

CHAPTER 1

History of Forensic Psychology

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IN the course of writing this chapter over four editions of this *Handbook*, we have learned a few lessons. In the first edition, we asserted that psychologists do not care about the history of their profession but are instead drawn to contemporary issues and theories. We learned that this was a simplistic generalization, so in subsequent editions we acknowledged that our initial statement had been rash. Psychologists (perhaps most of them) *do* care about history, as is apparent from numerous articles published in professional journals reviewing historical trends, the continuing publication of a journal devoted to the history of psychology, and special interest divisions of professional organizations, such as Division 26, Society for the History of Psychology, of the American Psychological Association (APA). We have also learned that there is some danger in proclaiming an event or a person a historic “first” or a “father,” because these proclamations may be challenged, usually with kindness but not always with good humor.

Psychology, like other disciplines, needs historical insights. It needs to understand whence it came in order to assess where it is going. A perusal of journals and books published at the turn of the 20th century, for example, may spark interest in a concept long forgotten or a predecessor whose theories and research deserve to be revisited. Yet delving into early works reminds us of false starts and the occasional damage they did, such as the work of Henry H. Goddard (1914) on feeble-mindedness during the early 1900s and the self-promotion of Hugo Münsterberg. However, we have also learned that hindsight is imperfect; people are sometimes overlooked, and the historical discoveries may be incomplete. We thus approach this chapter once again with humility. To paraphrase the phrase that “journalism is the first rough draft of history,” we say here that this chapter is our fourth rough draft of the history of forensic psychology, with emphasis on its American origins.

In these early years of the 21st century, forensic psychology remains a young branch of applied psychology, having been recognized by the APA as a specialty in 2001 and recertified in 2008. Even before that, in 1991, Specialty Guidelines for

Forensic Psychologists (Committee on Ethical Guidelines for Forensic Psychologists [hereafter Committee], 1991) were adopted by the American Psychology–Law Society, which is Division 41 of the APA. These Guidelines were recently revised, renamed Specialty Guidelines for Forensic Psychology (APA, 2013), and accepted by the APA Council of Representatives. (The Specialty Guidelines are reprinted as the appendix to this volume with permission of the APA.) Interestingly, although forensic psychology was initially viewed as primarily clinical in nature—such as by providing assessments to the courts—its scope has broadened to encompass the practice of psychology as it provides expertise to the law in a very wide range of contexts (see APA, 2013; Committee, 1991).

This broad view of forensic psychology was not always supported. According to Ronald Roesch, for example (cited in Brigham, 1999, p. 279), “Most psychologists define the area more narrowly to refer to clinical psychologists who are engaged in clinical practice within the legal system.” A few years later, Brigham and Grisso (2003) modified this somewhat, noting “*Many* psychologists define forensic psychology more narrowly to refer to clinical psychologists who are engaged in clinical practice within the legal system. The distinction here is between psychologists who bring scientific information to the courts for their consideration in cases and psychologists who evaluate individuals and testify about them in reference to a legal question” (p. 392, emphasis added). In recognizing forensic psychology as a specialty in 2001, the APA itself adopted the narrow approach, to include “the primarily clinical aspects of forensic assessment, treatment, and consultation” (Otto & Heilbrun, 2002, p. 8). However, as noted, the Specialty Guidelines take a broader view.

In this chapter, forensic psychology is being viewed broadly. It is both (1) the *research endeavor* that examines aspects of human behavior directly related to the legal process (e.g., eyewitness memory and testimony, jury decision making, and criminal behavior) and (2) the *professional practice* of psychology within or in consultation with a legal system that encompasses both criminal and civil law and the numerous areas where they intersect. Therefore, the term *forensic psychology* refers broadly to the *production* of psychological knowledge and its *application* to the civil and criminal justice systems. It includes activities as varied as these: courtroom testimony, child custody evaluations, law enforcement candidate screening, treatment of offenders in correctional facilities, assessment of plaintiffs with disability claims, research and theory building in the area of criminal behavior, and the design and implementation of intervention and prevention programs for youthful offenders. A review of the table of contents of this *Handbook* indicates a similarly broad focus.

In the pages to follow, after an introductory section covering seminal contributions, we review developments in four major areas of forensic psychology: legal psychology, correctional psychology, police psychology, and criminal psychology. Readers will undoubtedly recognize that there is considerable overlap in these categories and in the subheadings. Correctional psychology, for example, presupposes some understanding of criminal psychology. Assessment, which we cover under legal psychology, is an essential tool of the trade for psychologists, and it

underlies all practice. Nonetheless, for purposes of identifying historical trends and landmarks, discussion of these four distinctive areas is warranted.

We focus on forensic psychology rather than forensic psychiatry, which has its own well-documented and rich history, probably centered on the early work of Isaac Ray, who is considered by some the father of forensic psychiatry (Brigham & Grisso, 2003). We also do not delve into the origins of the sociology of law, referred to as sociological jurisprudence, or the legal realism movement within the law itself. This movement, born during the first third of the 20th century, advocated a partnership between the law and the social sciences (Ogloff, Tomkins, & Bersoff, 1996).

In addition, we emphasize the work of forensic psychologists in the United States and, to a lesser extent, Canada,¹ although we give due recognition to the work of European psychologists, who dominated the field prior to World War I. We review the achievements of psychologists from the end of the 19th century and extend our discussion into the 1970s, when forensic psychology came of age (Loh, 1981). The reader interested in more detail about the issues and individuals discussed might check landmark summaries of psychology and law published by Whipple (1909, 1910, 1911, 1912, 1913, 1914, 1915, 1917), Hutchins and Slesinger (1929), Louisell (1955, 1957), Tapp (1976), Loh (1981), and Monahan and Loftus (1982). More recently, Brigham and Grisso (2003) and Mülberger (2009) have published historical pieces on this topic, the latter with a strong emphasis on German influences. On the whole, however, developments from the 1980s forward are addressed in the works of other contributors to this *Handbook*.

LEGAL PSYCHOLOGY

Legal psychology refers to psychological theory, research, and practice directly pertinent to the law and legal issues. It focuses on psycholegal research and contacts with judges, lawyers, and other law-related professionals in a wide range of contexts. The origins of legal psychology can be traced to the work of experimental psychologists in Europe in the 19th century, particularly in relation to the psychology of testimony (Mülberger, 2009; Sporer, 1982, 2008) and most particularly to the testimony of children, whose memory of events was considered unreliable (Lipmann, 1911). We discuss this work shortly.

U.S. ORIGINS

Do chestnut or oak trees lose their leaves earlier in autumn? Do horses in the field stand with head or tail to the wind? In which direction do the seeds of an apple point? What was the weather one week ago today?

When J. McKeen Cattell posed these questions to 56 college students at Columbia University in March 1893, he was probably conducting one of the first American

1. We are grateful to Dr. Craig Bennell, Department of Psychology, Carleton University, for recommending additional readings on the history of forensic psychology in Canada.

studies, albeit an informal one, on the psychology of testimony. The questions he asked his students were similar to those that “might naturally be asked in a court of justice” (Cattell, 1895, p. 761). His subjects were allowed 30 seconds to consider their answers, then told to write their responses and indicate their degree of confidence in each answer.

When Cattell conducted his informal and preliminary study, it was reasonably well established that eyewitness accounts of events were unreliable and incomplete. As we will see shortly, both French and German psychologists were familiar with the powerful influence of suggestion over sensation and perception, having conducted substantial research in these areas. The specific conditions under which testimony was inaccurate were not known, however. Cattell (1895) noted: “An unscrupulous attorney can discredit the statements of a truthful witness by cunningly selected questions. The jury, or at least the judge, should know how far errors in recollection are normal and how they vary under different conditions” (p. 761). But Cattell himself was surprised at both the degree of inaccuracy he uncovered and the wide range of individual differences in the levels of confidence expressed by the students. Answers to the weather question, for example, were “equally distributed over all kinds of weather which are possible at the beginning of March” (p. 761). Some students were nearly always sure they were correct, even when they were not, while others were consistently uncertain and hesitant in their answers, even when they were correct.

