their past)
- **Symptom validity test** Patients are presented with a list of stimuli and following the presentation are asked which of the two did you see
- People who are faking systematically chose the wrong answer (when you actually don't remember there should be a 50 50 chance between both options)

EXPERT WITNESS TESTIMONY AND EYEWITNESS TESTIMONY

EXPERT WITNESS TESTIMONY

An expert witness is a witness who provides the court with information (often an opinion on a particular matter) that assist the court in understanding an issues of relevance to the case

- Forensic psychologists are often called in for custody issues, malingering and confession, assessment of dangerousness, effect of crimes on the victim, competency to stand trial (not in Canada)

Information and opinions provided by an expert witness must always fall within the limits of his/her areas of expertise

Eye witness testimonies are often rejected by the court for various reasons

Eye witnesses must be knowledgeable about the following:

- The function of expert witnesses
 - Eye witness vs expert witness
 - They are there to provide the court with information that can assist the judge and jury in understanding a particular case so they play the role of an educator
 - They can provide the court with an opinion, ex. Based on my expertise I believe this person may be lying Other witnesses can only testify about what they observed directly, they cant give their opinion
- The differences between their field (psychology) of expertise and the law
- The criteria for accepting expert testimony

EXPERT WITNESS TESTIMONY

Providing an expert testimony in court is not an easy task because there are inherent differences between psychology and law

Psychology vs. Law (Hess) o

- According to Hess, psychology and law differ along at least seven different dimensions:
 - Knowledge Psychology gains knowledge through research vs. through legal precedent, logical thinking and case law)
 - Methodology Psychology is nomothetic o uncovering broad patterns and general trends, use control, statistical and experimental methods vs. law which is idiographic (looks at specific cases) o Most people behave this way vs. the accused behaves this way
 - Epistemology Uncovering hidden truths/objective vs. persuasion/subjective o In law it is who can provide the most convincing story of what happens and not necessarily finding the truth
 - Criteria Replication/conservative vs. single-case/more lenient)
 - Nature of law Descriptive/how people behave vs. prescriptive/how people should behave

- Principles Alternative explanation vs. only one correct explanation o A good psychologist considers alternative explanations whereas goof lawyers always try to convince the judge that their explanation is the only one
- Latitude Limited by the court vs. fewer restrictions for lawyers

CRITERIA FOR ACCEPTING EXPERT TESTIMONY

General acceptance test

- Expert testimony accepted in court if the basis of the testimony is generally accepted within the relevant scientific community

The Daubert criteria (US)

- The reach the expert refers to has been peer reviewed
- The research is testable (i.e., falsifiable through experimentation)
- The research has a recognized rate of error
- The research adheres to professional standards

The Mohan criteria (Canada) Similar to the US except its less based on research o The evidence must be relevant to the case

- The evidence must be necessary for assisting the trier of fact
- The evidence must not violate any other rule of exclusion (during their testimony they can not present evidence that is not admissible like the results of a polygraph test)
- The testimony must be presented by a qualified expert

2.5 hours

No class after

7 short answer questions

No questions on dates, specific authors,

Court cases

Eyewitness Testimony

- one of the earliest and most widely studied topics in Forensic psychology
- it is a legal term referring to an account given by people of an event they have witnessed
- it is one of the most compelling types of evidence presented in criminal trials
- what are the main psychological factors that make eyewitness testimony unreliable?
 - anxiety/ stress
 - presence of a weapon
 - suggestive questions
 - misinformation effect
- the role of memory is central to understanding eyewitness testimony

Memory and Eyewitness Testimony

-eyewitness testimony can be broadly partitioned into either recall or recognition memory

-Recall Memory

-reporting details of a previously witness event or person

-Recognition Memory

-determining whether a previously seen item or person is the same as what is currently being viewed

Studying Eyewitness Testimony

-Laboratory Stimulation

- a knowing participant views critical event, such as crime, either through a slide sequence, video recording or live

-the participant is unaware that he or she will be questioned about the event until after the event is witnessed

-now witness, the participant is asked to describe what happened and the target/ culprit involved (recall memory)

-the participant may also be asked to examine a line-up and identify the target/culprit (recognition memory)

The variables

-Independent

-numerous independent variables can be manipulated or examined within the laboratory stimulation. They can be classified into estimator variables and system variables

-Dependant

-there are three general dependant variables in eyewitness studies

-recall of the event/ crime; open-ended recall and free narrative, direct question recall

-recall of the target/ culprit; open ended recall and free narrative, direct question recall

-Recognition of the target/ culprit; line-up

Recall Memory

-Interviewing Eyewitnesses

-goal; extracting from the witness a complete and accurate report of what happened

-recall memory is solicited

-insufficient information may provide few leads to pursue, resulting in a case not being solved

-inaccurate information may result in pursuing innocent suspects, thus reducing likelihood that the guilty person will be caught

-study on police techniques used to interview eyewitnesses (fisher et al., 1987)

-frequent interruption of witness during open-ended recall

-use of very short, specific questions

-questions asked in a predetermined or random order that was inconsistent with the information the witness was providing at the time

Misinformation Effect

-phenomenon where a witness who is presented with inaccurate information after an event will incorporate that misinformation in a subsequent recall task

-also known as the post-event information effect

- occurs most often in the presence of leading questions

- Loftus' classic study on the misinformation effect (1975)
 - series of experiments that show how leading questions may alter witness recall
 - Experiment 1; class being interrupted by demonstrators
 - Experiment 2; sports car accident

-How can it be explained?

- misinformation acceptance hypothesis (McCloskey & Zaragoza, 1985)*
- incorrect information is provided because the witness guessed what the officer or experimenter wants the response to be
 - Source misattribution hypothesis (Lindsay, 1994)
 - where the witness has two memories, the original and the misinformation
 - witness cannot remember where each memory originated or the source of each
 - Memory impairment hypothesis (Loftus, 1979)
 - the original memory is replaced with the new, incorrect, information

Procedures to Interview Eyewitnesses

-When it is difficult for the eyewitness to recall very much of what happened, two procedures may be used by police: hypnosis and the cognitive interview

1) Hypnosis

- Hypnotically refreshed memory: where a hypnotized person is able to produce a greater number of details than a person who has not been hypnotized
- most people can experience fadafdas of hypnosis
- 10% cannot be hypnotized
- 5-10% highly suggestible
- 10-12 years highest suggestible

Factors that can influence whether hypnosis can be induced (Spiegel & Spiegel, 1987)

- The degree of trust the witness places in the hypnotist
- The witness's willingness to be hypnotized
- The witness's belief in hypnosis
- The seriousness of the context for being hypnotized

2) The Cognitive Interview

Has been developed based on the principles of memory storage and retrieval

Conducted by police psychologist

= - used on eye witnesses and not fadafdas; needs to be voluntary to work

- **The original cognitive interview (Geiselman & al. 1986); the interview itself**

- *Reinstating the context* - recreate in mind where the context took place; surroundings, picture it in your mind; what you were feeling at the time;
- *Reporting everything* - free recall narrative; don't hold back any info; no interruptions;
- *Reversing order*; will tell them it's normal to go through incident from beginning to end. Tell them to go through it reverse order; or what impressed them the most (e/i smell, noise,) from that specific moment forward and backward
- *Changing perspective*; other perspective that you may have had (eye witness) or from another person's POV
- **goal to change in different ways to help spark their memory
- Research shows this isn't too suggestible; but they try to focus on three first ones
- Hypnosis and fads, the interview is more accurate. And more detail
- **The enhanced cognitive interview** (Fisher & Geiselman, 1992); with socialdynamic approach: how you interact with them;
 - Rapport building - build rapport with witness and make them feel comfortable; like the peace thing
 - Supportive interviewer behaviour; no interruptions; pauses should be waited out;
 - Transfer of control - the witness controls the flow of the interview. They decide when they have nothing else to add
 - Focused retrieval - open and non suggestive ;; focused memory techniques: psychologist uses same terms, same words that are used by the witness
 - Witness-compatible questioning - should be in on the same page, same topic of what the witness is talking about. To make the witness feel more at peace;
 - ** doesn't bring much more information, but studies have shown that just the witness finds it easier using this technique; no more details than original

Recall Memory Following a Long Day -- not very important for exam

The question of repressed memory is at the centre of a heated debate between partisans of two different approaches

- childhood sexual abuse memories are so traumatic for some individuals that they repress them in their unconscious- they can be recovered as adult through the help of therapy
- it is only through therapy and the use of suggestive techniques that clients come to believe they were sexually abused as children, when in fact they were not- such recollections are known as false memories
 - **false memory syndrome**: term to describe clients false beliefs that they were sexually abused as children, having no memories of this abuse until they enter therapy to deal with some other psychological problem such as depression or substance abuse

-Lindsay & Read (1995) suggest five criteria to consider when trying to determine the veracity of recovered memory

- age of complainant at the time of the alleged abuse
 - no memory of abuse prior to the age of 2 years old

- techniques used to recover memory
 - hypnosis frowned upon;
- similarity of reports across interview sessions
- motivation for recall
 - is the client stressed and trying to find an explanation/cause
 - e.g. if your father dies and you're excluded from will. Might have specific motivation for recall
- time elapsed since the alleged abuse
 - why now? What happened? A lot of detail? Suspicious...

