

1 Introduction

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Forensic psychology is a broad and growing area which, at its best, draws on a wide range of psychological theories, concepts and research at the interface between law and psychology. This text sets out to reflect the increasing breadth and depth of this work and the challenges inherent in it. It is intended to be a high-quality international textbook for advanced undergraduate students, postgraduates, practitioners and academics from a range of disciplines.

A number of key aims are central to this third edition of the text. The first aim is to strike a balance in covering theory, research and practice, making this useful to students, qualified psychologists and those in other professions who draw on forensic psychology in their practice. Each of the authors has sought to provide the highest-quality reviews addressing current theory and practice. Secondly, there is stress throughout on new and emerging perspectives on forensic psychology and the role of research in driving these. In this spirit, current controversies have not been oversimplified or shied away from. Critiques from within and outside forensic psychology have been included, some of which suggest the need for fundamental changes. As with any other intellectual endeavour using scientific methods, it also requires the sometimes painful discipline of discarding theories, policies and practices that fail when tested (Kuhn, 2012). In the absence of this discipline, practice in forensic psychology ceases to be part of 'science'. A third theme that runs through this book is the importance of ethical practice and respect for human rights, diversity and inclusion. Forensic psychology generally involves the application of psychology in the context of marked difference in power, where ethical and legal concerns may be acute. Scientific approaches alone are, therefore, not enough. Major areas of forensic psychology in correctional¹ settings, secure hospitals and social care settings necessarily involve coercion: involving work with those imprisoned in a variety of settings or facing the risk of punishment within legal systems. Here, the power imbalances between different groups are starkly exposed, and a good understanding of these ethical issues is essential as a starting point in avoiding abuses of the past. The nature of ethical practice and the need to protect human rights are themes woven through this text and tackled directly by a number of the authors.

At this point, it is not possible to claim this to be a new discipline finding its way, or to be naive to potential abuses. Taking stock of the current situation is, therefore, crucial to future development. This requires acknowledgement of past successes and also recognition of failures. The use of scientific methods is stressed by contributors of this text, as is the use of the scientist–practitioner model of applied psychology. It is argued that forensic psychology requires a high level of scientific training and critical thinking. Accordingly, progress does not come as a result of deference to authority or tradition. It is achieved through openness, critical reflection and constructive challenge. In turn, this requires well-trained, professional and reflective practitioners who are supported to critically engage with the assumptions and evidence that underpin current practice. This third edition reflects this expansion with contributions from a number of new researchers and practitioners, who have expanded and developed the field. New and emerging areas of research and practice have been introduced by talented contributors, and these are starting to influence and shape the future of forensic psychology.

Since the publication of the second edition of this book, the growth in the academic base of forensic psychology has continued to be seen in the availability

and popularity of both undergraduate and postgraduate courses. The term 'forensic' continues to be juxtaposed with a range of areas of academic study, including anthropology, archaeology, computing, engineering, investigation, measurement, psychobiology, psychology and science (UCAS, 2020). This is also evident in much professional practice. In the field of health, this has been seen in the development of forensic psychiatric nursing, psychiatry, occupational therapy and social work.

There have been a number of significant changes and developments in forensic psychology in recent years. The growth in the number of posts in health and criminal justice has continued to slow internationally. The United Kingdom provides a good illustration of these developments, with reductions in the total number of psychological staff employed in prisons and probation and little growth in secure health and social care settings. This, in part, reflects changes in government policies across the United Kingdom, and in particular reduced funding of public services, but it also reflects some of the disappointing evaluation results. Interventions aimed at addressing the so-called 'Dangerous Severe Personality Disorder' and later 'Severe Personality Disorder' have been disappointing, suggesting that such work was an expensive means to extend the detention of prisoners without positive effect. Large-scale sex offender treatment interventions in prisons have yielded even more troubling results, with 'treatment' leading to increased rates of reoffending and increased risk to the public. As a discipline, we have by no means always followed the science.