Cattell’s study probably was the genesis of modern forensic psychology in the United States, because it sparked the interest of other researchers in the psychology of testimony, which remains to this day a dominant research interest among legal psychologists. Joseph Jastrow immediately replicated Cattell’s “experiment” at the University of Wisconsin and obtained similar results (Bolton, 1896). Aside from this brief flirtation, however, American psychologists did not immediately embrace the study of legal issues. Psychologists in Europe seemed more intrigued—they had long been interested in the psychological concepts involved. First, Alfred Binet (1900) replicated Cattell’s project in France. In addition, he summarized relevant experiments on the psychology of testimony that were being conducted in Europe, and he eventually called for a “science psycho-judiciaire” (Binet, 1905; Binet & Clarparedo, 1906).

EUROPEAN ORIGINS

Most significant for the historical development of forensic psychology was the apparent fascination Cattell’s experiment and Binet’s work held for (Louis) William Stern (1902, 1910, 1939), who had received his doctorate in psychology at the University of Berlin under the tutelage of Hermann Ebbinghaus. In 1901, Stern collaborated with the criminologist F. v. Liszt in an attempt to lend realism to the Cattell design. Stern and Liszt conducted a “reality experiment” in a law class, staging a bogus quarrel between two students over a scientific controversy.

As Stern later recounted it, the argument accelerated until one student drew a revolver (Stern, 1939). At this point, the professor intervened and asked for written and oral reports from the class about aspects of the dispute. Although the witnesses were law students who, Stern asserted, should have known the pitfalls of testifying, none could give a faultless report. The number of errors per individual ranged from 4 to 12. Moreover, the researchers found that inaccuracies increased with respect to the second half of the scenario, when excitement and tension were at their peak. They concluded—tentatively—that “affective reactions inhibit exact observation and reliable remembrance” (Stern, 1939, p. 11).

By his own account, Stern (1939) was more interested in basic research than its application. “Indeed, when I began in 1901 to examine the correctness of recollection among my students, I was determined by theoretical interests in the realm of memory rather than by any practical considerations. Yet once confronted with the results, I realized the importance of this research beyond the borders of mere academic psychology” (p. 4).

Throughout that first decade of the 20th century, Stern was an active researcher in the psychology of testimony. He also helped establish and edited the first journal on the psychology of testimony, *Beträge zur Psychologie der Aussage* (*Contributions to the Psychology of Testimony*), which was published in Leipzig. The journal was superseded in 1907 by the much broader *Zeitschrift für Angewandte Psychologie* (*Journal of Applied Psychology*), edited by Stern and his colleague Otto Lipmann. In a cautionary note about his research, Stern stressed that most witnesses did not intentionally falsify their reports. Rather, the subtle and common problem created was one of unintentional falsification: “Subjective sincerity does not guarantee objective truthfulness,” he wrote (1939, p. 13). In his research, Stern concluded among other things that: (1) leading and suggestive questions contaminate the accuracy of eyewitness accounts of critical events; (2) there are important differences between adult and child witnesses; (3) lineups are of limited value when the members are not matched for age and physical appearance; and (4) interceding events between an initial event and its recall can have drastic effects on memory. Therefore, modern forensic psychology began as legal psychology with empirical research on the psychology of testimony.

During these early years, European psychologists interacted much more regularly with the law than their American counterparts did. Despite the fact that Stern and Binet, for example, did not initially intend that their research on suggestibility and reliability of observation be applied to the law, they eventually did recommend such an application. Thus European, particularly German, psychologists conducted experimental research, lectured, and consulted with jurists, particularly in the latter half of the 19th century and into the 20th (Mülberger, 2009; Sporer, 1982).

Courtroom Testimony. Pinpointing the origins of courtroom testimony by psychologists in Europe is not easy. Sources differ, often depending on the nature of the forum (e.g., civil versus criminal court, preliminary hearing versus trial) or its

context (informal conversation with a judge versus formal testimony). Hale (1980) suggests that the earliest testimony by a psychologist in a criminal court occurred in 1896, when Albert von Schrenck-Notzing testified at the trial of a Munich man accused of murdering three women. The murders had received extensive and sensational press coverage in the months prior to the trial, and Schrenck-Notzing (1897) opined that this pretrial publicity, through a process of suggestion, probably led numerous witnesses to retroactive memory-falsification. Witnesses could not distinguish between what they had seen and what the press reported had happened. Schrenck-Notzing supported this opinion with social framework testimony (Monahan & Walker, 1988) in the form of accounts of laboratory research on memory and suggestibility. Although the accused was convicted on the basis of solid evidence, Schrenck-Notzing's direct application of the psychology of suggestion to court processes helped stimulate the interest of both German jurists and psychologists (Hale, 1980).

However, Karl Marbe, a psychology professor at the University of Wurzburg, credited himself with the first court appearance, 15 years later. "The first German psychological legal expert opinion was my testimony in a case of sexual assault in Wurzburg in 1911, in which I had to discuss the question of the testimony of children" (Marbe, 1936, p. 184). In that case, several German adolescent girls had accused their teacher of sexually molesting them. Marbe persuaded the jury that the girls' statements were unreliable, and the teacher was exonerated.

Also in 1911, several psychologists testified in a Belgian murder trial in which a man was accused of raping and killing a 9-year-old girl. Two of the child's playmates had apparently seen the murderer but gave inconsistent and contradictory accounts. Among the psychologists retained by the defense was Julian Varendonck, who designed a series of experiments based on questions suggested by information obtained at the preliminary hearing. Varendonck's subjects were children of approximately the same age as the two witnesses (8 to 10). He found that they were inaccurate in their recall of important events. Over the objection of the prosecution, he was allowed to present the results of these experiments as well as the general research on the psychology of testimony that was available at that time. Whipple (1912) wrote that Varendonck's testimony "elicited violent outbursts from the court authorities, but it reached the jury and induced a verdict of 'not guilty'" (p. 268), Whipple added that the psychology of testimony had "found its way formally into the court room and saved a man's life." The jury found the defendant not guilty.

Varendonck, it should be noted, was vehemently opposed to *any* use of child witnesses in the courtroom. In contrast, both Binet (1900) and Stern (1939) believed that errors in recollection, whether by children or adults, were more a reflection of leading, suggestive courtroom questioning than of any "natural" tendency to distort reality.

In 1912, Marbe became one of the earliest European psychologists to testify at a *civil* trial, offering expert opinion on the psychological issue of reaction times as applied to a train wreck near Müllheim. Marbe was asked to testify as to the probable

effect of alcohol both on the mental status of the engineer and the reaction time of the fireman and guard applying the brakes. Based on reaction time experiments, Marbe testified that the train could not have been stopped in time to avert a disaster. As he did in the criminal case, Marbe appears to take credit for paving the way for other psychologists: "Since that time, through my agency and that of others, a mass of psychological expert testimony has been submitted, bearing continually upon new circumstances" (Marbe, 1936, p. 184).

Although Mülberger (2009) wrote that other psychologists were testifying in civil courts even before Marbe's time, it is difficult to find written documentation of who they might have been. Marbe, along with Stern, has been credited with developing forensic psychology in Germany (Sprung & Sprung, 2001). In essence, it is not difficult to find illustrations of psychologists who had impact on the nascent field of legal psychology, but ranking their contributions chronologically must be done with caution.

European psychologists at the turn of the 20th century and until World War I also were delving into the area of guilt deception, the precursor of the lie detection of today. In 1904, psychologists in Germany, Austria, and Switzerland were busy developing a lie detection test for use in criminal investigations. The test was a word association/reaction time task in which key words were embedded in a list of innocuous words. Presumably, the slower the reaction time in recognizing the key words, the more likely the respondent was trying to deceive. Barland (1988), who has reviewed this history in impressive detail, notes that this approach did not catch on because it was inefficient, time consuming, and often yielded inconclusive results.

DEVELOPMENTS IN THE UNITED STATES

At the turn of the 20th century, American psychologists remained comparatively uninterested in applying research on topics related to law. One reason was that they were just beginning to explore the broad psychological landscape and had little inclination to specialize in law-related matters. This reticence was probably also due to the influence of Wilhelm Wundt, who had trained many of the American pioneers in his Leipzig laboratory (Cattell being the first). Wundt, a philosopher and an experimentalist, was wary of applying psychology until sufficient research had been conducted. He believed that the premature use of partial information could be disastrous. His students often took this caveat quite seriously, although some, like Cattell, eventually began to link the laboratory to the world outside.

