

Chapter 1

Discovering the Truth about Forensic Psychology

In This Chapter

- ▶ Figuring out what forensic psychology is and isn't
 - ▶ Seeing where forensic psychology happens
 - ▶ Understanding how forensic psychologists know what they know
 - ▶ Finding out who forensic psychologists work with
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If you think that you know what forensic psychology is, this chapter may well have a few surprises in store. The abundance of police movies, TV series and crime novels give you a great picture of what forensic psychologists do – sometimes wrongly. Yes, police movies and TV series are truly criminal in content, but often only in terms of their inaccuracies and simplifications! Forensic psychology is an ambitious and diverse discipline and in this chapter I take a look at some specifics of the profession to sort out the reality from the fiction.



Whatever activity a forensic psychologist is involved in, he's arriving at logical conclusions using systematic, scientific procedures. The forensic psychologist's work is founded as much as possible on objective research, which isn't always easy to do for reasons I discuss in this chapter.

Grasping What Forensic Psychology Is Not

You know the typical crime movie plot, which goes something along the following lines: the detectives in the film are stumped (you'd have no plot if they found the criminal sitting crying at the crime scene). The serial killer has

killed again (why are most killers in films serial killers?) and the pressure is on to find him (or more rarely, her). Enter the forensic psychologist, usually grudgingly, just when he's having enough problems, with drink, his girlfriend, or both. He visits the crime scene and magically knows what the murderer was thinking, why he killed, and how the police can catch him. But the killer refuses to talk, and so the heroic forensic psychologist settles down for an intellectual battle of wits leading to the criminal revealing all. (Along the way of course the forensic psychologist loses custody of his darling daughter, his girlfriend walks out on him again, and he returns to the bottle.)

I'm no scriptwriter, but I'm sure the scene is familiar to you. Well, as this book and this chapter shows, the typical crime storyline has more to do with Conan Doyle's fictional detective Sherlock Holmes, and all the well-known fictional sleuths following in his footsteps, than with the work of the present-day forensic psychologist.

Often, the best way of understanding the details of a professional activity is to clear the area around the profession and so establish what it's not. This approach is particularly important for forensic psychology, which shares friendly, neighbourly relationships with many other areas and professions. You'd certainly be forgiven for thinking, for example, that forensic psychology is the same as criminology.



Journalists mistakenly often refer to me as a criminologist, even though I'm no expert on changes in the pattern of crime over the centuries or between different countries, and I know little about the effects of different forms of punishment on the prevalence of crimes or the effectiveness of different crime prevention strategies.

I know only a little about crime as a general area, but have spent my entire career as a forensic psychologist taking a lot of interest in criminals. And yet, as a forensic psychologist, I may criticise general considerations of how to cut crime or treat offenders, but journalists generally have little understanding about what I know about how criminals act and think.



Forensic psychologists don't:

- ✓ Study broad trends in criminality.
- ✓ Examine how the legal system works.
- ✓ Solve crimes.

Finding out that forensic psychology isn't forensics

Forensic psychology isn't *forensics*, which is the application of science in legal investigations, such as the chemistry of poisons, the physics of bullets, determining the time of death or how a person was killed. In other words, all the aspects of the Crime Scene Investigation featuring in so many TV crime series.

The examination of the scene of a crime and the exploration of the forensic evidence that can be drawn from the crime is sometimes useful to a forensic psychologist, for example in challenging an offender's claim in therapy.



Although in some crime fiction the forensic scientist may offer up opinions about the mental state of the offender or similar speculations to keep the storyline moving, this activity is quite different to forensic psychology.

Distinguishing forensic psychology from psychiatry

Psychologists aren't *psychiatrists* – doctors treating mental illness and related matters, which some legal systems call 'diseases of the mind'. Psychiatrists are allowed to prescribe drugs and other forms of medical treatment and specialise in working with people who have problems in relating or their ability to deal effectively with others and the world around them.

To help their patients, psychiatrists may use talking therapies as well as medical interventions. Treatment can include the type of intensive psychotherapy initiated by Sigmund Freud, called *psychoanalysis*. When they're not prescribing pills, electric shock therapy, or brain surgery and are treating their mentally ill patients by non-invasive means, psychiatrists are drawing on psychological research.