There has been a growth of practice in other settings, with an increasing breadth of the areas where forensic psychology is applied. This has included development of work in the courts, in areas such as investigation and policing and in addressing new areas such as community-based interventions. This has been matched by continued growth in the higher education sector to accommodate new courses and the growth of post-qualification professional training. There has also been a concomitant expansion in the breadth and depth of academic work (Bush, Demakis, and Rohling, 2017; Crighton and Towl, 2008; Towl, Farrington, Crighton, and Hughes, 2008). As noted in previous editions, not all of the developments in forensic psychology have been positive, and efforts to restrict and narrow the focus of practice and theoretical perspectives have not entirely gone away. There has been a continued divergence within forensic psychology, with some areas seeing positive developments and others becoming more restricted. In what might broadly be termed 'community approaches', there has been a marked growth in the quality of practice and the range of perspectives seen. For example, the growth, internationally, in earlier years' interventions were based in large part on the influential work of David Farrington. There has also been a notable extension to areas that, in the past, psychologists had little to say about—such as sociopolitical violence. This is discussed in detail in the chapter on safeguarding and preventing harmful practice by Brian Thomas-Peter and Rebecca Lawday and also in the chapter on the politics of forensic psychology by Graham J. Towl. By contrast, the types of work conducted in correctional settings such as prisons and high-security mental hospitals have continued to largely stagnate, especially perhaps following some of the disappointing results from some international evaluation studies. The striking overinvestment in cognitive behavioural group work, designed with the aim of reducing the risk of reoffending in convicted groups, has continued. Such work has become increasingly standardised, manual-based and also mandated and marketed. Examples here would be the development of sexual predator treatment programmes in prisons in the United States (Marques, Wiederanders, Day, Nelson, and Van Ommeren, 2005), but the approach has been replicated to a greater or lesser extent in many other correctional settings.

For the previous edition, we sought to draw together a textbook aimed chiefly but not exclusively at those engaged in forensic practice. That continues to be a major aim of the text here too. As previously, a range of new perspectives have been added to offer a constructively critical analysis of forensic psychology, covering the field in breadth and also depth.

In seeking to do this, we have divided the text into three sections, although any such division is necessarily subject to significant overlaps, and this text is no exception to that. This begins with the contributions of forensic psychology to the legal process and, in particular, what may be termed ‘investigative practice’, covering some of the main ways in which psychology contributes to the detection and legal process. This is followed by a section covering what has been broadly termed clinical contributions, looking at the various ways in which psychology may be applied over the life course of individuals. The final section goes on to address the broader professional, legal and ethical issues that arise in forensic psychology, including coverage of the powerful effects of organisations and systemic effects.

In covering these areas, we have not sought to simply produce a bland recitation of current practice—there are a number of sources that the reader could seek such an overview from. Rather, we have sought to look openly and critically at the challenges, controversies and current failings seen in the many, often socially and politically contentious, areas where psychology and law meet.

JUSTICE

The justice systems in the United Kingdom are used as an exemplar of legal systems internationally and provide a starting point, setting the scene for many of the activities and interests of forensic psychologists. This begins with an exploration of forensic psychology in the courts. An understanding of the social construction of the structures used to administer justice forms an important foundation for forensic psychology. One example of the social construction of crime, and a focus of some of the new and developing work covered in this text, will be particularly familiar to student readers. The behaviour of some students on campus may involve a range of problem behaviours. Here, excessive alcohol consumption and anti-social behaviours often go hand in hand, with sexual violence commonly seen but rarely adequately addressed (Masoumzadeh, Jin, Joshi, and Constantino, 2013; Towl and Walker, 2019).

Yet, in such cases, behaviour is unlikely to be detected and brought to the attention of legal systems. Even when identified, individuals may only be subject to internal disciplinary processes by the university, rather than a court. Rarely in such circumstances do students find themselves subject to the criminal justice process. By contrast, apparently identical behaviours by young people in economically deprived areas see higher levels of criminal justice involvement. The conduct of those working in legal systems also raises questions about the consistent application of laws and basic issues of justice. The sometimes gratuitous violence of police officers in response to political protestors around the world provides one stark example of the social construction of crime. Here, wearing a uniform may protect individuals from criminal

charges. Most recently this has been highlighted in terms of police racism and the advent of the Black Lives Matter movement.

The key structures and legal institutions are addressed through the chapters of this text, and it is evident from this the contributions and distribution of psychologists are not rational in the sense of matching need to psychological services. England and Wales provide a useful illustration of this. Here, there are relatively few psychologists working in civil rather than criminal law. Within criminal law, comparatively few psychologists are concerned with areas such as the investigation or prevention of crime and anti-social behaviours. Fewer still are concerned with 'white collar' crimes such as fraud. By far the largest group of psychologists is located in settings linked to the criminal justice system, such as prisons and secure mental hospitals. Within these settings, there is a high concentration in the most secure settings, including high-security prisons and hospitals. In England and Wales, this distribution of psychology is in part the result of historical precedent that few would argue is optimal in terms of outcomes or the cost-effective use of resources, though equally it has resulted, to some degree, from professional self-interests rather than the needs of the legal system or society more generally. In turn, this has acted as a barrier to positive change and more rational distribution of resources.