One of Wundt's not-so-cautious students was the German psychologist Hugo Münsterberg, who arrived in the United States in 1892 at the invitation of William James to direct the psychology laboratory at Harvard University. Münsterberg spent 24 years trying to persuade the public that psychology had something to offer virtually every area of human endeavor. Now acknowledged by many as the father of applied psychology, he believed psychological knowledge could be applied to education, industry, advertising, music, art, and, of course, law. His claims were

often exaggerated, however, and his proposals were rarely empirically based. He usually published in popular magazines rather than in scholarly journals (some of his colleagues called his a “Sunday-supplement psychology”). He also incessantly promoted himself and his native Germany, a practice that alienated him increasingly from his colleagues and the public as World War I approached. In fact, his ardent pro-German stance may have had as much to do with the public’s antipathy toward him as his abrasive personality.

Not surprisingly, the legal community vehemently resisted his intrusion into its territory (Hale, 1980), and there was much ado about this. Charles C. Moore (1907), a well-known attorney, referred to Münsterberg’s work as “yellow psychology” (a term that mirrored the sensational, often inaccurate *yellow journalism* of that era) and concluded that it provided nothing new or helpful to the court. Most noteworthy, the great legal commentator John Henry Wigmore (1909) found it necessary to assail Münsterberg in a satirical and devastating law review article. Wigmore’s attack was prompted by the publication of Münsterberg’s (1908) controversial best-seller *On the Witness Stand*, in which he proclaimed that the time was ripe to apply psychology to the practical needs of the legal system. The book—which was essentially a compilation of already published columns—dealt with a wide spectrum of topics, ranging from witness accuracy and jury persuasion to hypnosis and lie detection.

In 1914, Münsterberg published a study on group decision making, using Harvard and Radcliffe students as subjects, which he titled “The Mind of the Jurymen.” In a conclusion not atypical of the times, he stated that “the psychologist has every reason to be satisfied with the jury system as long as the women are kept out of it” (p. 202). He based his conclusion on a finding that the female students in his study were less accurate in their final decisions than the male students. Interestingly, as will be noted shortly, one of his own students later arrived at a very different conclusion.

Münsterberg, always willing to give speeches, gave his inaugural lecture at Radcliffe College in 1894 and his last at the same location in 1916, when he suddenly died of a heart attack midsentence while lecturing his general psychology class (Landy, 1992). Landy wrote that “at the time of his death . . . Münsterberg was an object of public scorn and was well on the way to professional ostracism. By 1919, less than 3 years after his death, there was hardly any reference to any of his more than 10 books and dozens of articles in basic and applied psychology” (p. 787). Benjamin (2003) noted that Münsterberg “was one of the most despised individuals in America” (p. 734). Interestingly, in a recent article, Sporer (2008) correctly pointed out that much valuable information about early contributions of other individuals in legal psychology has been lost because of excessive focus on Münsterberg.

In similar fashion, Bornstein and Penrod (2008) sought to resurrect the long-ignored work of George Frederick Arnold, a civil servant in the British Empire who published *Psychology Applied to Legal Evidence and Other Constructions of Law* in 1906, 2 years before Münsterberg’s *On the Witness Stand*. Bornstein and Penrod admirably compared the value of these respective texts, noting that Arnold, even though he

was not an academician, displayed an impressive familiarity with the psychological literature of the day. They noted also that his style was dry and “reads like the serious academic tome that it is” (p. 763), whereas Münsterberg’s style was directed at a general, less serious audience. Bornstein and Penrod are to be commended for bringing attention to this obscure work, but the fact remains that Arnold’s overall contributions were not as far reaching as those of Münsterberg.

Münsterberg has been accused of being more an opportunist than a trailblazer, however (Kuna, 1978). It is tempting to blame his brashness, his apparently despicable demeanor, and his pro-German views for the tenuous and occasionally hostile initial relationship between psychology and law. Nonetheless, he undeniably pushed his reluctant American colleagues into the practical legal arena and made a seminal contribution to applied psychology in general and forensic psychology in particular.

World War I placed in abeyance most of the exploration in applying psychology to law, although the war and early postwar years saw a few landmarks in American forensic psychology, including the gradual acceptance of psychologists as expert witnesses. The first psychologists, along with other social scientists, were also appointed to law school faculties during these years.

Psychologist Donald Slesinger, a protégé of Robert M. Hutchins, made his mark during the years immediately following World War I. Although he had no formal legal training, Slesinger was appointed by Acting Dean Hutchins as a one-year Sterling Fellow to the Yale Law School in 1927. The following year, he became a research assistant. In 1929, he was appointed associate professor, teaching a course in the psychology of evidence, which appears to qualify him as the first psychologist granted faculty status in an American law school. In 1930, Slesinger followed Hutchins to the University of Chicago, where he served as professor of law and, briefly, as dean of the law school.

Several years earlier, psychologist William Marston had been the first to receive a faculty appointment as professor of legal psychology when he joined the faculty at American University in 1922. Marston was by far the most influential psychologist associated with the legal system during this era. He was a student of Münsterberg but did not have his mentor’s penchant for alienating the legal community and much of the American public. He received a law degree in 1918 and a PhD in Psychology in 1921, both from Harvard. Marston’s interests were multifaceted. (He was even the originator, cartoonist, and producer of the successful comic strip *Wonder Woman*, under the pen name Charles Moulton.) Although admitted to the Massachusetts bar, Marston soon gave up his law practice to concentrate on psychology.

As a laboratory assistant in psychology at Radcliffe College, Marston (1917) had discovered a significant positive correlation between systolic blood pressure and lying, which became the basis of the modern polygraph. In fact, Marston was the psychologist who testified in the landmark case *Frye v. U.S.* (1923), the case that set the original standard for the acceptance of expert testimony in federal courts.

Although his continuing work in lie detection (Marston, 1920, 1921, 1925) represents one of his major contributions to the forensic area, it was by no means the only one. He frequently consulted with attorneys, police, and other criminal justice personnel, and his evidence was determinative in the acquittals of several defendants accused of murder. It is likely, therefore, that Marston—along with Lewis Terman and psychologists associated with the New York City Psychopathic Clinic (both to be discussed later in the chapter)—qualifies as one of the first psychological consultants to the criminal justice system in the United States.

Marston also conducted the first serious research on the jury system (Winick, 1961). Using subjects in simulated jury conditions, he found in a series of studies (Marston, 1924) that written evidence was superior to oral evidence; free narration, though less complete, was more accurate than cross-examination or direct questioning; a witness's caution in answering was a good indicator of accuracy; and female jurors considered evidence more carefully than male jurors (compare with Münsterberg's conclusions about female jurors, mentioned earlier). Because of his legal background and his cautious style, Marston's ideas and research were more acceptable to the legal community than Münsterberg's had been, although there is little evidence that the legal system put his findings to extensive use. This is not surprising because some of his recommendations (e.g., free recall rather than directed questions and cross-examinations) were inapposite to the adversarial process in the United States, and others would have required fundamental changes in court procedures. Interestingly, the German psychologist Stern, discussed earlier, had cautioned his colleagues that experimental research in psychology might be of more relevance to the inquisitorial process used in European courts, where a neutral jurist asked questions of witnesses, than to the adversarial process in the United States (Stern, 1939).

Also during this time period, various reviewers took on the task of documenting the progress of legal psychology. Hutchins and Slesinger, for example, coauthored numerous summary articles on its status (1927, 1928a, 1928b, 1928c, 1929). Slesinger wrote another article with Marion Pilpel in 1929, surveying 48 articles written by psychologists on issues relating to the law that had appeared in professional journals up to that time. Eleven were concerned with the psychology of testimony, 10 with deception, 7 with intelligence and crime, and 6 with criminal behavior. The remainder focused on general topics such as the scientific method or legal research. Fifteen of the 48 articles had been written by German psychologists.