Recall of the Culprit

- research examining culprit descriptions provided by eyewitnesses finds that descriptions are limited in detail and accuracy
- in lab studies found witnesses to staged crimes reported an average of 7.35 descriptions whereas witnesses to real crimes reported significantly fewer descriptors on average 3.94
- most common is height and sex
- study on accuracy of descriptors (Yarmey & Yarmey, 1997)
 - accuracy highest for hair colour and the type of clothing worn below the waist
 - difficulty in reporting weight (27% accuracy), eye colour (24% accuracy) and type of footwear (13% accuracy)

Recognition Memory

a witness's recognition memory can be tested in a number of ways

- video surveillance records
 - Cameras in stores; very blurry/grainy and you don't see much
 - Do you recognize the person in the video and the person in front of you.. Difficult to match
 - We have hard time pairing info;
- voice identification
 - Less frequent than live lineups
 - Study by Orchard and ... listen to voice of mock kidnapper; length of recording was different;
 - Easier to match when you heard voice for longer
 - Whispering decreased ID
 - No sig result of distinctive voice
- live lineups or photo arrays

Line-up Identification

- distinction between suspect and culprit
 - suspect: may be innocent or guilty for the crime
 - culprit: individual who committed the crime

- the use of distractors or foils (line-up members innocent for the crime in questions) is done as according to two strategies
 - a similarity to suspect strategy; police match lineup member to suspect appearance e.g. brown hair blue eyes; but don't make it too hard where it's too similar and hard to distinguish
 - a match to description strategy; limit number of features that are matched to the characteristic that the eye witness reported
- having a fair lineup, where the suspect does not stand out from the other lineup members is important
 - What is fair? Match gender, skin colour, only match hair colours based on one of the strategies
- estimating identification accuracy in the laboratory
 - lineup with target present
 - correct identification: eyewitness identifies the target
 - foil identification (error): eyewitness identifies foil/ distractor as the target
 - False rejection (error): eyewitness states that the target is absent
 - line-up with target absent
 - correct rejection
 - foil identification (error)

-implications of identification errors in real life (Wells & Turtle, 1986)

- foil identification: error known to the police
- false rejection: unknown error to the police
- false identification: unknown error to the police

Line-up Presentation Procedures

According to Turtle & al. (2003), photo arrays are preferable to live lineup

- Less time-consuming to put together
- Portable
- No right to counsel for the suspect
- Photos are static
- Reduced anxiety for eyewitness

Line-up presentation formats

- Simultaneous line-up – presenting all line-up members at one time to the witness
 - Relative judgment
- Sequential line-up – presenting members of the line-up one at a time
 - Absolute judgment: risk of false identification
 - Possibility of bias
 -

Other procedures:

- Showup – showing one person to the witness: the suspect
 - Fear the witness will die before the lineup is assembled
 - If the suspect is apprehended immediately or near the crime scene

- Walk-by – taking the witness to a public location where the suspect is likely to be
 - Eye witness to the location and ask if they see the suspect somewhere
 - Public place
 - Before lineup
 - The the police don't have a suspect but suspect they weill be around
 -

Recognition Memory in General

Are several identifications better than one?

--usefulness of multiple individual lineup (i.e just tattoo, just scar...)

-- increase reliability; makes it more likely that they have the right person

More research is needed.

Are confident witnesses accurate?

- The more confident an eye witness is of identifying someone, should be indicator that it is accurate (research doesn't really support this)
- There are variables that can increase and decrease this fadasfa of confidence and accuracy
- **Study by Wells & Bradfield (1998)**
 - Pts reported that having poor view of suspect and the quality wasn't hat great; werent very confident of identifying correct individual
 - Confirming feedback: yes you got right person; pt reported having a great view (when in fact they did not)
 - Disconfirming feedback: wrong person; they asked more questions
 - No feedback
 - ** very easy to manipulate confidence

Estimator variables

- Have impact on identification

Age of the eyewitness

- No real difference between the two
- Older adults just as likely as young adults to correctly identify targets in a lineup
- But when target is absent, older adults more likely to make incorrect decision; have tendency to identify someone
- Same is true when comparing children and adults.... Children can easily identify when target is present but have difficulty doing so when target is absent

Weapon focus

- Draws the attention of the witness to the weapon
- Witness has harder time identifying suspect in the lineup
- Too much focus on weapon
- Influences recall and recognition in lineup .

Week 4B - Mental Disorders

It is a disorder of the mind that is judged by experts to interfere substantially with a person's ability to cope with life on a daily basis

There are four categories of mental disorders that are most likely to be associated with criminal conduct...

- Schizophrenic disorders
- Paranoid or delusional disorders
- Mood disorders (serious depression)
- Antisocial personality disorder

However...

- Individuals with these disorders are not crime prone
- Even if an individual is diagnosed with these disorders, he or she still can be held responsible for criminal conduct

Schizophrenic disorders *Need 2 of the five for at least 6 months:*

Five characteristic symptoms: delusions, hallucinations, disorganized speech, grossly disorganized behaviour, and inappropriate affect

*Do not all manifest in the same way***

Five subtypes:

- Disorganized type: inappropriate affect and marked incoherence and disorganization in thought patterns
 - Not strongly correlated with criminal behaviour
- Catatonic type: severe disturbances in muscular and voluntary movement
 - Like a parrot, not strongly associated with criminal beh.
- Paranoid type: delusions and hallucinations (mostly auditory)
 - The most frequently represented in criminal behaviour
 - Doesn't mean they are prone to behave that way but the correlation is there
- Undifferentiated type: psychotic symptoms that cannot be classified into any of the foregoing categories
 - Have at least 2 of the five but don't fit very clearly into one of the types
 - May be associated with CB, especially if they have hallucinations and delusions
- Residual type: have had at least one episode of schizophrenia and evidence that some of the symptoms are continuing
 - Not in remissions but were dx once with schizophrenia, may exhibit only one of the criteria... in the passed they have been
 - Maybe very low level
 - Once in a while... not strongly associated with CB

According to Laajasalo & Hakkanen (2006), the strongest predictors of excessive violence are the offender's own history of violence and the presence of an accomplice at the scene

- Schizophrenia criminal behaviour rate is still small

- When they do commit a crime, the level of violence may be higher than that of a typical violent offender
- Tend to be more violent than someone who commits a similar crime who does not have schizophrenia
- Delusions (persecutory) are usually more common in schizophrenia crime
- Hallucinations without delusions at the time of the crime are less likely to commit a homicide

Paranoid or delusional disorders

Presence of one or more nonbizarre delusions that persist for at least a month

- Nonbizarre vs bizarre delusions
 - Nonbizarre = can happen but no evidence supports it
 - Example you think your neighbour is spying on you and wants to kidnap your dog

Often accompany other mental or personality disorders

There are 7 type of delusional disorders...

Persecutory type is the one most closely associated with criminal conduct

- Often accompanied by anger, resentment, and violence
- You strongly believe someone out to get you and you're more likely to act out in a violent manner

Mood disorders (major depression disorder) -- most research on MDs are on MDD

Extremely depressed state that lasts for at least two weeks and is accompanied by a generalized slowing down of mental and physical activity, gloom, despair, feelings or worthlessness, and perhaps frequent thoughts of suicide

Tends to render individuals indifferent to their own personal safety and the consequences of their actions (Diamantopoulou et al, 2011)

- People under MD don't care about what happens to them, so committing a crime and not caring about what happens to you goes hand and hand
- Associated with delinquency especially teenage girls
- Boys and girls indifferent about their own safety so it increaes likelihood of dilenquency
- Also associated with mass murderers (shootings)
- Suicide by cop
- Work violence
- Don't care abotu the consequences of their actions
- MDs have rarely been a success as a defense in criminal court

Antisocial personality disorder

- No imbalance in the brain, based on the personality of the person
- Critical conditions + environments

History of continuous behaviour in which the rights of others are violated

- Strong relationship with criminal offenses
- However APD not successful defense
- Most PDs are not good defence

Three of the following behavioural patterns must be present

- Failure to conform to social norms or the criminal law
- Irritability and unusual aggressiveness
- Consistent irresponsibility
- Impulsivity or a failure to plan ahead
- Deceitfulness
- Reckless disregard for the safety of others or self
- Lack of remorse or guilt for wrongdoing

Sexual beh,

Excessive drinking and drugs

Lack of empathy

Don't care about people

Impaired capacity to maintain healthy relationships with friends family and sexual partners

People DXd fail to become independent, self-supporting adults

Spend most of time in institutions, and with families

Cannot be diagnosed before age 18

Lots of impulsiveness

If they are provoked they are more likely to assault someone

Engage in crim behaviour often, although not necessarily violent

Males more common

Low SES situations

Strong association with criminal offences but less violent than those DGd with schizophrenia

Establishing Guilt

Two elements must be present for criminal guilt to be established...

- Actus Reus → A wrongful deed
 - Objective component
 - Based on evidence (found DNA, found the weapon)
- Mens Rea → Criminal intent
 - Subjective component
 - **Cannot be found guilty if they don't have the **criminal intent** to commit the crime.

**first one easier to prove, second one trickier

Burdens of proof (two levels)

- Beyond a reasonable doubt
 - Standard of proof required in all criminal proceedings
 - It is proof that is just short of absolute certainty
 - In evidence, it means fully satisfied, entirely convinced, satisfied to a moral certainty...
 - Can't be 100% certain that they didn't do it, but no reason to doubt that they did not commit the crime
- Preponderance of the evidence

- Standard of proof for civil suits (neighbour)
- 50 plus 1
- Proof that one side has more evidence in its favour than the other
 - One has a better story, you believe one more over the other

***when trying to establish if unfit for stand trial for preponderance of the evidence.

The expert that assessed the individual is fit enough to say yes they are unsuited to stand trial

Fitness to Stand Trial **** know difference between this and mental state at time of offence (next slide)

An accused is unfit to stand trial (UST) if he or she is unable, on account of mental disorder, to conduct a defence at any stage of the proceedings before a verdict is rendered or to instruct counsel to do so, and in particular on account of mental disorder to...

- Understand the nature or object of the proceedings;
- Understand the possible consequences of the proceedings; or
- Communicate with counsel

*you don't need all three to be present. Just one will suffice to not proceed with trial

* a trial may begin and at some point the person becomes unfit. Up until you have a verdict you can stop the trial. They can be considered unfit to stand trial at any point.

- but , the person has to be assessed. Can't be preplanned

You can decide to represent yourself if you are committed of a crime. But when you are unable to do that or tell someone to defend you you are considered unfit.

When a person is UST, they remain under the authority of the review board until they are deemed fit to stand trial or the charges are stayed or withdrawn

- Usually you'll be reassessed every 45 days. Then they decide are they still unfit
- Review board
- Every two years the court has to look where they're at with the trial and evidence, should we continue or not

If you're going to trial and you just don't know what's going on because of mental disorder, it is unfair to go to trial.

R. v. Demers [2004] and Bill C-10 in 2006 – If an accused is unlikely to ever become fit to stand trial, does not pose a significant threat to the safety of the public, and a stay of proceedings is in the interests of the proper administration of justice, a court now has the authority to order an absolute discharge

- Sexual assault but unfit because he had permanent mental disability
- Would never be fit to stand trial... so now what?
- Supreme court decided they do not have to reappear.
- Absolute discharge -- there will never be a trial

How is UST assessed?

- **Medical practitioner** -- in Canada, only medical practitioner allowed to determine fitness. Anyone with a medical degree (cardio, gyno)... need to be an MD.