Internationally, many psychologists feel grave discomfort at the number of children who are drawn into legal systems and end up in custody. It is well known that adolescence is the point at which anti-social and criminal behaviours increase dramatically, and psychology has a major contribution to make in developing more constructive ways of addressing this. Yet, forensic psychologists working with children have been comparatively rare and have tended to be located in correctional settings, which in turn have tended to be the poor relation to adult services. Input into community services with children has not been sufficient when compared with the underwriting of interventions in prisons and secure hospitals, with, at very best, equivocal evidence as to their effectiveness.

Forensic psychologists have traditionally been slow to accept the role of economic and social inequality in crime. Indeed, it could be suggested that some have acted to resist such notions by stressing the individual causation of crime, often using pseudo-scientific terminology to firmly locate crime within the individual. A clear example here is the alteration and widespread use of the term 'criminogenic'. Here, the meaning was altered from its original usage in criminology, where it was originally used to refer to social and economic correlates of higher crime rates. By contrast, it is currently used in ways that suggest causal relationships between crime and individual psychological characteristics. This change adds nothing to our understanding whatsoever and is, for us, a clear example of poor science.

More unequal societies are more unhealthy societies (Wilkinson, 1996). Relative poverty as well as absolute poverty, therefore, becomes an important issue for forensic psychologists. The investment of resources internationally to address anti-social and criminal behaviours has continued to be considerable, but efforts to address inequality have been limited and inconsistent. A great deal of money has been invested, and some would persuasively argue wasted, in developing a range of 'assessment tools' and standard manual-based courses—something which may continue to serve some financial and professional self-interests. These approaches, though, have failed the public and continue to do so. In some places, there has been a major rowing back from work of this type, as in the case of Canada. The

dominance, until quite recently, of manual-based interventions led to concern about the ‘dumbing down’ of psychological interventions, with a serious weakening of the scientist–practitioner approach (Thomas-Peter, 2006; Towl, 2004). There have, though, recently been encouraging signs of a reaction against this, actively contesting such approaches.

The issues of sentencing practices and mass imprisonment have remained central to many areas of forensic practice. The greater use of imprisonment and more punitive and indeterminate sentences has continued across a number of countries, with comparatively little done to address the causes of crime. The so-called ‘What works?’ literature (Merrington and Stanley, 2007; Thomas-Peter, 2006; Towl, 2004) has contributed to this. It has done so in two main ways. It has supported the notion that criminal and anti-social behaviour can be successfully ‘treated’ within secure settings. Secondly, it has supported the idea that this can be done largely in isolation from social and economic conditions. This arguably drove the creation and expansion of interventions that were characterised more by political expediency than by solid empirical evidence in support of them.

In setting the context of forensic psychology, the area of expert testimony is central. One feature that distinguishes this as a form of evidence is that opinions are actively sought. A great premium can sometimes be put on expert evidence, which forms an important part of criminal and civil justice processes. It is only comparatively recently that psychologists have contributed on a large scale to this. The boundaries around the use of psychology in legal systems have remained contentious. Expert evidence in legal systems is elicited to serve that system and not to advocate for one party or another. This fundamental point has been poorly integrated into practice, with psychologists often appearing to testify as experts on behalf of their employers. This has often resulted in poor-quality and unhelpful testimony impairing the functioning of legal systems (American Psychological Association, 2010; British Psychological Society, 2017; Home Office, 2000).

EXPERT CONTROVERSIES

One controversy in the area of expert evidence for psychologists is the scientific basis of some of the assertions made. There are major doubts about some aspects of psychology such as scientific concerns about the validity of diagnostic categories such as ‘personality disorder’. Although some psychologists have been highly critical of this approach, others have seen it as useful. Whether or not fitting an individual to a particular diagnostic category is a valid psychological approach is addressed by a number of authors.

Examples of practice here would include parole or mental health hearings, where the focus may be on whether a prisoner can be ‘diagnosed’ with ‘psychopathy’. The circularity inherent in such explanations is rarely considered and is often difficult to convey in such settings. This is also complicated by the recent apparent dramatic growth in the use of psychometrics. The heavily marketed claim is that various psychometric ‘tools’ furnish more objective and useful information. The use of psychometrics in this manner has a superficial appeal of offering apparently ‘objective’ information and being relatively easy to convey. Such information needs though to be

viewed in the wider context of its use. Another example of expert testimony has been in relation to memory research. Knowledge and understanding of memory research have perhaps most widely been highlighted in relation to eyewitness testimony as a particular type of expert witness testimony. Indeed, this is one application of experimental psychology that is routinely referred to in undergraduate and postgraduate forensic psychology courses. The scope for applications of psychological research in memory can potentially go much wider, for example the application of the understanding of memory to the assessment of prisoners subject to indeterminate sentences. Part of the standard assessment methods used here typically involves the collection of self-reported data. Individuals are often asked to recall thoughts, emotions and actions in detail about historical events, being judged negatively for lapses or apparent failures of recall. Findings from the evidence based on memory suggest that this is likely to be futile as a means of understanding what happened. Memory is in reality a highly constructive process. People have a very limited recall for distant events, and that recall is highly susceptible to effects from previous accounts and subsequent questioning. This is an area ripe for research and the development of better practice.