Like applied psychology in general, legal psychology was somewhat dormant between the two world wars and did not regain its energy until the late 1940s and 1950s. In addition to Marston's work, the period did see scattered research on how juries formed opinions and verdicts (Weld & Danzig, 1940; Weld & Roff, 1938), a master's thesis on the relationship between narrative and interrogative methods of questioning (Cady, 1924), another study on questioning and testimony (Snee & Lush, 1941), and a survey of legal and psychological opinions about the validity of some of Wigmore's rules of evidence (Britt, 1940).

According to Loh (1981), there was some interest in psychology and law during the late 1920s and the 1930s. However, this interest was almost exclusively on the part of lawyers, who produced such books as *Legal Psychology* (Brown, 1926), *Psychology for the Lawyer* (McCarty, 1929), and *Law and the Social Sciences* (Cairns, 1935). Wigmore (1940), the foremost authority on rules of evidence, paved the way for the use of test data in the courtroom. He observed that the psychometrist introducing test evidence would stand “on the same footing as the expert witness to insanity” (cited by McCarty, 1956, p. 9), as long as such tests are recognized as valid and feasible by the general scientific community.

In 1931, psychologist Harold Burt (who referred to Münsterberg as his mentor at Harvard) wrote *Legal Psychology*, possibly the first textbook in the area. Disputing this claim, Mülberger (2009) commented that the German psychologist Otto Lipmann had published a psychological textbook for jurists long before this (in 1908). The truth may depend on the meaning of the word *textbook*. Lipmann (1908) clearly deserves credit for his work, which was a compilation of the lectures he gave to students studying law. Lipmann’s book was specifically intended to educate current and future judges and lawyers, whereas Burt’s book was intended for both lawyers and students of applied psychology. Nevertheless, although Burt’s book made a valuable contribution to the academic psychological literature, it had little discernible influence on the legal profession or on applied psychology in general. In 1935, Edward S. Robinson published *Law and the Lawyers*, which predicted that jurisprudence would become one of the family of social sciences and argued that all of its fundamental concepts must be brought into line with psychological knowledge. The book was lambasted by lawyers and essentially ignored by psychologists. In hindsight, later scholars found Robinson’s ideas much more palatable (e.g., Horowitz & Willging, 1984; Loh, 1981).

EXPERT TESTIMONY

It is generally believed that American psychologists have served as expert witnesses since the early 1920s (Comment, 1979), but, like their European counterparts, they consulted with lawyers and the courts, perhaps particularly the civil courts, before that time. Included in this latter category are the juvenile courts, which were a hybrid of the civil and the criminal, dealing with matters of both child protection and delinquency. Psychological consultation with juvenile courts was common from their inception in 1899 (Brigham & Grisso, 2003). Consultation with and testimony in criminal courts was much less common, as we discuss shortly.

According to Rogers (1910, 1918), the results of experimental research on visual perception were routinely accepted in trademark infringement cases. In *Coca-Cola Company v. Chero-Cola Company* (1921), for example, an experimental psychologist was asked whether the trademarks used by the two companies were so similar as to be likely to cause confusion in the public mind and ultimately deceive the consumer. This was apparently considered a “safe” undertaking, as the psychologists

were not infringing on the territory of the “medical experts”—physicians and psychiatrists—who routinely testified on matters of criminal responsibility. As Louisell (1955) noted, however, because trial court records are generally unavailable and only appellate decisions are published, the testimony of psychologists, particularly in civil cases, may have been less rare than the paucity of documentation would indicate. We do know that psychological testimony was almost inevitably *rejected* in criminal cases involving the defendant’s mental state. “As a general rule, only medical men—that is, persons licensed by law to practice the profession of medicine—can testify as experts on the question of insanity; and the propriety of this general limitation is too patent to permit discussion” (*Odom v. State*, 1911; cited in Comment, 1979, fn. 14).

The first published case in which an American psychologist qualified as an expert appears to be *State v. Driver* in 1921. The occasion was only a partial victory for forensic psychology, however. A West Virginia trial court accepted the chief psychologist of the State Bureau of Juvenile Research as an expert on the matter of juvenile delinquency. However, it rejected his testimony, based on psychological test data, that a 12-year-old alleged victim of an attempted rape was a “moron” (in retrospect, an unfortunate term coined by Henry H. Goddard, who is discussed later) and could not be presumptively believed. In agreeing with the trial court, the West Virginia Supreme Court noted, “It is yet to be demonstrated that psychological and medical tests are practical, and will detect the lie on the witness stand” (*State v. Driver*, p. 488). Although some commentators interpreted *Driver* as a major loss for psychologists wishing to achieve status as expert witnesses, Louisell (1955) noted that the decision was not a rejection of psychologists per se, only of the particular evidence offered by one psychologist.

Nevertheless, it was not until much later, in the 1940s and 1950s, that psychologists testified in courts of law on a regular basis, at least in some jurisdictions. They offered opinions and presented data relevant to subjects as diverse as the influence of pretrial publicity on potential witnesses and juries, the effects of pornography on adolescents, the effect of certain educational practices on children, and the likely influence of advertisements on consumers (Greenberg, 1956; Loh, 1981; Louisell, 1955). This is not to say that there was widespread acceptance of the idea that psychologists deserved a niche in the courtroom. Resistance to the idea, or at best a cautious approach, consistently characterized much of the legal literature (Comment, 1979).

In the early 1940s and the post–World War II era, appellate courts also began to hand down rulings that allowed psychologists to offer expert testimony in trial courts on the issue of mental responsibility for criminal and tortious conduct. Loh (1981) attributed this eventual acceptance to an increase in professionalization, “the rapid growth of mental health professions during this period, and the formulation of legal doctrines of insanity consistent with modern psychiatry” (p. 323).

One important decision, perhaps the first *influential* decision, was *People v. Hawthorne* (1940), a Michigan case. Hawthorne had been tried for the murder of his wife’s lover and had pleaded not guilty by reason of insanity. The trial

court refused to qualify as an expert witness a professor of psychology from Michigan State Normal College who had a doctoral degree and an impressive list of credentials. In finding that the trial court had erred in not accepting the psychologist as an expert, the Michigan Supreme Court ruled that the standard for determining expert status was not a medical degree but the extent of the witness's knowledge. It advised trial courts to evaluate carefully the merits of a potential witness's claim to expertise, noting that a psychologist's ability to detect insanity could not be presumed inferior to that of a "medical man." The dissenters, however, believed that insanity is a disease and therefore only a person with medical training should qualify as an expert.

Later, in *Hidden v. Mutual Life Insurance Co.* (1954), the Fourth Circuit Court of Appeals allowed psychological expertise to be applied to a *civil* case relating to mental status. The plaintiff argued that a disabling nervous condition prevented him from engaging in any gainful occupation and entitled him to disability benefits. A clinical psychologist with a doctoral degree administered a battery of projective tests and testified on his behalf. Not only did he report on the test results, but he also gave the opinion that the plaintiff deserved the benefits. When the lawyer for the insurance company objected, the trial judge instructed the jury to disregard the entire opinion testimony on the grounds that the psychologist did not qualify as an expert. The circuit court of appeals ruled that the psychologist should have been qualified as an expert to express his opinion about the plaintiff's mental condition.

While some psychologists were struggling to be accepted as experts on questions of mental status, competence, and criminal responsibility, others during this era were joining the crucial legal battle against school segregation by testifying and consulting with attorneys in the state cases that would ultimately culminate in the 1954 landmark ruling *Brown v. Board of Education* (Kluger, 1975). David Krech and Helen Trager, social psychologists who had published articles on racial attitude tests, and Horace B. English, an expert on child psychology, were among many who testified for the plaintiffs at some of the school segregation trials. Psychologist Henry Garrett, a former president of the APA, testified on behalf of the state (Jackson, 2000). Perhaps the most widely publicized—and since then highly critiqued—contribution on behalf of the plaintiffs was that of Kenneth Clark and Mamie Clark, who conducted the now-famous "doll research" to gauge the effects of segregation. Kenneth Clark then gave social framework testimony reporting the results of this research (Kluger, 1975). When the National Association for the Advancement of Colored People (NAACP) appealed *Brown* and three other segregation cases to the U.S. Supreme Court, Kenneth Clark, Isidor Chein, and Stuart W. Cook wrote the Social Science Statement that included signatures of 32 eminent social scientists (Jackson, 2000).