- Clinical psychologists not allowed to conduct this assessment (canada)
- In the states you can be
- Psychologists involved in other ways -- assist in assessment of cues
- But it is the psychiatrist decision that matters. Usually work hand in hand.
- **Fitness Interview Test Revised (FIT-R)** – Roesch & al.(1998)n
 - Semi-structured interview that assesses the three criteria stated above.
-

Mental State at Time of Offence

To find a person guilty of a crime, mens rea or criminal intent must be established; no criminal intent = no crime

A little background into the Not criminally responsible on account of a mental disorder (NCRMD) defence

Need one of 2

To find a person NCRMD (the McNaughton standard)...

- The defendant must suffer from a mental disorder
- The defendant must fail to appreciate the nature or quality of their act
- The person may understand what they are doing but might not believe it to be wrong

Possible dispositions following a finding of NCRMD...

- Absolute discharge – released without any restrictions
 - Extremely rare
- Conditional discharge – released with conditions
 - Depends on the judge, there are many
 - E.g. person may have to abstain from drugs/alcohol
 - Ordered to reside in a place (e.g. group home, family,)
 - Specified tx plan
 - May have to see psychiatrist every week
 - Ordered to take medications
 - Refrain from weapons, violence
- Sent to psychiatric facility
 - Often
 - Up to the people assessing them to decide if they are or will be eventually eligible for conditional or absolute discharge

How is insanity assessed?

Defense needs to demonstrate that they cannot be found guilty

Media trials

Most of the time it's clear that the person had a mental disorder that affected their behaviour at the time of the crime.

- *The Rogers Criminal Responsibility Assessment Scales (R-CRAS)*

- Scales:
- Patient reliability – meant to detect malingering; semistructured, history, accounts of friends and fam, previous dx

- Organicity – meant to assess possible organic conditions (e.g., impaired brain functions, mental retardation, etc) that may account for their behaviour
- Psychopathology – meant to assess symptoms of functional disturbance (e.g., anxiety, psychiatric disorder, etc.)
-
- Cognitive control – presence of hallucinations, delusions, ability to comprehend the criminality of their behaviour
- Behavioural control – assess whether the person lacked behavioural control, was unable to change, monitor their behaviour

**No cut off score, clinicians opinions, talk about assessment and justify opinion in court.
 “Based on me expertise...”; have to convince the judge and jury

Other conditions used as a defence

Automatism

- Unconscious, involuntary behaviour such that the person committing the act is not aware of what he or she is doing
- E.g. sleep walking
- R v. Stone [1999]
 - Distinction between non insane and insane automatism
 - Stabbed wife 47 times and blamed it on wife’s insult
 - Found guilty
 - Distinction of the court:
 - Non insane → most prove automatism; involuntary behaviour that occurs because of an external factor, and not mental illness... if you are able to prove it is because of automatism the person is found not guilty.
 - Involuntary: psychiatric assessment, the severity of the event, and the history of this automatic behaviour
 - E.g. if the person suffered a blow to the head and they were in a certain state, can use defense of automatism
 - Physical ailment (stroke) and committed act : automatism
 - Hypoglycemia state -- can fall under automatism state
 - Involuntary intoxication (someone drugged you)
 - CO poisoning.
 - You are not acquitted of the crime you are just found not responsible
 - Insane → must use the NCRMD defense
 - You just go free

Intoxication

- Voluntary intoxication is not recognized as a defence for violent crimes; e.g you drink and kill someone.
 - However several cases where defendant has been intoxicated to a point where they didn’t know what they were doing... still responsible. Charges end up being less severe. Manslaughter rather than murder charge
- Often used to mitigate criminal responsibility

Sexsomnia

- A form of parasomnia defined as engaging in sexual acts while asleep
 - More common in men than women
 - Family history of parasomnia
 - Varied sexual behaviour while sleeping
 - Has been used successfully twice in Canada since 1996
 - If it is accepted, falls under not criminally responsible defence
 - Considered to have a mental disorder

Posttraumatic Stress Disorder

- Often used to mitigate criminal responsibility
- Court: same thing as alcohol
- Cannot be used to mitigate criminal responsibility (less charges) but not full
- DSM states it's a clear mental disorder

Dissociative Identity Disorder

- One in control of the behaviour and the other not
- Extremely rare disorder
- Some cases it was used successfully; but it was used in the context of the NCRD (mental illness that could move the fda up)
- Rarely been successful and also rarely used in general
- Disorder that people don't necessarily understand... could be a case of malingering

Amnesia (or limited amnesia)

- Worries that the individual may be malingering
- Exception when a clear connection can be made between a brain injury and memory loss
- Only time considered as defense ^
- Can't be fit for defense because you got your memory back.
- Generally not accepted in insanity and unfit to stand trial defense

The Public's Perceptions

Misconceptions surrounding the NCRMD defence (Latimer & Lawrence, 2006)

- It is commonly used – in Canada, 2 cases per 1000 adult criminal cases. It is usually successful
- Most acquittees commit murder
- It is a loophole
- Defendants are not confined very long
- Defendants are dangerous

Some characteristics of people found NCRMD and UST (Latimer & Lawrence,

Psychopathy

Personality disorder defined by a collection of interpersonal, affective, and behavioural characteristics, including manipulation, lack of remorse or empathy, impulsivity, and antisocial behaviour

Distinction with:

- Antisocial personality disorder is characterized by a history of behaviour in which the rights of others are violated
- Sociopathy: A label used to describe a person whose psychopathic traits are assumed to be due to environmental factors

How is it assessed?

Psychopathy Checklist-Revised (Hare, 2003)

- A 20-item rating scale assessing the interpersonal, affective and behavioural features of psychopathy Need a score of 30 or greater to be classified as a psychopath Between 20 and 29 – psychopathic tendencies
- Video: <https://www.youtube.com/watch?v=p6bsjcV5ttA>
- To be assessed as a psychopath has to be voluntary assessment; judged to be dangerous offender
- If you serve a sentence
- Subclinical psychopaths; fit in the category but not ; correlational;
 - Detecting vulnerable victims (Wheeler & al., 2009)
 - Ability to detect if people are vulnerable
 - Study in uni context, filmed uni students unknowingly while they were walking down the hallway
 - Those who agreed with the recording had to fill out questionnaires about victimization and bullying
 - Asked male participants to watch the videos and ask them to be a mugger and rate the video on vulnerability
 - Those with psychopathic traits were more likely to identify those who were vulnerable
 - Defrauding a lottery (Paulhus & al., 2002)
 - Pt came to lab and were told they had chance to win 100 dollars (5 people would win)
 - Researcher said he lost the name of the five winners and said he had already emailed them and to let him know who they were
 - Pts who actually contacted the researcher saying they were one of the winners were more likely to score higher on the psychopath channel
 - All pts were eventually debriefed and they drew names of winners
 - Cheating on exams (Nathanson & al., 2006)
 - Easy to find pairs of students who cheat (especially MC)
 - Assigned seats; intro to psych class
 - Which personality traits were related to cheating
 - Found that most students didn't cheat but 4% did (beyond reasonable doubt)... they had same pattern of answers
 - Those who cheated on exam were more likely to have a higher scale on psychopathy scale than the others
 - Owning vicious dogs (Ragatz & al, 2009)
 - They wanted to make a correlation between type of dog people own and other measures

- Large sample of uni students who owned dogs
- Questionnaire online
- Identified 6 breeds of dogs as vicious dogs; if the individual owned one of the dogs, engage in delinquency and crime, higher score on psychopath scale, selfishness, carelessness and manipulation
- Even if they had a higher score on psychopathy they still don't tolerate animal abuse

Psychopaths and interrogation (Quayle, 2008)

- **Former police detective in the UK**
- **Developed expertise at interrogating psychopath**
- **In collab with psychiatrists he identified....**
- Most common behaviours
 - Try to outwit the interrogator
 - Pretend they are in control "trick them"
 - Enjoy being the focus of attention
 -
 - Attempt to control the interrogation
 - Turn the tables and become the interrogator
 - Will not be fooled by bluffs
 - Adept at conning others and can detect the interrogators tactics
 - Attempts to shock
 - Talk about crime in graphic matter. No remorse, no emotion, nonchalant

Suggestions for interviewing psychopaths suspects

- Case familiarity
 - Even more important with psychopaths;
 - Extremely familiar with evidence to use against deceitfulness of psychopath
- Convey experience and confidence
 - Control interview
 - Make sure the interview is not derailed
- Show liking or admiration
 - Psychopaths respond well by thinking the interrogator wants to learn from them
 - Flatter them, complement them.. It makes them talk more
 - Psychopath presents narcissism
- Avoid criticism
 - Press conference
 - If you try to criticize them they become hostile or stop talking
- Avoid conveying emotions
 - If you do you will be seen as weak
 - Will affect their authority and the psychopath will feel they have control over the interrogation.

Juries

Most criminal trials are done by the judge alone without the jury (in Canada)

Cases Heard by Juries

There are three types of offenses in Canada:

- Summary offenses – tried by judge alone (NO JURY)
 - Marijuana
 - Shoplifting
 - Minor crimes
 - Sentence of less than six months
 - Fine less than 2000 dollars
 - Don't need to know the numbers
 - If you go to summary offence and you have a trial you can't have right to jury
 - Most trials are summary offenses in Canada
- Indictable offenses (JUDGE ALONE AND JURY)
 - Three subcategories:
 - *Less serious indictable offenses*, such as theft, fraud, failure to comply with a probation order – tried by judge alone
 - No right to jury
 - *Highly serious indictable offenses*, such as treason, murder, and piracy – must be tried by judge and jury (automatically; you don't have a choice)
 - *Other indictable offenses* (other than those found under the two previous categories; moderately serious), such as robbery, arson, sexual assault with a weapon – the accused can choose to be tried by judge and jury or by judge alone (with or without a preliminary inquiry)
 - Preliminary inquiry: the crown that informs the court (judge and defense) of the evidence that they have
 - Yes you're accused of something but do they really have a case against you
 - The prosecution tries to convince the judge that they have enough to accuse you as a crime ... sometimes judge will say not enough evidence
- Hybrid offenses
 - They are a cross between indictable offences and summary offenses (e.g., sexual assault)
 - The Crown attorney decides whether to proceed with the case as an indictable offense or a summary offense
 - In hybrid offences, the Crown decides to pursue the case as a summary or indictable offence
 - For very serious indictable offences, judge alone can be selected if both the attorney general and the judge agree
 -

Jury Selection in Canada

Jury Act - criminal law is at the federal level but there are differences between provinces

- Provincial and territorial legislation that outlines the eligibility criteria for jury service and how prospective jurors must be selected e.g. Ontario
- Criteria vary slightly across jurisdictions (e.g. minimal age) e.g. 18 years
- Jury summons
 - A court order that stated a time and place to go for jury duty – does not guarantee you will be selected as a juror
 - Try to have at least 100 prospective but in reality only take 12
 - Jury summons are randomly sent to individuals randomly from a voter's list
 - Ignoring a jury summons = possible legal penalty (fine or jail time) up to 2000\$ and time in jail? Up to the judge
 - Selection of 12 jurors
 - The Crown and defence are allowed **peremptory challenges** (20 for murder trials and 12 for most other crimes)- they can exclude without explanation)) and
 - **challenges for cause** (need to provide a reason for rejecting a prospective juror; they can ask questions (that are approved by the judge -- when it is clear that people in the community might be biased))
 - lawyers do the selection, they have your name, occupation, address and what you look like ... they look at you and say yes or no; but they have

Jury Selection Research

Are lawyers able to select favourable jurors?