Although some overlap exists between forensic psychology and forensic psychiatry, most of the topics in this book – such as testimony, measuring aspects of personality and mental state, giving guidance on court procedures, and many aspects of the psychological treatment of offenders – are carried out by forensic psychologists. When psychiatrists are involved in assessment and treatment, I believe that they're practising forensic psychology. They may not agree, however.

Recognising What Forensic Psychology Is

Psychologists start out studying general psychology, focusing on such things as memory, learning, personality, and social interaction. Psychology students examine which bits of the brain light up when different activities are engaged in and the biological and genetic basis of human experience. Therefore they do study some of the areas that medical students explore, but in far less detail.

After finishing general undergraduate training, psychologists can specialise in a number of different areas of psychology, including occupational, educational, health, or even environmental psychology. Psychologists do further training, if they want to get a professional post in one of these areas. (In Chapter 18, I list the stages in becoming a professional forensic psychologist.)

Psychologists working at providing assessment and therapy with mentally ill people are called *clinical psychologists*, and their activities overlap with those of psychiatrists. In times past there was quite a turf war going on between clinical psychologists and psychiatrists, but in recent years both professions have come to respect each other and recognise the value of working together.

Some psychiatrists specialise even further and work mainly with patients brought to them through the legal system. They're known as *forensic psychiatrists*. The medical profession is held in such high regard by the courts that at one time only psychiatrists were allowed to give evidence on the mental state of defendants. That has changed over the last decade or two and now psychologists often provide expert evidence in court.

The term *forensic* originally meant 'of service to the court' but its meaning has broadened out to cover anything connected to crime, criminals and the court of law. *Psychologists* focus on how people think, feel and act. However, a forensic psychologist may explore many different aspects of a crime, and the easiest way to approach his role is by thinking of crime as a process. This process is described in this section.

Step 1: Crime starts with a criminal

A crime occurs or is created by the criminal. The crime may involve the victim suffering direct personal violence or indirectly, as in a burglary of their home when they aren't present (the experience isn't indirect, I just mean that no direct personal confrontation is involved). A number of psychological issues are relevant at this stage, notably the characteristics of the criminal

and how they see or create the opportunities for crime. The consequences for victims of crime (an increasingly important area of forensic psychology) are important too, although often forgotten about in crime fiction and sometimes in real life. (Flip to Chapter 7 for more about helping victims.)

As a forensic psychologist, I'm interested in the implications of different kinds and styles of crime. Do some crimes require more intelligence or are some likely to be a product of anger or lack of self-control? The recurring debate about whether criminals are born or made (often called the 'nature versus nurture' controversy) is central to these considerations. You can find out more about 'nature or nurture' in Chapter 2.

Where the term forensic psychology comes from

A little Latin is a useful thing. The word *forensic* comes from the Latin *forens*, meaning the Forum, which was the meeting place for sorting out your differences in ancient Rome. The Forum is the origin of the modern court. Now anything that provides help or a service to a court of law is known as *forensic*. That's why you have forensic scientists, forensic pathologists, and even forensic archaeologists. They draw on their own experience and knowledge to give evidence in court that helps the judge and jury make decisions. Originally, only psychologists who gave expert evidence in court were called forensic psychologists, but nowadays any psychologist who helps with anything to do with legal procedures, policing or offenders may be called a forensic psychologist, even if they never set foot in a court of law.

The term *forensic* has become so widespread that it's now attached to any psychologist who has anything to do with crime, criminals or their victims in a way that's relevant to detection, trials, treatment or imprisonment, or the impact of crime. Now the term *forensic* has gone as far as including those psychologists who help in selecting people to become police officers

although their work doesn't involve anything at all to do with legal proceedings. *Forensic* now includes the crime psychologist (I prefer that to 'criminal psychologist' because that sounds as if a dodgy psychologist is being mentioned!), police psychologist, investigative psychologist, and prison psychologist – all terms that overlap with forensic psychologist. To add to this confusion the label takes on different meanings in different countries because different legal systems allow different sorts of expert intervention. I explain some of these differences where they're especially relevant in the book.

So forensic psychology is like many terms in common use – difficult to define precisely but you recognise it when you see it.

Don't get too het up about defining the term forensic psychology and instead look at what forensic psychologists do and where they do it. Some experts may think that I cast the net too wide in this book and others may think that I leave out important areas. But I'm sure they all agree that forensic psychology is a fascinating and vibrant part of modern psychology.