This was not, however, the first social science brief to be submitted to an appellate court. According to Brigham and Grisso (2003), that distinction belongs to the brief submitted to the Oregon Supreme Court in *Muller v. Oregon* (1908). In that

case, Louis Brandeis—who later became a prominent justice of the U.S. Supreme Court—argued in support of the state that work hours of women should be limited because social science data demonstrated their inherent weakness.

History has not been kind to the scientists in either case. Brandeis's patriarchal argument in the *Muller* case would be deplored and roundly denounced today, both for its tenor and for its lack of empirical support and rigor. Social scientists in the *Brown* case were criticized for their naive methodology, lack of objectivity, and faulty conclusions based on insufficient scientific evidence (Jackson, 2000). In his historiographical inquiry, however, Jackson noted that the doll experiments were but one prong of many studies that psychologists and other social scientists referenced in their trial testimony and in the brief submitted to the Supreme Court. He also argued convincingly that critiques of these social scientists reflected a misreading of their testimony, their research, and their evaluation of relevant evidence. (See also Brigham & Grisso, 2003, for an enlightening discussion of psychology's involvement in both of these cases.)

During the same era, psychologists were continuing to make enough inroads testifying on the issue of criminal responsibility that psychiatrists felt the need to protect their turf. In 1954, the Council of the American Psychiatric Association, the Executive Council of the American Psychoanalytical Association, and the American Medical Association joined in a resolution stating that only physicians were legitimate experts in the field of mental illness for purposes of courtroom testimony. Other individuals could participate only if their testimony was coordinated by medical authority. The resolution greatly influenced trial courts (Miller, Lower, & Bleechmore, 1978), which became reluctant to accept independent psychological testimony.

Finally, in *Jenkins v. United States* (1962), the Court of Appeals for the District of Columbia gave its own direct, although conditional, support to the use of psychologists as experts on the issue of mental illness. Although the court was sharply divided, its decision remains the predominant authority for the use of psychologists in the area of criminal responsibility. Following that opinion, federal courts and increasingly more state courts certified psychologists as expert witnesses in both criminal and civil cases.

COGNITIVE AND PERSONALITY ASSESSMENT

During the years in which Münsterberg was proselytizing about psychology's usefulness in the courtroom, particularly involving expert testimony, another American psychologist was more quietly making inroads into a different forensic area, one specifically related to juvenile courts. As we noted earlier, consultation with these courts was common, but it was chiefly in the area of assessment. In 1909, clinical psychologist Grace M. Fernald worked with psychiatrist William Healy to establish the first clinic designed for youthful offenders, the Juvenile Psychopathic Institute.

It was initially developed to serve the newly established Juvenile Court of Chicago by offering diagnoses of “problem” children. Fernald, who received her doctorate from the University of Chicago in 1907, was probably the first clinical psychologist to work under the supervision of a psychiatrist (Napoli, 1981) as well as one of the earliest psychologists to specialize in the diagnosis and treatment of children and adolescents who appeared before the juvenile courts. The institute, which extended its services rapidly to include treatment and research as well as diagnosis, became a public agency in 1914, the Institute for Juvenile Research. Arguably, it also provided the earliest formal internships in forensic psychology in the country (Resnick, 1997).

Fernald and Healy used the relatively new Stanford-Binet Intelligence Scale to assess delinquents, but they soon realized the importance of obtaining “performance” measures as well. This prompted them to develop the Healy-Fernald series of 23 performance tests, which they began using in 1911. The two eventually went their separate ways. Fernald became a specialist in intellectual disability and intelligence and testing and taught psychology at the University of California–Los Angeles for 27 years, until her retirement in 1948. Healy, along with psychologist Augusta Bronner, went on to establish the Judge Baker Clinic in Boston in 1917. During the first third of the 20th century, most psychologists providing regular services to the courts were psychometrists associated with clinics. The term *forensic psychology* had not been minted, and *legal psychologists* were in the halls of academe or consulting sporadically with judges and lawyers. Thus, it seems that much of the forensic work of psychologists during this period consisted of cognitive and personality assessments of individuals, both juveniles and adults, who were to come before the courts. The drudgery of day-to-day testing (often under the watchful eyes of a physician or psychiatrist) made applied psychology unappealing as a profession. Often, however, it was where female psychologists were most accepted. In the 1930s, for example, fewer than one-third of all American psychologists were women, but women made up over 60% of all applied psychologists (Napoli, 1981).

In one of the first published accounts of the work of these early psychometrists, E. I. Keller (1918) described some of the challenges they faced. He noted that in December 1916, a psychopathic laboratory was established at the New York City Police Department for the express purpose of examining persons detained before trial. The staff included psychiatrists, neurologists, social workers, and psychologists, whose task was to conduct hasty pretrial evaluations. (Because these psychologists worked out of the police department but conducted evaluations for the courts, they could be considered both legal and police psychologists.) According to Keller, who was a consulting psychologist at the clinic, detainees arrived for testing at 9 A.M. “The disadvantage is the lack of time, for all prisoners [*sic*] must be examined in time to get them to court by noon or earlier, and many courts are situated in distant parts of the city” (p. 85). Staff members had little time in which

to conduct the evaluation and prepare a report that would help the court in its decision making.

The work of Henry H. Goddard during this time must—in hindsight—be regarded with embarrassment. A student of noted psychologist G. Stanley Hall, Goddard paved the way for the massive intelligence testing of immigrants and residents of mental institutions, prisons, and juvenile training schools. His followers consulted with the juvenile courts and dutifully administered these tests to the children of the poor who arrived at their door. Goddard’s warning that “feeble-minded” individuals should not be allowed to roam about freely in society because of their innate proclivity toward antisocial behavior contributed significantly to the incarceration of individuals during their reproductive periods and the sterilization of residents in both juvenile and adult facilities (Kelves, 1984).

Psychologists continued to work in court clinics during the second third of the 20th century, performing a variety of tasks related to the assessment process (see Box 1.1). In addition, as we described earlier, they gradually became more involved in providing expert testimony, not only on the results of their assessments but also on research that was relevant to legal issues. Other psychologists continued to offer services to inmates and staff of jails and prisons, an endeavor that apparently began early in the 20th century. It is to this second aspect of forensic psychology that we now turn.

Box 1.1 Help Wanted: Court Psychologist

An article in Volume 1 of the *American Psychologist* (Shartle, 1946) carried the following job description for a court psychologist.

COURT PSYCHOLOGIST

(Clinical Psychologist)

Duties

Interviews offenders referred by the court to determine the causes of the crime, the attitudes and conflicts, and the educational, vocational, and social background of the client. Also may interview parents and guardians.

Administers and interprets individual intelligence, performance, and personality tests including projective techniques.

Writes complete case histories including interview information and test interpretations. Presents case histories and recommended treatment to colleagues including medical and other officers of the court. May testify in court.

Qualifications include MA in psychology with a PhD preferred, relevant course work (e.g., abnormal, clinical, psychometrics, criminology, medical subjects), previous experience, and emotional maturity.

Interestingly, Shartle noted that, although few psychologists were employed in such positions, there was indication that employment in the field would increase. However, “higher positions” in the court were not usually open to psychologists.

CORRECTIONAL PSYCHOLOGY

Lindner (1955) pinpointed 1913 as the date when psychological services were first offered in a U.S. correctional facility, specifically a women's reformatory in the state of New York. Watkins (1992) identified the psychologist as Eleanor Rowland, who was asked to devise a test battery to identify offenders who would benefit from educational programs and be safely returned to society (Rowland, 1913). However, the main function of psychologists employed in some capacity in the state and federal correctional systems during these years was apparently the detection of "feble-mindedness" among offenders, a condition thought to lead to a life of crime (Giardini, 1942; Watkins, 1992). Again, the work of Goddard and his followers is relevant.