The area of expert and professional testimony also warrants close scrutiny on ethical and human rights grounds (British Psychological Society, 2017). Laypeople are by definition unlikely to be good at detecting detailed errors in the scientific research presented to them. It is incumbent on the psychologists not only to offer scientific opinion, but to express it in a manner that is most likely to be accurately understood. This also clearly requires an accurate explanation of areas where there is a reasonable range of professional opinion.

HUMAN RIGHTS AND ETHICS

Human rights and ethical issues are central to forensic psychology and run through this text. The substantive ethical issues are generally not different from those found elsewhere in psychology, but are frequently brought into sharper focus in the forensic field (American Psychological Association, 2010; British Psychological Society, 2017; Towl, 1994, 2004). Ethical issues underpin research and practice, making it important to explore their philosophical roots. Generally applicable human rights and a sense of the common good are key considerations that underpin many professional ethical codes. Ethical approaches do not occur in a vacuum but rather in the context of power relations, in particular cultures at particular times. Power differentials are pervasive across cultures, as may be both ethical and unethical professional behaviours. Some aspects of research and practice may change speedily over time to adjust to wider societal norms, others more slowly. An underlying concern about professionals, in general, has been the extent to which we are considered to be serving our own rather than public interests. Professions tend to attract higher levels of reward. It is, perhaps, unsurprising that professional ethics can sometimes be seen as a means of serving professional self-interests. Psychology has not been immune to this with the number of complaints involving forensic practice growing, particularly in correctional settings. Psychologists may be criticised by service users (Hanson, 2009; Rose, 2009) and also by those supporting victims of crime (Siddique, 2018). This can lead to defensive professional responses, including the avoidance of some areas of work

altogether. It may frequently lead to an unwillingness to take appropriate and just risks. There is no valid excuse for such practices, which may reasonably be deemed unethical. It is important to acknowledge some of the potential dynamics that may come into play. When complained about, individuals may feel hurt or even angry. Complaints may feel as if they are rather personal, whether or not that is the intention (Lindsay, Koene, Øvreeide, and Lang, 2008). Responses to complaints can, though, be an opportunity for critical reflection on practice and may provide valuable learning. Of course, in forensic practice, there may be more of a tendency for recipients of services to complain in relation to decision-making that may have an impact on their liberty. This is, though, often a perfectly understandable reaction.

It seems axiomatic that, in general, greater power imbalances lead to greater opportunity for abuses and unethical behaviour. This touches on tension within professions, which tend to work towards increasing our power bases. This has certainly been applied to psychology in forensic settings, where there has been a marked growth in the formal and informal power exercised. A generally unintended consequence of growing power is a greater risk of abuse, and that those harmed by unethical services may reasonably seek redress. Increasing professional power in democratic systems is not cost free: it comes at the cost of greater levels of accountability. One important test of professional ethics in this context is the extent to which individuals are willing to 'whistle-blow' about colleagues' malpractice. It is easier not to comment, let alone intervene, when a colleague is behaving in a professionally inappropriate manner. Some will cover up for the mistakes of their colleagues, and this is most likely to be an under-reported ethical problem in itself. Increased power and influence may also be used positively. This tension provides a salutary reminder of the need always to treat others with dignity and respect, especially when dealing with differences. Compassion, understanding and justice are crucial to ethical decision-making.

Witnesses play a central role in legal systems. The accuracy, or otherwise, of their testimony is often crucial. For many students of psychology, this will have a real resonance with much of memory research covered during undergraduate studies. The reconstructive functioning of memory leads to biases and inaccuracies in eyewitness testimony. This is an area of forensic psychological research and practice where learning from experimental psychology has had a growing influence on legal systems. Models and methods developed in laboratories have changed legal processes. Concepts from memory and learning research can clearly be helpful in assisting our understanding of legal processes.

DEVELOPMENTAL PERSPECTIVES

A key theme of the text is the current and potential contributions of developmental research and theories to forensic psychology. There is a very rich heritage of such work, and growth in this area has continued in recent years. Studies on the complicated interactions of environmental factors and underlying neurobiological mechanisms have begun to shed more light on a range of problem behaviours. The field has moved on dramatically from intellectually vacuous polarised debates about nature *versus* nurture. This has been helped by rapid technical progress, greatly facilitating

the study of the working of the nervous system. This has been matched by step changes in both research and theory development.