- Study by Olczak, Kaplan & Penrod (1991)
 - Provided them with the facts of the case and demos for 36 potential jurors (files with pictures)
 - Lawyers were asked to assume the role of the defense attorney
 - You want your defendant to be acquitted, who would you select
 - Pick twelve that you really want and 12 that you don't want
 - Lawyers were more likely to make fdafd decisions rather than accurate
 - Not good at making decisions
 - Lawyers were more likely to discard jurors who found the defendant not guilty
 - Lawyers were not sufficient to detect jurors ... but makes for a fairer justice system?

Scientific jury selection -- can't use this in Canada but lawyers can use research of the states and use that info to help them make that decision

- Rejecting prospective jurors who would be unsympathetic to one's case and accepting those who would be sympathetic based on predetermined characteristics
- More options to be acquitted of a crime if you have money
- Two approaches:
 - Broad-based approach → traits or attitudes
 - Certain ones that make people more likely to be pro prosecution or pro defense, regardless of the case.

- Prospective jurors may be asked to fill personality questionnaires on traits, attitudes.. Can help the attorney determine who they want as a juror and who they don't
 - Approach in general
 - Case-specific approach→ issues and facts of the case
 - Like doing a trial before going to trial
 - Don't ask the questions to the jury but to members of the community
 - Build a questionnaire, distribute it in the community and look at the correlation
 - Able to establish a profile of the ideal jurors
 - When they have to pick the jurors they'll keep it in mind
 - For example 80% of women will convict, so we don't have women on the jury
 - Can ask the jurors relevant questions .. e/g/ for this time of crime do you believe that bla bla is immortal
 - More specific to aspects of the case
 - Mostly work for the defendant because the prosecution doesn't have a lot of money
 - Goal: stock the juror in their favor
 - Can take hints on non-verbal communication of jurors

Characteristics of Juries in Canada

The Supreme Court of Canada indicated two fundamental characteristics of juries [*R v. Sherrat, 1991*] ... it is assumed by the justice system that they are ...

- **Representativeness** → A jury composition that represents the community where the crime occurred
 - Accomplished by random selection (ex. randomly drawing names from the voter registry)
 - All members must meet minimum criteria
 - Once they have 12 members of the jury the crown or the judge may come out and say the jury is biased
 - *R. v. Neppossee (1991)*
 - Accused of a crime and the jury was successfully challenged for having too few women
 - They had to proceed again with jury selection
 - Sexually assault of 12 year old aboriginal girl; on jury there was only one aboriginal and all others were white. The defendant admitted to the relations and was acquitted.
 - Later the jury was found to be racially biased
 - Aboriginals are not well represented in juries
 - They now allow aboriginals that live on reserve to volunteer to be jurors
 - Use the list from the ministry of health instead of voters list
- **Impartiality** → A characteristic of jurors who are unbiased

- Must judge the case based solely on the admissible evidence (must set aside any pre-existing biases, prejudices or attitudes)
- Must ignore any information that is not part of the admissible evidence
- Must not have any connection to the defendant
- C vs Jill - tried in Vancouver for two gang style murders.
 - Juror Jillian, ran into the guy in the hall during the trial; started relationship with defendant and she found him not guilty
 - When court was made familiar of the relationship, charged both for obstruction of justice -- she ended up serving 3 months in prison (sentenced for 18 months)

How to keep potential jurors impartial?

- **Change of venue** - moving a trial to a community other than the one in which the crime occurred; rarely used; Party requesting the change of venue must be able to demonstrate that the community is prejudiced against the defendant; usually due to a lot of publicity before the trial, when community is small, when the likelihood of the victim and defendant are known... happens but not often. Trial usually takes place in the same province/territory of crime, in a community with similar characteristics.
- **Adjournment** - delaying the trial allows the bias to dissipate (usually before the trial starts but few cases where it has already begun and chose to cancel trial and bail)
 - Rarely used; they assume the bias will fade
 - Delaying the trial can cause witness memories to fade
 - Can also allow witnesses to leave town or die
 - Usually try to limit the time between when it will happen
- **Challenge for cause** - option to reject biased jurors
 - Two triers selected from the jury pool will decide whether or not the juror in question is biased, based on the answers provided to questions by the lawyers or judge
 - For the entire jury selection process; not specific jurors
 - Want to be able to ask questions to potential jurors ; judge will preent questions (biased)
 - E.g. trial where defendant was a black Jamaican man; would ask if black Jamaican man tend to be violent more

Jury Functions

The main legal function of a jury is to apply the law, as provided by the judge, to the admissible evidence in the case and render a verdict of guilt or innocence

Other functions

- To use the wisdom of 12 to reach a verdict
 - Debate, discuss and come to consensus
- To act as the conscience of the community
- To protect against out-of-date laws
 - There are some laws in criminal code that have been outdated ...

- To increase knowledge about the justice system
 - When you go back to the community you have more knowledge as to how the justice system works and you can inform other people; help educate others on the justice system

Can a jury ignore the law? - Jury nullification

- *Ignoring the law and using other criteria for verdict; Nullification instructions may influence jury decision, producing both socially favourable and socially unfavourable verdicts; Common with controversial issues like abortion or euthanasia*
- Dr. Henry Morgentaler – the law was perceived as unjust and out-dated (video: https://www.nfb.ca/film/democracy_on_trial)
 - *May occur when laws are out of date; Members of the jury may feel that the law are out of date e.g. abortions in Canada*
 - During trial he did not deny he was committing the crime but the jury found him not guilty; it was appealed and it was overturned.
 - He continued to perform abortions after going to jail ... was tried three times and every time was found not guilty.
 - 1976 Quebec decided not to prosecute abortion cases
 - He tried again in Ontario and was tried and acquitted again
- Robert Latimer – the sentence was viewed as too harsh
 - Daughter with cerebral palsy ... father could no longer live with seeing his daughter suffer and decided to end her life. (euthanasia)
 - Community did not picture him as a murderer
 - Jury found him guilty of second degree murder; carries a life sentence
 - Jurors can make sentencing recommendations** -- they made it one year prison and ineligible for parole after that one year
 - Law was inconsistent

Juror Behaviour Research

Studying Juror/Jury behaviour

Goal is to predict a verdict and identify which variables may affect the verdict

There are four different techniques

- Post-trial interviews: Asking the jurors why they reached the verdict they did (note: not allowed in Canada - jurors are not allowed to discuss what happened in deliberations in Canada)
 - Not allowed to talk about what happened
 - High external validity ...but jurors' accounts may not be reliable
- Archives: Reviewing records of trials and police interviews of witnesses -- looking for relation between variables and verdict ... low internal validity because based on assumption only
- Simulations (mock trials): Simulating a trial to study the effect of independent variables
 - Used the most in Canada
 - Participant plays role of jurors
 - Good internal but low external validity.

- Field studies: Using actual jurors while they are serving on jury duty (note: not allowed in Canada)
 - Can interview them, can ask them to take notes throughout the trial
 - Not granted often by judges
 - Need permission of defendant, judge, lawyers and defendant
 - They now have a day to day account of whats going on

Disregarding Inadmissible Evidence

During deliberations, jurors must disregard any inadmissible evidence in rendering their verdict

- *During trials, lawyers or witnesses may make inadmissible statements that juries will be instructed to disregard*
- *Jurors are not good at disregarding evidence*
- *Backfire effect: being told to disregard something may make it more meaningful to jurors*
- *Meaningful explanations are required for jurors to be able to disregard information*
- *Jurors will disregard evidence when they are provided with a logical and legitimate reason for the judge's decision*
- *When the evidence is weak the jurors*
- *When evidence was strong the jurors were more likely to disregard the inadmissible evidence. (of a less serious nature than when it is more serious)*
- *But seriousness of crime, the more severe the more reluctant to consider inadmissible evidence*

Are jurors able to forget what they heard?

Factors that may influence the ability to disregard inadmissible evidence

- Strength of the evidence
- Reason provided by the judge to disregard inadmissible evidence (Kassin & Sommers, 1997)
 - Mock trial, murder trial and piece of evidence was manipulated
 - Four groups:
control group -received circumstantial/ambiguous evidence -- found not guilty / acquitted
 - 1 - experimental - confession present
 - 2 - jurors heard but instructed by judge to disregard evidence because it was obtained illegally by the detective ---- more likely to find def. Guilty (did consider the evidence)
 - 3 - instructed to disregard because it was difficult to comprehend --- verdict similar to control group (not guilty)
 - *** not instruction but reason that had more impact

Predicting Verdicts

Six variables have been identified as having a relation to the verdict

- Demographic variables
 - Gender, race, socioeconomic status and education of jurors -- regardless they are not very good of predicting verdict.