Concurrently, however, some psychologists—like Rowland—became involved in a different endeavor: the classification of inmates into various groups for determining where they were to be placed (custody decisions) and what services might be provided (treatment decisions). The first prison classification system developed by psychologists was apparently instituted in New Jersey in 1918 (Barnes & Teeters, 1959; Watkins, 1992). New Jersey also became the first state to hire a full-time correctional psychologist. The first state in the United States to provide comprehensive psychological examinations of all admissions to its prison system and applications for parole was Wisconsin, in 1924 (Bodemar, 1956).

In the late 1930s, Darley and Berdie (1940) surveyed 13 federal and 123 state prisons and learned that they employed a total of 64 psychologists who called themselves "prison psychologists." Although all considered themselves clinical psychologists, only about half had doctorates in psychology. Later, Raymond Corsini (1945) expressed concern that there was as yet "no history of prison psychology." He estimated that during the 1940s, there were approximately 200,000 individuals confined in U.S. correctional facilities who were served by a mere 80 psychologists. Their work consisted of (1) testing (personality, aptitude, and academic progress); (2) providing educational, vocational, and personal guidance (usually at the inmate's request); and (3) maintaining working relationships with all members of the prison staff (see Box 1.2). In one of the most comprehensive surveys undertaken during the early 1940s, questionnaires were sent to 4,580 psychologists (3,209 men and 1,371 women) in an effort to discover the nature of the profession (Bryan & Boring, 1946). Of the 3,241 questionnaires returned in 1940, 76 men and 20 women indicated they were employed as full-time psychologists in prisons or correctional institutions. Of the 3,106 questionnaires returned by the same group in 1944, 53 men and 27 women said they were employed in prisons or correctional institutions. Although these data support Corsini's estimation that between 80 and 100 psychologists were employed in the nation's correctional facilities during the early to mid-1940s, it is interesting to note that, by the mid-1940s, approximately one-third of prison psychologists were women.

Box 1.2 Help Wanted: Correctional Psychologist

1940s VERSION

In Volume 1 of the *American Psychologist*, Shartle (1946) described the work of a prison psychologist.

PSYCHOLOGIST, PENAL INSTITUTION

(Prison Psychologist)

Duties

Administers intelligence, aptitude, and other tests to either all inmates or certain groups depending on institutional policy. Writes an interpretation of test results for the prisoner's records.

Interviews each prisoner to determine background, attitudes, and personality traits for use in guidance, education, possibilities for parole, and placement. Results of interview are written and may be submitted in form of case study with test results or other reports.

Makes recommendations for parole and supplies technical information at staff meetings. Gives information in consultation with administrative officers or with specialists in the field of medicine, psychiatry, sociology, education, occupational training, or parole.

Assists in planning or revising programs for medically sponsored cases including psychiatric and severe physical disability cases.

Participates in research. Investigates problems of penal psychology or test construction and prepares reports of finding.

Again it was noted that opportunities in the field were limited and the number of openings not numerous. However, several states were planning postwar expansion in buildings and services.

Psychologists entered the Canadian correctional system much later, perhaps as late as the early 1950s. Watkins (1992) notes that Canadian correctional psychology made its first appearance in the literature in 1952 in a series of newsletters published by the Ontario Psychological Association. The newsletters focused on psychology in the Ontario provincial corrections programs and the federal correctional service. The first correctional psychologist in the federal system in Canada was employed in 1955 at St. Vincent de Paul Penitentiary (later renamed Laval Institution) in Quebec (Watkins, 1992). Correctional psychologists in Canada were at first employed primarily to classify inmates for security placement and were usually not a component of the mental health treatment afforded to inmates. In the United States, their role appears to have been broader (see Box 1.2). Since these early days, however, Canada in many ways has outpaced American corrections—particularly state prison systems—both in developing risk assessment instruments and providing rehabilitation services to inmates (Wormith & Luong, 2007).

Classification, however, has always been an important enterprise for psychologists working in correctional settings. Reliable offender classification was (and is) both an important service to offer to correctional administrators and in many respects a prerequisite to effective treatment. In both the United States and Canada,

from the mid-20th century on, psychologists became increasingly involved in developing and testing more sophisticated classification systems. One of the earliest of these “modern” systems was the Jesness (1971) Classification System. Best known, however, was the system proposed by Edwin Megargee and based on the Minnesota Multiphasic Personality Inventory (MMPI). Megargee (1977), using his research on overcontrolled and undercontrolled personalities as a springboard, identified 10 “inmate types.” Prison officials then made use of these groupings to assign inmates to custody levels, job assignments, and rehabilitation programs. Megargee’s system is still in use in some prison systems, and Clements (1996) observed that Megargee deserves much credit for providing correctional psychologists with an excellent list of seven criteria for a good classification system.

In the 1960s and early 1970s, correctional psychology as a subdiscipline of forensic psychology began to expand. Even to this day, though, many if not most psychologists working in corrections prefer to be called correctional psychologists rather than forensic psychologists (Magaletta, Patry, Dietz, & Ax, 2007). This may be because they see their primary function as one of providing services to inmates, not to the legal system. Until the 1960s and 1970s, although there were exceptions, psychologists in correctional facilities focused more on classification than on treatment, although important treatment models were proposed by psychologists such as Herbert Quay and Marguerite Warren (Brodsky, 2007). Nevertheless, treatment was not the predominant activity, both because the demand for diagnostic services was great and the obstacles relative to respecting confidentiality and achieving the trust of inmates were difficult to surmount.

Perhaps even more relevant was the suspicion directed toward psychologists by both administrative and correctional staffs. In an essay reviewing this period in the history of correctional psychology, Brodsky (2007) cited examples of military psychologists being given punitive assignments or civilian psychologists being obstructed from providing meaningful treatment services to inmates—in some cases even reporting for work to find themselves no longer employed, their possessions waiting for them at the prison gate. “With the exception of psychologists in the Federal Bureau of Prisons, psychologists working in American prisons reported organizational impediments to conducting meaningful assessments and offering meaningful treatment” (p. 864).

In the 1960s, rehabilitation as a correctional goal began to gain favor, and—in some but certainly not all prison settings—psychologists spent more time working directly with offenders and providing treatment services. Although positions were plentiful, the turnover rate was high, primarily because psychologists often had not received adequate preparation for responding to the unique challenges of these environments (Watkins, 1992).

One noteworthy innovation that was introduced in federal prisons during this era was the unit management system, which was initially conceptualized by Daniel Glaser (1964) and later promoted by Robert Levinson (Toch, 1992). Unit management divided prison populations into small groups of prisoners and staff

members based on the programming needs of the former and the expertise of the latter. Some units—those in which more intensive treatment services could be provided—became “therapeutic communities.” Other units provided education, training, or work experiences, together with some counseling (Toch, 1992). Although unit management lost support in the United States during the punitive 1980s and 1990s (with overcrowding having its obvious effects), the concept survives in some state and federal facilities, particularly where substance abuse treatment is provided.

Many correctional psychologists worked in the trenches during the 1960s and early 1970s and made significant contributions. Stanley Brodsky was instrumental in launching modern correctional psychology in the United States, but many other individuals (e.g., Robert Levinson, Ascher Pacht, Hans Toch, Edwin Megargee, and Marguerite Warren) made significant contributions as well. Canada has its own group of pioneers who have had great impact on correctional philosophy and practice on an international level. They include psychologists Paul Gendreau (coauthor of Chapter 23 in this volume), Karl Hanson, Don Andrews, and many others whose work is cited in the excellent historical reviews and summaries of Watkins (1992) and Wormith and Luong (2007).