Notwithstanding our earlier observations about the psychometrics industry, some forms of psychometric assessment provide us with an avenue to explore and improve our understanding of specific brain functioning and links to anti-social behaviours. An example here is the reported association between anti-social behaviours and lower verbal intelligence. From a neuropsychological perspective, this has been interpreted as linked to left hemispheric dysfunction. The reason for comparatively higher levels of 'performance' intelligence may reflect a lack of opportunities to develop verbal skills. A lack of specific experiences may lead to areas of the brain failing to develop or function effectively.

Forensic neuropsychological research has often been unfairly confused with notions of biological determinism or misused to advance such arguments. The current developing evidence base presents a much more complex and interesting picture, which stresses the early plasticity of the brain and also its capacity to recover. This suggests a compelling case for earlier interventions and improved access to such things as dietary improvements and educational opportunities (Jackson, 2016). Such interventions are actively undertaken by many economically and socially advantaged groups to good effect. Educational disadvantage tends to be a feature of offender populations. It is an encouraging trend that forensic psychologists are increasingly taking an interest in working with children and young people within the legal system or at risk of becoming so. There remains, though, a strong bias within forensic psychology towards clinical work with adults. This bias is striking and very odd. The evidence base within psychology suggests that the most effective interventions are likely to be undertaken as early as possible, and that prevention is likely to be more effective than late efforts at 'cure'. This suggests a need for major shifts in forensic psychology away from working with imprisoned adults and towards work with children, young people and families. What is needed is fewer psychologists working with imprisoned adults and more psychologists working with children and young people, if we are to maximise our impact on crime prevention.

Effective prevention results in fewer victims and also more individuals living fulfilling and productive lives. One continuing trend in research evaluating the efficacy of interventions has been efforts to measure 'cost-effectiveness' in addition to traditional psychological methods of evaluation. This is potentially positive because it allows a focus on 'treatment impact' and also the financial costs of this. This creates potential to invest more wisely. One idea underlying developmental interventions is that relevant areas may be identified and effectively addressed early on. In purely financial terms alone, some interventions can be effective as shown by a number of good-quality cost-benefit studies (Welsh and Farrington, 2000).

One of the key problems with the focus on work in high-security settings is that it draws limited resources away from more effective work. Even within secure settings, in terms of the potential impacts of interventions, there are far too few psychologists working with children and young people. A wiser distribution of resources would target schools, pupil referral units, youth justice services in the community and child and adolescent services (Crighton and Towl, 2008; Crittenden, 2008).

The family can be protective for some. However, if a child is unfortunate enough to have a father or mother who is involved in crime, then the probability is high that they themselves will end up with a criminal record. This is despite the finding that criminal parents tend to be highly critical of their child's involvement in crime. Family

size is also important, with more children being equated with a higher risk of delinquency. This may well be linked to the thinner distribution of emotional, social and financial resources. There is ample evidence to demonstrate links between childhood poverty and risk of criminal conviction. Low family income and poor housing tend to characterise those with a higher risk of delinquency. Boys are at a higher risk of conviction while unemployed than when employed. This suggests a number of early prevention-based interventions.

Equally important as understanding the development of 'criminal careers' is the need to understand desistance from crime. One advantage of a developmental perspective is that it lends itself to the notion that, at different stages of life, different things may predict desistance. Marriage and stable employment are two factors that have been widely researched in terms of their predictive value. Others have argued that personal resolve and determination to stop committing crime are also important. Desistance, in one sense, may be likened to 'spontaneous recovery' in medicine. Generally, people who are unwell subsequently recover. For many illnesses, this would be the case without intervention, and a parallel can be drawn with crime. A majority of those committing crimes will eventually desist. The rate of crime by individual prisoners is largely age-dependent. This remains, though, an under-researched area with great potential and promise for the future.

INVESTIGATION AND PROSECUTION ISSUES

The contributions of psychology to the earlier stages of legal processes have continued to increase since the previous edition of this text. Work with survivors, victims and witnesses has developed significantly. More is now known about the characteristics of a diverse range of witnesses in criminal and civil law systems. Similarly, the contributions of psychology to the investigation of crime have developed significantly. Offender profiling generates considerable interest with significant development in the quality of research and practice. Historically, this area of forensic psychology was criticised as being more akin to the cold readings practised by magicians than a scientific effort to aid investigation (Towl and Crighton, 1996). The field has though moved on from this, adopting a scientist-practitioner approach, involving the study of a wider range of behaviours and crimes. This has moved profiling away from impressionist profiling of high-profile and highly publicised crimes. The greater stress on using psychology to improve the process of investigation has attracted a lower public profile but has undoubtedly been more productive and more ethical.