- Interaction of jurors and that of defendant can lead to.....
- Black sheep effect – when evidence is strong, similarity between defendant and jury leads to punitiveness (Devine & al, 2001)
 - Ethnicity of the defendant and ethnicity of the defendant
 - White people more likely to give guilty verdict to hispanic
 - Results influenced by strength of evidence (weak evidence leads to leniency; strong evidence lead to punitiveness -- white more likely to find white person guilty -- you are similar to me i don't want to be associated with you)
- Personality traits
 - Authoritarianism and dogmatism → pro-prosecution bias
 - High on authoritarianism are associated with more rigidity
 - - *Moderate positive relationship between authoritarianism and verdicts*
 - *High on conscientiousness are more likely to be persuaded by other jurors*
 - • *High on extroversion are more persuasive*
 -
- Attitudes
 - Attitude towards capital punishment
 - Jurors who are more likely to render the death penalty are more likely to convict
 -

Defendant characteristics

- Attractiveness of the defendant
 - Sigall & Ostrove (1975) – physical attractiveness and nature of the crime
 - Patry (2008) – Physical attractiveness and deliberations
 - Small relation between attractiveness of the defendant and the verdict - can go for and against the defendant
 - When you use your charms for getting what you want, more harshly accused
 - When there is deliberation, attractiveness of defendant makes them look more guilty;
 - Without deliberation, less likely guilty
- • *Criminal history: more likely to be convicted if there's a known criminal history*
- • *When evidence is really weak, the similarity between the defendant and the jury can lead to an innocent verdict*
- • *Black-sheep effect: when evidence is very strong and jurors are similar to the defendant, the verdict is likely to be guilty*
- - *Going to extremes in saying that they're guilty*

Victim characteristics

- Sexual assault cases (Shuller & Hastings, 2002)
 - Changed and changed back, now at judge discretion; when defense wants to talk about sexual consent of the victim

- Victims sexual history with defendant more likely to think it was consensual
- Has impact on credibility of the victim

Expert testimony

- Race and gender of the expert (Memon & Shuman, 1998)
 - Who the expert is can impact verdict
 - Presented with one of 4 experts, only difference was gender and race
 - Negligence
 - Jurors were white
 - Who was most convincing? Black woman -- most persuasive and most support
 - Could replicate these findings - gender component
 - Content of testimony interacts with the gender of the expert --- more effective to have female expert with female "issue"
 - More lenient when expert is female
- Battered woman' syndrome (Shuller & al., 2003)
- Experts saying common knowledge can alienate jurors
- • Jurors will be impressed by high credentials when presenting important evidence
-

Children and the Justice System

Child Maltreatment

There are **four main categories of child maltreatment**

- Physical abuse
 - The deliberate application of force to any part of a child's body that results in or may result in a non-accidental injury
 - Shaken baby syndrome
- Sexual abuse
 - When an adult or youth uses a child for sexual purposes
- Neglect/Failure to provide
 - When a child's caregivers do not provide the requisite attention to the child's emotional, psychological, or physical development
- Emotional maltreatment
 - Acts of omissions by caregivers that cause or could cause serious behavioural, cognitive, emotional, or mental disorders

Other forms of abuse

- Abduction
- Munchausen by proxy

Corporal punishment [*R v. Poulin, 2002*]

- Supreme Court of Canada ruled that...
 - Corporal punishment is prohibited in schools – physical force may be used to remove a student or prevent immediate threats of harm to person or property
 - Parents are not permitted to spank, slap, or otherwise use any corporal punishment on children younger than age 2 or older than age 12
 - Parents may use physical force on children between the ages of 3 and 12, but may not use an object to hit them
 - Parents are not permitted to strike children between the ages of 3 and 12 on the head or the face, under any circumstances

Risks factors

- Children factors
- Parental factors
 - E.g., young maternal age; presence of a stepfather, etc.
- Social factors
 - E.g., low socio-economic status

Effects of physical abuse and neglect

Effects of sexual abuse

Children as Witnesses

Factors that lead to a renewed interest in child witnesses (Ceci & Bruck, 1993)

- Expert psychological testimony was becoming more acceptable in the courtroom
- Social scientists were interested in research that could be applied to real-world problems
- Studies on adult eyewitness testimonies were increasing
- The legal community became interested in behavioural science research regarding child witnesses

Developmental Factors

- Children's testimony has traditionally been treated with suspicion by the justice system.
- Preschool children, in particular, were believed to be incompetent witnesses because of concerns over their memory limitations, linguistic immaturity, and conceptual underdevelopment
- Some general guidelines for interviewing preschool children (Tang, 2006)
 - Child needs to be able to engage in verbal conversations
 - Child may need to be older than 3 years old
 - The crime must have occurred after the child is 2 years or older

Developmental Factors

What does psychological research say with regards to...

- Memory development
 - Childhood amnesia in children (Fivush et al, 1996)
 - Visual retrieval aids for preschoolers (Macklin, 1994)
- Language development
 - Verbal report of an event is frozen in time (Simcock & Haynes, 2003)
 - Question format – Yes/No versus W's questions
- Conceptual development
 - Strong reliance on scripts in their recall (Ornstein, 1998)

Recall Memory

Recall for events

- Challenge is to determine when children are accurately recalling and when they are fabricating
- Free narrative approach versus direct questioning
 - Children tend to report very little with a free narrative approach
 - Older children are more resistant to leading questions than younger ones
 - Two factors influencing suggestibility in children
 - Social compliance
 - Changes to the cognitive system

Recall for people

- Study by Leichtman & Ceci (1995)
 - Control group
 - Stereotype – expectations about stranger
 - Suggestion – misinformation about stranger
 - Stereotype and suggestion – expectations and misinformation about stranger

Interview Techniques

The main interview techniques used with children

- Anatomically detailed dolls
 - Used when children may have a difficulty verbalizing what occurred
- Criterion-based content analysis
 - Analysis using criteria to distinguish truthful from false statements made by children
 - A component of a protocol called the statement validity analysis
- Step-wise interview
 - Interview protocol with a series of steps designed to start the interview with the least leading and directive type of questioning then proceeding to more specific forms of questioning, as necessary
- Narrative elaboration
 - Interview procedure whereby children learn to organize their story into relevant categories – participants, settings, actions, conversation/affective states, and consequences

Recognition Memory

Children's abilities with regards to lineup procedure

- Target-present lineup
- Target absent lineup

Elimination-lineup (Pozzulo et al., 1999)

- All lineup photos are presented to the child and the child is asked to select the lineup member who looks the most like the culprit (relative judgment)
- The child is asked to compare his or her memory of the culprit with the most-similar photo selected in the first stage and decide if the photo is of the culprit (absolute judgment)

Testifying in Court

Courtroom accommodations

- A shield/screen to separate the child and defendant so that the child does not see the defendant's face
- The child is allowed to provide testimony via a closed-circuit television monitor
- The child may have a support person with him or her while providing testimony
- A child may be video-recorded while being interviewed about the details of the crime
- Statements made by the child during initial disclosure of the abuse may be allowed as evidence (in cases of sexual abuse)
- Courtroom may be closed to the public and/or media to protect the privacy of the child / publication ban may be granted

Children and the Jury System

CHILD MALTREATMENT

only first three can be used for criminal charges

likely of multiple kinds at same time

There are four main categories of child maltreatment:

1) Physical abuse:

- The deliberate application of force to any part of a child's body that results in or may result in a non-accidental injury
- Shaken baby syndrome — out of anger, shakes baby so hard that it causes serious results; perpetrator mostly male; equal F/M babies; blindness, deafness, seizures, learning disabilities
- head trauma leading cause of death from physical abuse (before age 5)

2) Sexual abuse

- When an adult or youth uses a child for sexual purposes

3) Neglect/Failure to provide

- When a child's caregivers do not provide the requisite attention to the child's emotional, psychological, or physical development
- E.g. leaving child in hot car; living bad hygienec conditions; anything that will hurt the child indirectly

4) Emotional maltreatment

- Acts or omissions by caregivers that cause or could cause serious behavioural, cognitive, emotional, or mental disorders
- Sometimes can fall under neglect (esp. omission)
- Difficult to prove
- Isolate, intimidate, terrorize, chores non-appropriate for age, verbal trap,
- psychological abuse;;; not in the criminal code even though it has negative impact

Other forms of abuse

- Abduction
 - Stranger (barely know) are fairly rare compared to non-stranger (parent, someone they know) abduction
 - Stranger abduction = stereotypical; often end in tragedy (on community),, considerable attention from the media
 - 40% of abduction result in the death of the child (usually within first 24 hours)
 - Reasons / motivation of abductor are quite diverse
 - Sexual motivations = major factor ;; 2/3 victims are female aged 6-14 years
 - Still considered a crime
- Munchausen by proxy
 - Very rare but very serious type of child abuse
 - Parent (mother 98% of time) consistency and chronically bring child in for medical attention with symptoms falsified or directly induced by parent ; child is actually healthy and parent is not
 - Can be found in all types of SES level
 - Infancy and 8 years old (those who have harder time expressing what is going on)

- Both f/m victim equally
- Father is unaware of what is happening
- Victims parents work as nurse, something in medical field
- The mother will be unusually attentive to the child (won't want to leave child's side during medical treatment)
- Child will have series of reoccurring symptoms that do not respond to treatment... unexplained
- Extreme cases: parent may initiate starvation in the child, suffocate child, add fat to stool to produce lab uncertainties... put own blood in

Corporal punishment [R v. Poulin, 2002]

-- drawing the line between acceptable form of punishment and abuse

Supreme Court of Canada ruled that...

Women used wooden paddle to discipline children

Children testified that they were beat until they passed out

8 months in jail

Ordered not to care for children younger than 14 for three years after release

Section 43 of criminal code: every parent, teacher ... is justified as using force as much as is required given the circumstances

- Corporal punishment is prohibited in schools – physical force may be used to remove a student or prevent immediate threats of harm to person or property
- Parents are not permitted to spank, slap, or otherwise use any corporal punishment on children younger than age 2 or older than age 12
- Parents may use physical force on children between the ages of 3 and 12, but may not use an object to hit them
- Parents are not permitted to strike children between the ages of 3 and 12 on the head or the face, under any circumstances

The child can testify against fdaafdasfda

Risks factors

Most research with physical and sexual abuse

Children factors

- Physical abuse: more common with male children
- Sexual abuse: more common in female children

Parental factors

- E.g., young maternal age; presence of a stepfather, etc.
- Physical abuse: single parent status, history of childhood physical abuse, domestic (spousal) abuse history, unplanned pregnancy, attitudes towards pregnancy in general, history of substance abuse, social isolation (no social network/support)
- Sexual abuse: no biological parent (foster home, group home) poor parental relationship, poor child-parent relationship (hard to tell if prior/because of)... stepfather high risk factor especially for female children

Social factors

- E.g., low socio-economic status (physical abuse)
- Large family status (5,6,7 children) (physical abuse)

Effects of physical abuse and neglect

- ST effects: perceptual motor deficit, lower intellectual functioning, lower academic achievement, aggression (externalizing behaviours), hopelessness, depression;
- Probability of violence increased when physical abuse / neglect and when they become adults are more violent
- Physically abused will abuse their own

Effects of sexual abuse

2 studies

- ST effects: behavioural problems, low self-esteem, increased sexuality, PTSD symptoms, within 2 years of abuse, children report sleep disturbance, eating disorders, stomach problems and anxied.
- LT effects: 3 categories of outcomes of adults (strong correlations)
 - Psychiatric disorders: Major depression,
 - Dysfunctional behaviours: alcohol/drug abuse, Sexualized behaviour: most closely related.. Use sexuality for favors, to gain things..
 - Neurobiological dysregulation: MRI shows reduced hippocampal volume in adults (similar to veterans experiencing PTSD)

Increased risk of being sexually abused as adults as well (they are more vulnerable)

CHILDREN AS WITNESSES

Factors that lead to a renewed interest in child witnesses (Ceci & Bruck, 1993)

Over time there was a shift -- started believing children should be accepted as witnesses; psychologists were becoming more accepted in the courtroom

- Expert psychological testimony was becoming more acceptable in the courtroom
 - Psychologist would testify as an expert; sort of talking on behalf of the child
- Social scientists were interested in research that could be applied to real-world problems
 - Before they didn't really care about how it could apply to real-life problem; applied research wasn't popular until 70s
- Studies on adult eyewitness testimonies were increasing
 - Psychologists began to question what are the limits of memory... research on eyewitnesses
- The legal community became interested in behavioural science research regarding child witnesses
 - Because increased number of sexual/physical abuse cases where child was victim/witness

DEVELOPMENTAL FACTORS

- Children's testimony has traditionally been treated with suspicion by the justice system.