In the United States, Brodsky’s term as president of the American Association for Correctional Psychology (AACP) helped provide the impetus to move correctional psychology into a recognized and viable profession. (The AACP was actually born in 1953 with the name Society of Correctional Psychologists and underwent several name changes during the late 1950s through the early 1970s [Bartol & Freeman, 2005; Brodsky, 2007]. It is now called the International Association for Correctional and Forensic Psychology.) During 1972 and 1973, with Brodsky at the helm, the AACP played a key role in setting up a series of conferences on psychology in the criminal justice system, with emphasis on corrections. The proceedings were published in a volume edited by Brodsky (1973), *Psychologists in the Criminal Justice System*. The publication of this influential book could arguably be the official launch date of modern correctional psychology, even though the AACP itself predated Brodsky’s book. Brodsky also became the founding editor of the international journal *Criminal Justice and Behavior*, launched in 1974 and sponsored by the AACP. Brodsky’s leadership and enthusiasm also helped build one of the earliest doctoral programs specifically designed to prepare clinical psychologists to work in the criminal justice system, particularly corrections, at the University of Alabama. In the late 1970s, the APA approved a clinical internship in corrections at the Wisconsin Department of Corrections. Today, such programs exist in a variety of colleges and universities, many of which provide internship opportunities for students in state prisons as well as the Federal Bureau of Prisons.

POLICE PSYCHOLOGY

Those who prefer a narrow definition of forensic psychology do not typically include police psychology in its purview. We have done so because police are sworn to

uphold the law and are in many cases the gatekeepers to entry into criminal and juvenile courts, if not civil courts. Thus, psychologists who consult with police in numerous capacities (e.g., investigation, candidate screening, hostage-taking incidents, interviewing strategies) are connected with the legal system.

It is difficult to pinpoint precisely when police psychology began, primarily because individual psychologists have provided a variety of services to law enforcement without their work being formally recognized. Viteles (1929) noted that police departments in Germany used psychologists in a variety of capacities as early as 1919. In the United States, in keeping with the psychometric movement of the early 20th century, contributions centered around assessment, particularly cognitive assessment administered to candidates for law enforcement positions.

Four discernible but overlapping historical trends in American police psychology can be identified: (1) cognitive and aptitude screening, (2) personality assessment and the search for the “police personality,” (3) stress management and other clinical services, and (4) fairness in screening and selection (Bartol & Bartol, 2004). The first trend—1916 to 1960—is characterized by attempts of psychologists to assess the intellectual skills required to be an effective police officer. The second trend—1952 to 1975—focused on the development of personality measures capable of distinguishing effective from less effective officers. During the second trend, there also were many unsuccessful attempts to identify a “police personality.” The third trend—1974 to 1994—was characterized by psychologists becoming increasingly involved in the identification and treatment of stress and other emotional reactions often experienced by police officers and their loved ones. Such topics of interest included the use of excessive force, police decision making, post-shooting traumatic reaction, fitness for duty evaluations, and police suicide.

The fourth trend—1980 to the present—refers to the legal requirements that all persons should have an equal chance of being selected on the basis of individual merit and qualifications. Topics during this trend include the Americans with Disabilities Act of 1990, gender issues in policing, and minority/ethnic/racial composition of law enforcement agencies. Because this chapter focuses on early history, we briefly sketch only the first two trends. It should be noted, however, that police psychologists today are actively involved in consultation with law enforcement and with research in a variety of areas that reflect and transcend the above trends. Many belong to professional organizations, such as the APA’s Division 18, Psychologists in Public Service and its subgroup Police and Public Safety (see Chapter 15 in the present volume).

COGNITIVE AND APTITUDE SCREENING

Lewis Terman (1917) was the first American psychologist to use “mental tests” as screening devices in the selection of law enforcement personnel. On October 31, 1916, at the request of the city manager of San Jose, California, he administered an abbreviated form of the Stanford-Binet to 30 police and fire department applicants.

They ranged in age from 21 to 38, with a median age of 30. Only four had attended high school, and none had attended beyond the sophomore year. Terman found that most of the applicants functioned near the dull-normal range of intelligence (68–84 on the Stanford revision of the Binet-Simon Intelligence Scale); only three obtained an IQ over 100, the score considered average for the general population. Based on his experience with the intellectual capabilities of school-age children, Terman suggested, somewhat arbitrarily, that applicants with an IQ under 80 were not fit for police work or firefighting. The city manager agreed, and 10 applicants were immediately excluded from further consideration.

A contemporary of Terman, psychologist Louis Thurstone, was also interested in the value of intellectual testing in police screening. Thurstone (1922) administered the newly developed Army Intelligence Examination (Army Alpha) to 358 male members of the Detroit Police Department. The Army Alpha, developed by Robert Yerkes, E. L. Thorndike, and Lewis Terman and adopted by the U.S. Army in 1917, was probably the first exclusively American test of intelligence (Resnick, 1997). Police officers at all ranks scored below average on the Army Alpha; in fact, the more experienced the police officer, the lower was his intelligence score. The average score for the 307 patrol officers was 71.44; the sergeants averaged 54.71; and the 17 lieutenants, 57.80 (Army Alpha mean = 100, standard deviation of 15). Thurstone concluded that law enforcement did not attract intelligent individuals, and the more intelligent individuals who entered police service left for other occupations where their abilities and intelligence were better utilized.

Law enforcement officers were vindicated somewhat, however, when Maude A. Merrill (1927) administered the Army Alpha to a group of already employed officers and applicants. They scored at the average level (the sample's mean IQ was 104). The differences between her findings and those of Terman and Thurstone were probably due to department leadership factors, recruitment procedures, and selection ratios (Terrio, Swanson, & Chambelin, 1977). Intelligence testing continued throughout much of the middle part of the 20th century and may still exist in some departments today. However, questions about the validity of such assessment and understandable resistance from police unions persuaded most agencies to turn to a different form of assessment, the personality assessment.

PERSONALITY ASSESSMENT

In the years between the two world wars, psychologists gradually became more involved in the screening of law enforcement personnel and began to incorporate personality assessment into that enterprise. Wilmington, Delaware, and Toledo, Ohio, appear to share the distinction of being the first two cities to require ongoing psychological screening for use in police selection, in the form of mental and personality tests (Gottesman, 1975; Oglesby, 1957). The year was 1938. Thus, personality tests came on the scene at about this time. It was not until the late 1950s and 1960s, though, that personality assessment overtook cognitive tests in the screening of law

enforcement personnel. While the aforementioned psychologists were among the first to study the cognitive capacities of police officers and candidates, there is no indication that they consistently participated in the screening and selection of law enforcement personnel. At this point, we have no information about who might have been the first psychologist to assume this regular role. As late as 1939, Donald Paterson (1940) could identify only one psychologist, L. J. O'Rourke, who had actively investigated the validity of the nation's civil service examination system, even though routine competitive exams were administered as far back as 1883.

During the late 1940s and the 1950s, psychologists continued to consult with police departments. The psychological screening processes initiated by the Wilmington and Toledo police departments was adopted by other cities; Jacksonville in 1947, Berkeley in 1949, Oakland in 1950, New Orleans in 1952, and Pasadena, Philadelphia, Milwaukee, and Cleveland in 1953 (Gottesman, 1975; Oglesby, 1957). In June 1952, the Los Angeles Police Department (LAPD) began to administer a battery of psychological tests (MMPI, Rorschach, and a psychological interview; Rankin, 1957, 1959). The 1957 Rankin article was the first to appear in the literature attesting to any ongoing program of psychological assessment for police applicants (Gottesman, 1975).

During the late 1960s, personality assessment, psychological screening, and police psychology in general received an immense boost when the President's Commission on Law Enforcement and the Administration of Justice (1967) strongly recommended widespread use of psychological measures to determine the emotional stability of all officer candidates. This recommendation was followed by the strong endorsement in 1968 by the National Advisory Commission on Civil Disorder that psychological screening would improve the emotional quality of individuals entering law enforcement (Scrivner, 1994). In keeping with commission recommendations, Congress provided Law Enforcement Assistance Administration funds for law enforcement agencies to retain the services of mental health professionals. In 1973, the Police Task Force Report of the National Commission on Criminal Justice Standards and Goals encouraged the establishment of a behavioral sciences unit or consultant for all law enforcement agencies.

Even before then, though, psychologists were offering services to law enforcement on an as-needed basis, consulting in such areas as stress management, crisis management with the mentally disordered, and domestic violence. According to Nietzel (2000), the first project to train police in crisis intervention techniques in domestic disputes was developed in the late 1960s by Morton Bard, consulting with the New York City Police Department.