In terms of a range of criminal and civil justice processes played out in courts and tribunals, one crucial grouping is the jury, and this is covered in some detail. Jury decision-making has been increasingly researched, with work looking at how they make decisions as well as the specific heuristics and biases seen. Despite frequently expressed concerns, juries remain a prominent part of legal systems in democratic states, being seen as a significant check against state abuses. Even there, they have faced efforts to circumscribe their freedom of action. This commitment to juries remains, despite evidence that some jury members may struggle to understand particularly complex cases, especially in areas such as financial fraud. Such findings have

fuelled efforts to limit the role and use of juries. More contentiously, it has been argued that juries may struggle to follow the instructions of judges or may inappropriately disagree with legal instructions. Such resistance from juries often appears to be based on feelings of natural justice and differences in background and experience compared with those in judicial office. Lawyers may feel that juries fail to ignore evidence when instructed that it is legally inadmissible or that juries will transgress other legal rules. Progress in this area is limited by the secrecy that surrounds the jury room in some jurisdictions. There is, though, increasing research in this area, and a sense that work in this area has benefitted from an increasing openness within many legal systems.

PSYCHOLOGICAL ASSESSMENT

Power relationships are a fundamental aspect of forensic psychology. This is very much evident for psychological assessments. These involve some degree of coercion and may also take place in fundamentally coercive environments such as prisons and secure mental hospitals (Towl, 2005a). Psychologists often wield a great deal of influence in forensic contexts and certainly far more than is typically seen in other settings. This raises serious and entirely understandable concerns among service user groups, service users and groups supporting victims of crime (Leggatt, 2012; Siddique, 2018). This is a key ethical and legal issue in forensic practice. Psychological assessments are not immune to the heuristics and biases that characterise human thinking. It is, though, the core of good practice that assessment is a rigorously scientific approach, applied with appropriate ethical and legal standards. A range of theoretical models may be applied but each involves data collection, formulation and judgements about the issues being considered. It is not, however, enough to provide a scientific analysis in the forensic domain, where there are additional ethical and legal duties. The field is replete with examples of debates about the accuracy of some psychological assessment methods. Legal and ethical considerations are, though, perhaps less commonly considered with the same level of commitment. This perhaps reflects on the contrasting approaches, conceptual systems and tensions between legal and scientific methods. Within legal systems, concepts such as 'justice', 'mercy' and 'proportionality' are often central. Forensic psychology as a profession has at times performed poorly in bridging these differences. One particularly important aspect of assessment is the ability to capture the work within a report, in ways that answer legal questions without damaging the scientific approach. This should be a core skill within forensic psychology, with reports that draw on clear theory and evidence in a manner that respects ethical standards and legal requirements. Recommendations need to be explicitly linked to data and evidence, in addition to being accurate and just. Where psychologists do not know or the evidence is unclear, they have a duty of candour about this. Likewise, where experimental interventions or treatments are suggested, there is a fundamental obligation to be frank and open about this. This is a basic discipline that is not always observed.

One area of psychological assessments, which are particularly common in forensic practice, is in the domain of risk assessments. Again, issues of the accuracy and justice of such assessments come into sharp focus (Towl and Crighton, 1996, 1997; Towl,

2005b). There has been aggressive marketing for some risk assessment 'tools' in recent years, and some hubristic claims were made. There are some significant professional and financial gains to be made for psychologists in dominating particular areas of risk assessment, including the provision of training and related consultancy work. In assessing the utility of particular structured risk assessments though, it is worth reflecting on the quality of the evidence supporting their use and where the benefits from use lie. Both are of clear importance. It is notable that in contrast to other areas of forensic psychology, there have been few 'public domain' risk assessments developed and widely adopted. This reliance on 'for profit' assessments has clear potential to result in conflicts of interest.

CRITICAL PSYCHOLOGY

Although some psychologists remain critical or circumspect about the scientific credentials of diagnostic categories, such approaches continue to be routinely used by many psychologists. Indeed, the use of categorical approaches has recently seen a resurgence within forensic settings. A number of contributors to this edition directly challenge the foundations and utility of diagnostic categories and their explanatory value. The hypothesised links between offending and some diagnostic categories are similarly contentious; a number of contributors have considered this.

One significant area of practice for forensic psychologists is in giving an opinion on fitness to stand trial and enter a plea on behalf of the court. The extent to which the accused party understands the nature of the crime and court process needs to be assessed. Their capacity to tell their legal representatives what they want also needs careful assessment. There needs to be an understanding of the issue of responsibility in criminal law. The level of understanding of the 'wrongness' of the relevant criminal acts by the defendant may also be a consideration for the courts. Relevant psychological assessments and evidence can lead to various defences linked to diminished responsibility.