- Preschool children, in particular, were believed to be incompetent witnesses because of concerns over their memory limitations, linguistic immaturity, and conceptual underdevelopment

Some general guidelines for interviewing preschool children (Tang, 2006)

- By detectives
- Used across Canada and US
- Very general guidelines
 - o Child needs to be able to engage in verbal conversations
 - o Child may need to be older than 3 years old (developmental factor)
 - o The crime must have occurred after the child is 2 years or older (memory)

What does psychological research say with regards to...

Memory development

- Childhood amnesia in children (Fivush et al, 1996) can't remember what happens to you before age 3 - 4;
 - o 40 months, 46, 58, 70
 - o Gathered details from parents then asked the child about events
 - o 40 months: children's narratives were coherent (could recall event) and got better as they got older
 - o Recall at 70 months for events recalled from 40 months of age: they have long term memory of these events... structured
 - o Suggestive interviews to children may have negative impact
 - Try to limit interviews with child
 - Have all people who conduct interview with child present at same time
- Although adults experience childhood amnesia, young children do not. Can recall events experienced in the last few years of their lives
- Visual retrieval aids for preschoolers (Macklin, 1994)
 - o Pictures, that will help them recall

Language development

- Verbal report of an event is frozen in time (Simcock & Haynes, 2003)
 - o Elicit 8 language functions
 - o Functions were found in preschoolers by age 3.5
 - o **Children do not use words that have not been part of their productive vocabulary at the time of the event in their later recall**
 - E.g. asking a 6 year old to recall smtg that happened to them at age 3 :
like a regression they use same language they did as a 3 year old to explain
 - Effects encoding not retrieval
- Question format – Yes/No versus W's questions
 - o When children are asked bizarre questions in yes/no format, they usually reply 'yes' instead of 'I don't know'
 - o They understand they have to answer yes/no
 - o They don't say 'I don't know' operate under assumption that adults always ask meaningful answer in which they have to provide an answer

- 30 % error rate
- Less errors in answers to bizarre questions when asked with W questions - who what where when why
 - 10 % error rate

Conceptual development

- Strong reliance on scripts in their recall (Ornstein, 1998)
 - Children's memory on script items are as good as older children
 - E.g did you brush your teeth did you eat breakfast
 - Tend to rely strongly on scripts in their recall and less likely to remember if script did not occur (will say it did)
 - Asked child to recall a medical procedure -- 40% made an error in recall, still mentioned something happened (following their script) that actually did not
 - They recall what typically happens when it really did not

RECALL MEMORY

Recall for events

Challenge is to determine when children are accurately recalling and when they are fabricating

- Diff between children and adults : usually assume that the false claim are not voluntary whereas adults we assume they are malingering
- How you interview the child is more important than when interviewing adults

Free narrative approach versus direct questioning

- Children tend to report very little with a free narrative approach (especially as preschoolers; as they get older it gets better)
 - Although they don't report much, Usually as accurate as what adults reports
- Older children are more resistant to leading questions than younger ones
 - Younger children more likely to respond yes to everything; older children will say "I don't know"
 - Still more influenced by leading questions than adults
- Two factors influencing suggestibility in children
 - Social compliance: children may respond to suggestive influence because they trust and what to cooperate with adults; feel their role is important. ; they feel they have to provide answer
 - Their memory still intact; suggestive question does not corrupt memory
 - Changes to the cognitive system
 - May recall something they heard about as something they experienced themselves
 - Can't figure what source of fdfdsa is

Recall for people

Younger children recall less descriptives compared to older children

Tend to recall colour of hair

Hard time making estimates for height, weight and age.

- **Few studies**
- **Children are rarely left alone with strangers**

- Study by Leichtman & Ceci (1995)
 - how are children easily influenced?
 - Visitor showed up to classroom while teacher was reading them a story, sat down and left
 - Asked the four groups to describe sam stone
 - Control group - No suggestive questions
 - Stereotype – expectations about stranger
 - Before coming to classroom, the kids were given expectations about him
 - Suggestion – misinformation about stranger
 - Stereotype and suggestion – expectations and misinformation about stranger
 - Control group had better recall overall; more accurate of description and his behaviour
 - What they were told prior and after the visit was introduced in the recall.

INTERVIEW TECHNIQUES

The main interview techniques used with children

Anatomically detailed dolls (consistent with male and female anatomy)

-no standard way to use this technique; no standard dolls;

- Used when children may have a difficulty verbalizing what occurred
- When playing with dolls they demonstrate what happened
- Results lead to contradictory : good interview technique, bad because of suggestion..
- Both older and younger children reported more fantastic details with dolls than without;
 - So it's not exactly what happened to them but it's difficult to tell
 - 3-10 year olds touched during medical exam were more likely to report such touching with dolls than orally without dolls
- Can be useful in therapy perhaps as visual aid
- Forensic setting-- not enough time to spend time with child and doll
- Overall not best approach in forensic setting

Criterion-based content analysis

-free recall interview; analyses of the free recall and then determine if it is the truth or not

-description of real event differ in terms of quality and when they fabricated facts

-look at level of age, look at level of vocab

- Analysis using criteria to distinguish truthful from false statements made by children
- A component of a protocol called the statement validity analysis
- Works well in lab setting
- Time and money costly for police departments

Step-wise interview

-most used in canada, still used to today

- Interview protocol with a series of steps designed to start the interview with the **least** leading and directive type of questioning then proceeding to more specific forms of questioning, as necessary
- Start interview with free format
- Move on towards more directive questioning

- Questions with WH
- Used the most but not much research on it; just based on other research stating free narrative being better in general

Narrative elaboration

- Interview procedure whereby children learn to organize their story into relevant categories – **participants , settings, actions, conversation/affective states, and consequences**
- Children are first taught that every good story has these elements
- Taught to associate five cards with each of the categories (used as visual cues; triggers/retrieval aids to help them mention important aspects)
- Watch 2 videos, ask to tell what happened in the video.... When they are talking about the video they will show them the cards to remind them to talk about those elements
- “Does this card remind you to tell me something else” help them provide complete story; not suggestive
- In 15 mins children understand well enough to use the technique
- No fabricated events or facts
- More at the research level
- Promising
- Pilot study in some police department
- Good chance of becoming standard procedure for interviewing young children in the future

RECOGNITION MEMORY (line-ups)

Children’s abilities with regards to lineup procedure

- Target-present lineup - Children over age of 5 produce comparable correct identification rate as adults when the offender is present.
- Target absent lineup - When target is absent, children as old as 14 years old produce greater false positives than adults

Elimination-lineup (Pozzulo et al., 1999)

- Sequential line-ups increases false positives (opposite of adults)
- Adults one or the other children both
- Adults you compare target to memory and then decide is this the person or not
- Children fail to make the second judgement; they find the most similar but fail to acknowledge if it is really the person they saw
- All lineup photos are presented to the child and the child is asked to select the lineup member who looks the most like the culprit (relative judgment) (who looks the most like the person you saw before)
- The child is asked to compare his or her memory of the culprit with the most-similar photo selected in the first stage and decide if the photo is of the culprit (absolute judgment) (is this really the person that you saw before)
- When it is target absent lineup the child will actually say no
- Use this technique will kids up to 8 years old

TESTIFYING IN COURT

Courtroom accommodations (6 types)

- Any child under the age of 18 who has to testify regardless of the crime (before 2006 it was only sexual cases)
- Offer recommendation (vulnerable witnesses) over the age of 18, have to fill out a form
- Only since 1997 that children under age 18 can't be cross-examined by the accused
- Reduce stress
- A shield/screen to separate the child and defendant so that the child does not see the defendant's face
 - They can experience trauma if facing defendant
 - Child has to be visible to the defendant and rest of courtroom
 - Defendant has right to see everyone that testifies against them
- The child is allowed to provide testimony via a closed-circuit television monitor
 - Large cities
 - Separate room from the courtroom and televised live in courtroom
 - To communicate with lawyers, they have telephone
- The child may have a support person with him or her while providing testimony
 - For comfort, support,
 - Child can decide who they want, but someone who is witness in the same case cannot stand unless they've already given testimony
- A child may be video-recorder while being interviewed about the details of the crime
 - Ask the court to use the video instead of having to provide the same details in court
 - But may still have to answer questions to defense and prosecution
- Statements made by the child during initial disclosure of the abuse may be allowed as evidence (in cases of sexual abuse)
 - Judges can apply these rules liberally and allow these statements
 - E.g Mother can testify on behalf of the child and tell the judge what her daughter told her
 - Cases where child is very young, judge decide it's too stressful to the child
 - Questioning very limited to the person who got initial disclosure
 - It is possible but will potentially go with other option
- Courtroom may be closed to the public and/or media to protect the privacy of the child / publication ban may be granted
 - Make sure child can't be identified

STALKING

- A course of conduct directed at a specific person that involves repeated physical or visual proximity, non-consensual communication, or verbal, written, or implied threats sufficient to cause fear in a reasonable person (Tjaden, 1997)
- The longer the duration of staking the greater the damage to the victim (could lead to depression)
- Considered to be a crime of intimidation – the longest in duration, regardless of the intrusiveness or violence of behaviours the greater the potential damage to the victim

General findings from the “Stalking in America” survey (Tjaden & Thoennes, 1998)