At about the same time, in December 1968, Martin Reiser was hired by the Los Angeles Police Department (LAPD) as a full-time police psychologist. The evidence to date indicates that Reiser was the first full-time psychologist whose responsibilities were strictly police related. Reiser (1982) himself is not entirely certain he was the first full-time police psychologist in the country. In 1969, he presented a paper at the Western Psychological Association Convention in Vancouver entitled

"The Police Department Psychologist." This presentation may represent the "official" launch of contemporary North American police psychology. The paper was published in 1972. Reiser continued to be the most prolific writer on police psychology during the early 1970s. In 1972, in cooperation with the California School of Professional Psychology and the Los Angeles Police department (LAPD), he helped establish what is believed to be the first clinical internship in police psychology in the United States. By 1977, at least six other law enforcement agencies employed full-time psychologists (Reese, 1986, 1987).

CRIMINAL PSYCHOLOGY

In the early years of the 20th century, psychologists began to offer psychological perspectives on criminal behavior and to speculate about the causes of crime. Like the police psychology discussed earlier, criminal psychology typically is not considered in the narrow definitions of forensic psychology, primarily because it appears more theoretical than clinical in nature. However, in its youth, criminal psychology was essentially clinical in nature, as the theories often centered on the measurable mental capacities of offenders. Furthermore, forensic psychology devoid of a theoretical base—such as that provided by criminal psychology—is difficult to justify and support.

Psychologists like Goddard had repeatedly found that most juvenile and adult offenders were "mentally deficient," which led to the conclusion that a primary "cause" of crime and delinquency was intellectual limitation. In large part, this belief reflected the pervasive influence of Darwinism, which contended that humans differ only in degree from their animal brethren (and that some humans are closer to their animal ancestry than others). The "mentally deficient" were considered both intellectually and morally less capable of adapting to modern society. They presumably resorted to more "primitive" ways of meeting their needs, such as crime. These unfortunate conclusions, which did not take into account social conditions, cultural differences, or socialization processes, lent support to unconscionable practices such as lengthy incarceration of the disadvantaged, confused, and powerless.

In the history of psychology, few scholars have ventured to offer comprehensive theories on crime or delinquent behavior. Those who have (e.g., Eysenck, 1964) have often been strongly influenced by Darwinian thinking. Therefore, theoretical orientations focusing on mental deficiency or biological and constitutional dispositions dominated early psychological criminology.

In the early 1960s, a psychological criminology distinct from psychiatric and more extensive than psychometrics began to show signs of life. Hans Toch (1961), who was also making significant contributions to correctional psychology, edited one of the first books on psychological criminology, *Legal and Criminal Psychology*. Some may argue that Hans Gross published the first criminal psychology book in 1897 (*Kriminalpsychologie*), the same year in which he was appointed professor in ordinary for criminal law and justice administration at the University of Czernowitz

in Austria. One writer has asserted that Gross was the originator of the discipline of criminal psychology (Undeutsch, 1992). However, Gross was a lawyer by training, in practice, and in spirit and eventually became a successful judge. His book details his observations of offenders, witnesses, jurors, and judges but relies very little on psychological research. This is not surprising, of course, because psychology in 1897 was far from being an integrated discipline with a rich body of knowledge. Nevertheless, it is significant that Toch's book, published more than 60 years later, represents the earliest attempt to integrate, in an interdisciplinary fashion, the empirical research of psychologists relevant to criminal behavior and legal issues.

British psychologist Hans J. Eysenck, in *Crime and Personality* (1964), formulated the first comprehensive theoretical statement on criminal behavior advanced by a psychologist. Eysenck's theory focused on the personality characteristics of extraversion and introversion, which he believed could be attributed to both a biological predisposition to seek (extravert) or avoid (introvert) sensation *and* the learning experiences obtained in one's social environment. Although Eysenck's theory was circulated and tested extensively in the late 1960s and 1970s, it has been shifted aside today, replaced by popular developmental approaches. Shortly after Eysenck proposed his theory, Edwin Megargee (1966) put forth his own heuristic statements regarding undercontrolled and overcontrolled personalities and their relationships to violence, a theory that then served as a basis for his classification system referred to earlier. Toch (1969) followed with *Violent Men*. The relationship between aggression and violence was studied seriously under the leadership of Leonard Berkowitz (1962), Albert Bandura (1973; Bandura & Walters, 1959), and later Robert Baron (1977). Following psychiatrist Hervey Cleckley's (1941/1964) groundbreaking work on psychopaths, they became subjects of vigorous theory building and research in the hands of Canadian psychologist Robert Hare (1970) and others (e.g., Quay, 1965). Psychopathy continues to be a rich research area on the etiology of criminal behavior to this day.

1970s AND BEYOND

Since the 1970s, we have witnessed a literature and research explosion in all areas of forensic psychology. Some 30 years ago, Loh (1981) observed that forensic psychology had "come of age." Most recently, Heilbrun and Brooks (2010) noted that "[t]he field has matured: the recognition of the importance of the foundational science [of forensic psychology] is stronger, and we are closer to identifying best practices across a range of legal contexts that are addressed by forensic psychology research and practice" (p. 227). In 1965, just over 100 English-language articles and books related to forensic psychology had been published (Tapp, 1976). By the mid-1970s, the numbers were well into the thousands. Professional journals exclusively devoted to forensic psychological research and issues were beginning to emerge in North America. *Criminal Justice and Behavior* led the way in 1974, followed by *Law and Psychology Review* (a journal published by law students and

graduate psychology students at the University of Alabama) beginning in 1975, *Law and Human Behavior* in 1977, *Behavioral Sciences & the Law* in 1982, and *Psychology, Public Policy, and Law* in 1995. Great Britain followed suit with *Criminal Behavior and Mental Health* (launched in 1990), *Psychology, Crime, & Law* (1994), the British Psychological Society's *Legal and Criminological Psychology* (1996), and the *Journal of Forensic Psychology Practice* (2001). In addition to these, other interdisciplinary scholarly and scientific journals relevant to forensic psychology have emerged in recent years (e.g., *Journal of Forensic Sciences*, *American Journal of Forensic Psychiatry*, *Journal of Psychiatry and Law*).

During the 1970s, interdisciplinary and specialized training in forensic psychology was introduced at the doctoral, master's, internship, postdoctoral, and continuing education levels (Ogloff et al., 1996; see also Krauss & Sales, Chapter 5 this volume). The first interdisciplinary, successful psychology and law program was developed by Bruce Sales at the University of Nebraska–Lincoln in 1974 (Ogloff et al., 1996). Other universities soon followed in this endeavor, some more successfully than others. In the late 20th century and into 21st, thoughtful articles addressing the content of education and training programs in forensic psychology have been published (e.g., DeMatteo, Marczyk, Krauss, & Burl, 2009; Helmus, Babchishin, Camilleri, & Olver, 2011; Ogloff et al., 1996).

Another indication of the growth in forensic psychology is professional certification of practitioners in the field, a development that began in the late 1970s. Beginning in 1978, board certification in forensic psychology was provided by the American Board of Forensic Psychology (Otto & Heilbrun, 2002). In recent years, other board certifications have emerged, such as the American Board of Forensic Examiners. In 2001, as noted earlier, the APA voted to recognize forensic psychology as a specialty, and Specialty Guidelines for Forensic Psychologists and Psychology were adopted in 1991 and 2011, respectively. Forensic psychology has seen a rapid expansion in other parts of the globe besides North America, particularly in Europe and Australia. Blackburn (1996), in the first issue of *Legal and Criminological Psychology*, asserted, "The growth in the number of forensic psychologists has been among the most prominent developments in the burgeoning application of psychology to law during the last two decades" (p. 3). He noted that, although the growth was most apparent in the United States, there was a parallel growth throughout Europe in the latter part of the 20th century.

After an uncertain beginning and some stagnation between the two world wars, forensic psychology is now well established. Despite some continuing concerns about its definition (should it be broad or narrow?), it is importantly clinical in nature but also critically dependent on theory and research. All indicators suggest that forensic psychology has an extremely promising future as we continue into the 21st century. In the following chapters, other contributors assess forensic psychology's current status and the promise it holds for a future generation of researchers, practicing psychologists, theorists, and legal practitioners.

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