Those with intellectual disabilities may have communication needs different from those of the general population. Effective communication is crucial to psychological assessments. But arguably, this need is amplified when working with those with intellectual disabilities, whether undertaking assessments or interventions. Arguably, this is an aspect of working with offenders that needs more visibility. Such challenges sometimes remain hidden from everyday discourses about offenders.

One increasingly highly visible area of study, policy and practice is in relation to work with those categorised as having 'personality disorders'. Historically, there has been a discussion and debate about whether or not those with personality disorders are simply at the more extreme ends of some key identified dimensions of personality or if they are qualitatively different. In this edition, the coverage of this topic has been further expanded to reflect the recent developments. This is an area where both fundamental questions about the putative nature (or existence) of personality disorders may be addressed and also practical clinical questions such as the potential for trauma-informed effective interventions.

In recent years, there has been increasing investment by governments around the world into assessment and intervention work with the subgroup of criminal

offenders categorised as having ‘personality disorders’. This is one of those comparatively few areas of research and practice which has been generously funded by the public. An example of this was the fundamentally flawed Dangerous Severe Personality Disorder initiative in England and Wales. This involved the provision of units in prisons and high-security hospitals that had to be quickly closed or redesigned to focus on a broader range of needs in view of their lack of success. There has also been a significant investment of public money in research in this area with limited contributions in terms of helpful policy or clinical findings.

SUBSTANCE USE

Drug and alcohol misuse has become an increasing problem in both public health and criminal justice terms. Problem substance use is common in individuals committing crimes or engaging in anti-social behaviours. The so-called ‘war on drugs’ has often led to increased crime to fund drug dependency. Those who are dependent on illicit drugs often have more chance of receiving treatment in prisons and secure mental hospitals than in the community. A theme within this text is that it is, perhaps, time to address substance use as fundamentally a public health rather than a criminal justice issue. Historically, this is an area where there has been comparatively little involvement from practitioner psychologists working in correctional settings.

EARLY INTERVENTION

As a general rule, it seems overwhelmingly that earlier interventions are potentially more effective. The developmentally orientated chapters in this text suggest that those who go on to commit serious offences as adults can often be identified early in life. Children and young people who are violent and engage in sexually harmful behaviours particularly warrant our attention. The case for early intervention and support with these children and young people seems unanswerable. This is especially important given the known links between those who have been abused themselves and those who go on to commit acts of abuse. A great deal of sexually abusive behaviour may go on within families. For example, teenage children may be trusted to care for younger siblings who then are subjected to sibling abuse. Often, developmental trajectories may manifest themselves into adulthood, for both abuser and abused.

The sex offender assessment and treatment industry boom appear to have had some serious setbacks since the last edition of this textbook in 2015. Again, this is an area where a great deal of public money has been spent internationally, largely focused on treatment in prisons and secure mental hospitals. Despite this investment, the evidence of treatment effects in the reduction of risk of reconvictions for a sexual offence has been very disappointing. There is some evidence that convicted sex offenders in custody show clinical improvements on various self-report methods. Recent evidence on the impact on risk for custody-based sex offender treatment

has though been devastating, with these psychological treatments leading to increases in the risk of reoffending (Marques et al., 2005; Mews, DiBella, and Purver, 2017). The emerging evidence on community-based interventions has been more encouraging; although, even here, claims of demonstrated effectiveness currently lack validity (Towl and Crighton, 2016). There is a clear case for continuing experimental efforts to address sexual offending. However, the use of such treatments outside of the context of controlled experimental trials now, more than ever, appears ethically indefensible (Dennis et al., 2012). Researchers in this field have seemed sometimes reluctant to consider such a potentially unpalatable hypothesis that treatment may be harmful, leading to a defensiveness that goes beyond the data. Indeed, there is sometimes a sense of desperation and exasperation at the inability of demonstrating improvements on disappointing results. Despite such empirical problems, this has not halted some continued expansion, underpinned by public funding and political imperatives. The industry has also been supported by legislation, with an increased number and range of behaviours being deemed 'sexual offences'. There are also much higher levels of bureaucratic scrutiny that have been implemented. Yet, the disarming truth is that, overwhelmingly, most men who rape will not be brought to trial, and if they are, they will have a comparatively strong chance of not being convicted and sent to prison. The same is highly likely to be true with child sexual abuse and other forms of sexual offending. In the unlikely event that a victim of a sexual crime reports it, the chances of a conviction being secured are very slim indeed.