- 8000 women 8000 men
- Victims: 8% women and 2% men
- Duration: less than 1 year in most instances, but 11% of victims reported having been stalked for more than 5 years
- Stalker: 87% male, 80% white, 50% between the ages of 18 and 35, above-average annual income
- About 50% of the female victims were stalked by their current or a former partner, and about 80% of these women had been physically assaulted by that partner during the relationship, during the stalking episode, or during both
- 1/3 cases vandalized property
- 10% stalker killed or threatened to kill victims pet
- Only 7% believe they suffer of mental disorder
- Crime of intimidation, control,
- Health mental professionals often becomes victim of stalking by their clients
 - 62% of the clients are diagnosed with mood disorders

20% feel harm of them selves

1/20 fear safety of child

1/20 fear of being killed

Generates a lot of emotional distress

Four categories of stalkers (Beatty et al., 2002)

(Focus on motives rather than the relationship)

Simple obsession stalkers

- The most common; accounting for about 60% of stalkers
- Behaviour that is a continuation of previous pattern of domestic violence and psychological abuse in an intimate relationship
 - usually former spouse and male
- Victim is usually a former spouse and offenders usually male
- Hypothesized that the stalker experiences low self-esteem, helplessness and by stalking/taking control will increase self-esteem
- If they feel they don't have control, may lead to tragic consequences...
- most likely category to result in murder

Love obsession stalkers

- Most often, stalker and victim and casual acquaintances

- Also includes celebrity stalking
- Lover, roommate, celebrity
- Primary motivation is to establish a personal relationship with victim
- Low self-esteem, depression, and
- Believe the person (victim) associated with exceptionally high qualities
- By associating with them, they gain higher status
- Will engage in violence to prove they are worthy; do things that show desperation to make the victim see/appreciate them

Erotomania stalking

- Offender is often plagued by serious mental disorders, most often schizophrenia; highly delusional
- Believe that the relationship with their victim already exists
- Believe they're in relationship with victim
- Appear so irrational that the victim doesn't know what to do
- As a victim you don't know if they'll become violent or what they'll do next
- They are less dangerous than other categories

Vengeance stalkers

- They do not seek a personal relationship with their targeted victim, but rather try to elicit a particular response from their victim -- FEAR
- Vengeance is the prime motive
- Try to elicit fear or a change in behaviour of their victim (
- E.g. threatening/harrassing old boss because they fired him

When does stalking usually stop?

- Finding of a new love interest
- Law enforcement intervention, with the exception of more formal intervention such as arrest -- reduced/stopped stalking
- 50% stopped when they received warning (informal) from police
- Arrest (formal) did not appear to make it stop
- Relocation of the victim --- most effective method and could be only option when your life is at risk
- Providing no info on social media or to people that may know the stalker about your whereabouts

Stalking and violence (Rosenfeld & Harmon, 2002; Purcell et al., 2009)

- Prior level of intimacy between stalker and victim
- Violent threats and drug abuse -- good indicator that it will become more violent
- Juvenile stalkers -- appear to be the most dangerous violent compared to adults
 - 54% of juvenile stalker victims were attacked, fdsafdas serious injuries, and
 - Try to have very close contact with victim,

Cyberstalking

- Analogous to traditional forms of stalking but through new mediums like emails, text messaging, social networking sites, etc.
- They just use different means of communication
- Social media facilitate anonymity and allow for stalking of those you don't actually know
- Important for potential victims: stalkers gain a lot of info through social media

SEXUAL OFFENDERS AND HOMICIDAL OFFENDERS

SEXUAL ASSAULT

Any non-consensual sexual act by either a male or female person to either a male or female person, regardless of the relationship between the people involved

Three levels of severity

- Max sentence 10 years
 - Simple sexual assault
- any sexual contact unsolicited and non consensual from fondling to sexual relations
 - Sexual assault with a weapon or causing bodily harm
 - When a weapon is used, when there is bodily harm to the victim or when there is threat to a third person
 - Bodily harm that is not permanent
 - Max sentence 14 years
 - Aggravated sexual assault
 - disfigurement, mutilation, or that the victims life was in danger
 - Max sentence is life in prison

Consequences for victims

- Rape trauma syndrome – group of symptoms and behaviours that are frequent after-effects of having been raped
 - Acute phase: lasts for a few weeks, high fear, anxiety, and depression, self-blame, heightened level of distrust and self-doubt
 - Long-term phase: a few months to several years; 1-3 will not significantly recover even after several years
 - Development of phobias: fear of leaving/being left, development of sexual problems and depression
- Post-traumatic stress disorder – anxiety disorder that can develop in response to exposure to an extremely traumatic event

- More focused on today, less attention to rape trauma syndrome because PTSD allows more focus on treating the symptoms not just defining the problem.
- Rodhban: 95 rape victims over 9 month periods; 1 month 65% were dx, 9 months later 47% still met the criteria for PTSD.
- KILPATRICK: 16.5% of rape victims have PTSD 15 years after rape

SEXUAL OFFENDERS

Classification of sexual offenders

- Voyeur – obtain sexual gratification by observing unsuspecting people who are either naked, in the process of undressing, or engaging in sexual activity
- Exhibitionist – sexual gratification by exposing their genitals to strangers
- Rapist – person who sexually assault victims over 16 years of age
- Pedophile – person whose primary sexual orientation is toward children
- Child molester – someone who has actually sexually molested a child
 - Intra-familial child molesters or incest offenders – sexually abuse their own biological children or children for whom they assume a parental role
 - Extra-familial child molesters – sexually abuse children not related to him or her

The development of sexual coercive behaviour (Knight & Sim-Knight, 2003)

- **The three-path model**
Three personality traits define the three paths that lead to sexually violent behaviour; Sexual offender have been victim of physical/sexual abuse or both as a child
 - 1 – sexual drive/preoccupation (sexual abuse)
 - Tend to have sexual preoc, sexual impusivity, high aggressive sexual fantasies
 - 2 – anti-social behaviour (physical/verbal abuse)
 - Aggression, anti social bh, impulsivity
 - 3 – callousness/unemotionality (physical/verbal abuse)
 - More arrogant, deceitful, callous and show emotional detachment

Some characteristics of rapists (Greenfeld, 1997)

- Tend to be young (less than 25 years of age)
 - Half even younger than 25, 16% younger than 18
- Presence of a wide spectrum of antisocial behaviour across their early life span
 - Even without dx they still show aspects of antisocial beh throughout their life
- High recidivism rate
 - At least 1/3 after being released from prison will be charged with sexual crime within 3 years of release
- More than 80% of sexual assaults are intraracial
 - Same ethnic groups
- Weapon used in about 18% of cases
 - In that study;

Killing their victim: more likely to happen if they are strangers

CLASSIFYING RAPISTS

The Massachusetts Treatment Center Classification for Rapists (MTC:R3) – Knight et al (1998); idea is that if they are classified, better means/better equipped to treat them

According to research, there are **four primary motivations for rape** based on **six variables** AISSN

- Aggression - instrumental vs expressive physical aggression
 - used by rapist to gain victims compliance; usually no anger present except when the victim does not comply
 - Expressive physical aggression is used to hurt, humiliate, abuse and degrade the victim in some way; goes beyond what is necessary to gain compliance and is extremely violent in nature
- Impulsivity – strong predictor of recidivism and frequency of offending
 - the more impulsive, the more likely to commit sexual assault
- Social competence – mostly poor social interpersonal skills, but individual differences
 - Some could have more predatory approach (e.g more charming) to influence victims
- Sexual fantasies – precursor of deviant sexual behaviour
 - Mental imagery that is sexually arousing to the rapist
 - Vergus - men were convicted for sexual homicide approx 80% had recurrent sexual fantasies about rape like or aggressive sexual assault
- Sadism – pattern of extreme violence focusing on erogenous areas of the body
 - Cruel malicious acts that are often sexually arousing to the offender
 - More frequently toward friends, family... people they are familiar with
- Naive beliefs – justifying attitudes for the offense
 - About sexual assault
 - Prevalent among males who are prone to rape and general pop of men as well
 - “All women dream to be raped”

The classification identifies 9 subtypes of rapists (see next slide)

Primary Motivation (MTC:R3)

Opportunistic rapist (types 1 and 2)

- Engages in sexual assault because the opportunity presents itself; importance of contextual factors
- type 1 high social competence, type 2 low
- **Impulsivity**, instrumental aggression, social competence
- Lack of social control
- Leads to pervasive and other criminal behaviour (rape is only one of them)
- E.g. robbing a store and female clerk was present and they saw the opportunity; did not plan it
- Pattern of antisocial beh throughout lives

- Instrumental aggression: no expressive aggression
- Type one - develop impulsivity later in life (once they are adults)
- Type 2 - tend to have high impulsivity even as a child -- could be that nobody wanted to associate with them and so they developed poor / anti social skills

Pervasively angry rapist (type 3)

- Predominance of global and undifferentiated anger that pervades all areas of of the offender's life; angry at everything and everyone
- Anger directed towards whoever, both men and women, and whoever gets in the way (whoever is in wrong place at wrong time)
- Absence of sexual arousal; don't necessarily gain pleasure... mostly expressed through anger
- Expressive aggression, history of antisocial behaviour
- High level of physical aggression and they tend to inflict considerable injuries to victims
- Psychopaths who sexual assault tend to fall under this category and opportunistic
- History: relatively stable (job, success,); tend to have masculine jobs (dominate by males)
- High preference of non sexual aggression
- Evidence of adolescent/adult antisocial beh
- Unplanned and unmeditated actions

Sexually motivated rapist

- Sadistic (types 4 and 5)
 - Either **overt** or **muted** expression of sadism, sexual fantasies, expressive aggression
 - Depends if they're overt (will actually do what they say) or fantasied (mute)
 - **Overt** sexually aroused by victims pain; demonstrate both sexual and aggressive element in their assault; believe their victims enjoy being abused, dominated and controlled. Perceived resistance as a game: the more the victim resists the more excited they become; often married, show little commitment towards their marriage; a lot of sexual paraphilia (e.g. exhibitionism etc); sometimes so violent that they may result in murder
 - Mute aroused by victims fear; they do not inflict pain but try to terrorize them
- **Non sadistic (types 6 and 7)**
 - Social competence, sexual fantasies
 - Sexual aspects are what matter to them
 - Stereotypical sexually aroused ... have a type (e.g. blondes)
 - Aggression not a significant feature
 - Motivation: desire to prove sexual prowess and to show the victim how good they are
 - A lot of naive beliefs: believe resistance is a game; once they prove how good of a lover they are the victim will come back for more.
 - Victims are often strangers with specific characteristics
 - Not typically involved in other antisocial behaviour
 - Manifestation bt 6 and 7 : 6 high social competence and 7 low social competence

Vindictive rapist (types 8 and 9)

- Two types: high and low social competence
- Uses rape to harm, humiliate, and degrade women
- Violent sexual assault is perceived as the most humiliating
- Sadistic acts biting cutting so on
- Victims are strangers
- Resistance rangers more violence
- Their partner may have been victim of sexual assault
- Perceive women very negatively: must be dominated and controlled
- Motivation: humiliation and degrading of women; they want to get revenge
- Sadism, expressive aggression, naïve beliefs, social competence

*motivations are key for treatment

PEDOPHILIA AND CHILD MOLESTATION

According to the DSM-V, pedophilia is not necessarily a crime. It is defined as a psychological condition in which over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviours involving sexual activities with a prepubescent child or children (generally aged 13 years or younger) occur.

Some characteristics of child molesters (Prentky, 1997)

- Usually older than those who rape adults (between 36 and 40 years of age) -- age of first offence vs rape which is around 25
- The more their sexual preference is limited to children, the less socially competent the offender is likely to be
- They rarely take full responsibilities for their actions; very difficult to treat
 - Because extremely negative attitudes the public has
 - Fake amnesia
 - Too intoxicated to know what they were doing
 - Couldn't help themselves because they have mental disorders
 - Motivating factors largely outside their control
 - Rapists more likely to show remorse and take responsibility for their actions

CLASSIFYING CHILD MOLESTERS

The Massachusetts Treatment Center Classification for Child Molesters (MTC:CM3) – Knight & Prentky, 1990)

- It classifies child molesters according to variables on two basic dimensions or axes: the degree of fixation the offender has on children (4 types of child molesters) and the amount of contact with children (6 types of child molesters)

- Any child molester will have a type on fixation as well as on amount of contact (2 dimensions)

The degree of fixation (intensity of pedophilic interest)

- Children as sexual objects
 - Type 0 – High fixation, low social competence
 - Exclusive and long preference for children
 - Type 1 – High fixation, high social competence
 - Type 2 – Low fixation, low social competence
 - aroused by adults and children (2 and 3)
 - Type 3 – Low fixation, high social competence

The amount of contact with children (in exam uses labels)

- High Contact; means they have regular contact with children in both sexual and non-sexual contexts- around children in their daily lives
 - Teachers, coaches, bus drivers...
- Low Contact; do not seek out contact with children, only come into contact on purpose when they are going to assault them
- Low Physical injury; no presence of physical injury but there is a presence of threat
- High Physical Injury; physical aggression goes beyond what is need for sex

Type 1 – High contact, interpersonal interests (Interpersonal)

- seek frequent company of children for both social and sexual needs
- difficult to identify as a sexual predator because they do actually like children for reason other than sex
- Enjoy interaction with children
- Hard to identify as molester (teachers don't engage in sexual behaviour with all their students)

Type 2 – High contact, sexual interests (Narcissistic)

- only interact with children to fulfil their sexual needs
- molest those they do not know
- may volunteer with children but only to find victims

Type 3 – Low contact, low physical injury (Exploitative)

- uses no more aggression than needed for compliance
- Low do not seek out contact with children; only do when they intend to assault them
- Low injury, low aggression

Type 4 – Low contact, low physical injury (Symbolic)

- use frightening threats against the child beyond what is needed for compliance
- Painful for child
- Don't seek physical aggression

Type 5 – Low contact, high physical injury (Aggressive)

- use aggression for both anger related and sexual needs
- take out anger on child

Type 6 – Low contact, high physical injury (Sadistic)

- obtain sexual pleasure for the pain and fear inflicted on the child

- tend to prefer male children
- no consideration for the victim; child is an object used for their needs
- Tend to be angry and take it out on the child

TYPES OF HOMICIDES IN CANADA

There are four different types of homicides in Canada:

- 1) First-degree murder
 - All murder that is planned and deliberate
 - Murder of a law enforcement officer or correctional staff member
 - Murder occurring during the commission of another violent offence
 - E.g during kidnap, and they end up being killed by you
 - Same for sexual assault
- 2) Second-degree murder
 - All murder not considered first-degree murder
 - Still have intention to kill but it wasn't planned
- 3) Manslaughter
 - Unintentional murder that occurs during the "heat of passion" (anger, provocation, etc)
 - No intention to kill, but the death of the victim happens
 - Have intention to commit some type of criminal act but not murder (no intention to kill)
 - E.g. you punch someone, they fell down and they died
 - Sort of emotional aspect going on
 - Intention to harm but not to kill
 - Drunk, on drugs etc
 - Criminal negligence
- 4) Infanticide
 - When a woman and ONLY a woman kills her newborn due to a mental disorder arising from the effect of childbirth
 - Maximum sentence of 5 years in prison
 - Has to be determined with post-partum depression or psychosis due to birth within the year that the child was born, can still be guilty of murder but max sentence is 5 years vs life
 - Can't use unfit to stand trial due to mental disorder
 - Legal category; specific to women

BIMODAL CLASSIFICATION OF HOMICIDE

Bimodal classification of aggression and homicide (Kingsbury et al., 1997)

- **Reactive homicide** (reactive or affective aggression)
 - o Violence that is unplanned, immediate, driven by negative emotions, and occurring in response to some perceived provocation (the person reacts)

- **Instrumental homicide** (instrumental or predatory aggression)
 - o Violence that is premeditated, calculated, motivated by some goal (gain money, power, control or to satisfy sadistic fantasies)

A few findings (Woodworth et Porter, 2002; Miethe et Drass, 1999)

- 35 homicides within 4 years
- Try to look at patterns
- They found that reactive homicide occurs more often among relatives and instrumental homicides more often among strangers.
- 80% reactive, 20% instrumental
- Victim offender relationship (1:1) was divided into 3 categories:
 - Strangers (17%)
 - 52% reactive and 48% instrumental
 - Acquaintances - friends, coworkers, neighbours (55%);
 - mostly reactive
 - Family members - 28%
 - 93% reactive
 - 7% instrumental
- Those who commit REACTIVE homicide are more likely than instrumental to develop PTSD

HOMICIDE WITHIN THE FAMILY (RESEARCH TERMINOLOGY)

Terminology:

- Spousal homicide: uxoricide (act of killing one's wife) and matricide (act of killing one's husband)
- Homicide of one or more children: neonaticide (killing infant within first 24 hours of their life), infanticide (very limited to Canada and very legal category; not really used) and filicide (parent killing his or her child -- bio and step parents)
- Familicide - multiple victims; killer kills their spouse and one or more children
- Parricide - killing one's parents (mother, father, or close relative)
- Fratricide and sororicide (killing brother/sister)
- Psychologists often use this terminology in psychological profiling

Characteristics of ... specific family member who kill members of their family (Stanton & Simpson, 2002)

Killing child falls under only 9% of national

- More likely father killing child than mother (60% father 40% mother)

Mothers who kill (maternal filicides) fall under 3 categories

- Neonaticides -- mothers who kill newborns are usually young (age 16-20), unmarried, no prior history of mental illness, not suicidal, most of the time they have concealed their pregnancy fearing rejection/disapproval from their family
- Battering mothers -- killing impulsively in response to the behaviour of the child (reactive); high family, social stress; marital problems, financial problem. "Just can't take it anymore"

- Mothers with mental illness - older and married, more likely to kill older children; psychosis and depression*; category most likely to attempt suicide after murder

Fathers who kill (paternal filicides)

- Fatal child abuse
- Lower rate of disorders compared to mothers
- Higher rates of alcohol abuse and previous criminality
- Familicide almost always committed by a man and usually history of domestic violence
- Most will attempt suicide afterwards

Youth who kill

Paricide - children more likely to have been physically abused or have witness physical abuse towards their mother

- Usually show amnesia towards the murder
- More often caucasian
- More likely to have attempted suicide prior to the killing
- Kill abusive parent

Spousal killers

- Married women in Canada about 9x more likely to be killed by a partner than a stranger
- High suicide rate following murder
- People who kill others they do not know are not likely to commit suicide after
- Most common motive for men killing their wife: anger of estrangement from wife or sexual jealousy over perceived infidelity

MULTIPLE HOMICIDES

Three categories of killers who commit multiple homicides

Serial murderer

- 3 people
- Time varies
- Cooling off period = time between murders
- Subsequent murders occur at different times and have no connection to initial murder

Mass murderer

- 3 or more murders at one location during one event with no cooling off period
- More likely to commit suicide/get killed by police
- Often depressed, angry, frustrated individuals who believe they have not succeeded in life
- Most of them are socially isolated and lack interpersonal skills
- Often a trigger that leads to event
- Mostly select targets as people they hate/blame for their problems
- Most of them plan their crime and may display warning signs
- E.g. school shooters

Spree murderer

- Kills 2 or more victims in two or more locations without a cooling off period
- Most just want to kill
- Usually commit suicide (so not a lot of research has been conducted on this)

Characteristics of serial murderer (Hickey, 2006)

Most serial murderers are male (83% male and 17% female)

Most serial murderers operate on their own (usually lone male)

Most serial murderers are Caucasian (73%)

Victims of serial murderers are usually young females who are not related to the murderer

- Age and gender can vary

Black widow: kills their husbands for financial gains

TPOLOGY OF SERIAL MURDERERS

According to Holmes & Holmes (1998), there are four main categories of serial murderers

- ***Visionary serial murderer***
 - Kills in response to voices or visions telling him or her to kill
 - schizophrenia, psychotic episodes or delusions
- ***Mission-oriented serial murderer***
 - Targets individuals from a group that he or she considers undesirable
 - Homeless people, prostitutes, group of undesirable people who should be eliminated

- ***Hedonistic serial murderer***

- Motivated by self-gratification – three subtypes
 - Lust serial murderer: motivated by sexual gratification
 - Enjoy killing and become sexually stimulated and excited by the process of killing; either before or after rape is involved
 - Thrill serial murderer: motivated by the excitement associated with the act of killing
 - Derive excitement from seeing their victim experience fear, terror or pain; victims response is what they like
 - Comfort serial murderer: motivated by material or financial gain
 - Only type of serial killer who is primarily female; target people known to the killer

- ***Power/Control serial murderer***

- Motivated by wanting to have absolute dominance over the victim
 - May or may not engage in sexual activity with the victim but if they do it is to degrade the victim not for own sexual satisfaction.