One fundamental caveat to strident assertions about what we 'know about sex offenders' is that much of what is known draws on convicted sex offender populations. This is clearly the tip of an iceberg. It would also seem highly unlikely that they would be representative of sex offenders as a whole, given the very small sampling involved relative to prevalence and incidence rates. Some sex offenders may be more difficult to detect, let alone convict. Many will enjoy a very high degree of protection. In some occupations, there are increased opportunities to sexually offend as a result of high levels of trust or access or both. 'Trusted' professionals are more likely to be protected from detection, prosecution and conviction. Professionals have typically been fiercely protective of their members and resistant to whistle-blowing about colleagues' sexual behaviour. Previously, victims of abuse have had little voice, but such abuses have increasingly come out into the open. There is no convincing reason to believe that those so motivated will not be distributed across a number of walks of life, and some may seek to get themselves into positions where opportunities to abuse abound (Jay, Evans, Frank, and Sharpling, 2019).

Another problem in the market-based model of sex offender assessment and treatment has been the undue standardisation and 'manualisation' of the interventions. It appears implicit in some of the professional literature that we know current interventions work and that there are significant commonalities within and across particular offence types. This is, of course, highly questionable.

Sex offenders in prison have an inflated risk of suicide. This is a fact that can easily be forgotten in our everyday clinical practice. There is a compelling case for ensuring that prisoners have access to support early in their time in a given prison. There are some subgroups that fall out of this general pattern. For example, although life-sentenced prisoners have an inflated risk of suicide, they may, on average, die by suicide later in their sentence, possibly linked to particular milestone decisions about

their progress (or lack of it) towards parole. Forensic psychologists have tended to become less involved in this important area of practice, with a shift of resources towards manualised interventions to reduce reoffending. A number of contributors have addressed this area, viewing recent developments as unfortunate, arguing that psychologists have contributed much in this important area of public health (McHugh and Snow, 2000; Towl and Crighton, 2017; Walker and Towl, 2016). There are a number of 'suicide myths' in this field, for example that young people or those held on remand are at a greater risk of suicide than others; the data would suggest otherwise. Yet, such myths still abound, and, as late as 2014, the Prison and Probation Ombudsman recommended that 'remand status' be considered a 'risk factor' for suicide in prison. Such an assertion appears to be based on an ill-informed reading of the evidence, and, if implemented, may result in misinforming risk assessment processes. Also, interestingly, black prisoners are at a lower risk of suicide; this was first noted in the United Kingdom in the late 1990s (Towl and Crighton, 1998). The precise and sometimes complex links between suicide and self-injury remain unclear. But both remain as significant problems in prisons and healthcare settings. Staff attitudes towards the suicidal can sometimes be considerably less than helpful (Towl and Crighton, 2017).

JUSTICE RESTORED

Since the previous edition of this text, forensic psychology has grown dramatically. This growth has been seen across the intersections between law and psychology and reflects the growing contribution of scientific approaches to the law in democratic societies. This broad and growing knowledge base is reflected in the range of contributors to this volume and the many new areas of research and practice. This knowledge base is likely to be further developed going forward, with more explicit links with the experimental psychology base. This represents a turning point for forensic psychology with a reduced emphasis on narrow areas of practice. Much of what is most effective, useful and just in policy and practice terms is likely to survive and thrive, while those approaches that fail these tests will hopefully disappear. The outlook for forensic psychology has never looked more promising than now.

We remain grateful for the comments we have received on the previous editions of *Forensic Psychology*, and very much hope that readers will agree that the publishing of this edition is timely in view of the challenges of the day.

NOTE

- 1 The term *correctional* is used here to refer to prisons, secure mental hospitals, young offender institutions, secure schools and similar settings where individuals are legally imprisoned. It does not include community-based services such as community forensic mental health and probation services.

FURTHER READING

Health and Care Professions Council (2016). *Standards of conduct, performance and ethics*. London: Author. Available online at <https://www.hcpc-uk.org/standards/standards-of-conduct-performance-and-ethics/>

Health and Care Professions Council (2015). *The standards of proficiency for practitioner psychologists*. London: Author. Available online at <https://www.hcpc-uk.org/standards/standards-of-proficiency/practitioner-psychologists/>

These two documents are written from a UK perspective but provide an outline of professional conduct and standards in practice that are widely relevant.

Summers, J. (2009). Principles of healthcare ethics. In E.E. Morrison (ed.), *Health care ethics: Critical issues for the 21st century*. 2nd edition. Sudbury, MA: Jones and Bartlett Publishers.

This text provides detailed coverage of the ethical issues in healthcare that are emerging in the twenty-first century. Pages 41–58 of the text provide a helpful and clear introduction to some of the key ethical principles that are involved.

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