Step 2: Reporting of the crime

Most reports consist of a person giving a verbal account of the crime and, if an investigation follows, the crime scene is examined (the job of trained crime scene investigators). A victim or witness in a police interview gives an account of the crime with the interviewer attempting to get the interviewee to remember as clearly as possible what happened. (I discuss witnesses and interviews in more detail in Chapter 4.) Psychologists have been studying memory for well over 150 years and nowadays a lot is known about how the memory works, which is relevant to improving police interviews.

When a suspect is interviewed (and some witnesses), issues of lying and other forms of deception may come into play. (I describe these issues in further detail in Chapter 6.) The possibility of detecting lying and deception is likely to be a great help, and plenty of psychologists have had a go at this tricky problem. Establishing if you're being told the truth is especially important where a person may be making a false allegation that a crime occurred, or in the unexpected, but not uncommon, false admission to a crime.

Step 3: Investigation gets underway

A few forensic psychologists may help with many aspects of police procedures, most famously by 'offender profiling'. I put this term in inverted commas because, as I discuss in Chapter 5, the technique isn't what sensational fiction suggests. Sure, from time to time a person crops up on TV or in the newspapers putting himself forward as a profiler, suggesting he's a modern Sherlock Holmes. But if profilers are doing the job properly, they aren't basing their proposals on instinct and intuition, or even the brilliant insights that made Holmes so admired, but using established scientific procedures.

Profiling procedures are still in their infancy and their predictions only weakly successful. Profiling is best understood as a small part of the much broader growth in the psychological study of criminals, their victims and various aspects of the legal process. These studies are trying to find out what it's about an individual that leads him to offend (or at least to offend more seriously than the average citizen). Forensic psychologists look at what goes on in interviews during investigations in order to improve the information the investigators have to work with.



A lot of forensic psychology is concerned with helping people who've become criminals to find a way out of their life of crime or at least to cope with their imprisonment in a way that's less personally destructive.

Some developments over the last decade that draw on geographical analysis as well as behavioural analysis show the huge gap between the brilliant but flawed profiler and the neutral scientific process. The question of how investigators make decisions is also a fascinating psychological one, but still rarely studied.

Step 4: An offender is apprehended

The forensic psychologist gets down to work at this stage. He or she assesses the individual's ability to understand the legal process, or whether any aspects of his (see this book's Introduction for why I use the male pronoun throughout) mental state mean that he was unable to be aware of the nature or consequence of his actions. Assessments help the court to decide if the person is fit to stand trial and whether aspects of his mental capacity need to be taken into account during the trial. An assessment can also influence what the court decides is to happen to the defendant if he's convicted.

Step 5: Conviction for a crime

If a person is convicted, he may undergo a variety of punishments or indeed 'treatments'. Psychologists may be active in helping him through those punishments and in providing various forms of assistance. Most commonly, help is given if the person has some obvious psychological problems. Alcoholism is a typical example of the problem a person may be struggling with that leads him into crime. Violence between people who are intimates, often called 'domestic violence', is another area where an offender can be helped to deal with his personality and interpersonal issues. Sexual offending (which I discuss in Chapter 15) is a further activity that may grow out of the offender misunderstanding the impact or significance of his actions, and which psychotherapeutic interventions can help.

Treatment and other interventions with offenders is one of the fastest growing areas of forensic psychology. I talk about treatment and interventions for offenders in Part V.

Step 6: After the trial

Psychological assessments of criminals go on long after the trial is over, in prisons and in other places dealing with offenders. These assessments are the bread and butter of the day-to-day work of the majority of forensic

psychologists. Assessments are made up of a variety of different, standard procedures that have been developed over the years to measure aspects of an offender's personality, intellect, experience, attitudes and actions. Go to Chapter 9 to find out how these measuring procedures are developed.

A particularly interesting aspect of assessment is the consideration of individuals who have no obvious mental illness or other intellectual problems, but who clearly have difficulty in relating effectively to others. At the extreme such people may be called 'evil' and they pose a challenge to psychological assessment. Various approaches to this issue have been explored but the dominant one is to think of the person as having a *personality disorder*, the main example being *psychopathy*. I cover these issues a little more in Chapter 2 and give over the whole of Chapter 10 to personality disorders.

Considering the court process raises many intriguing psychological and social psychological questions, but answering them is difficult and greatly influenced by the differences between different legal systems. For example, many courts throughout the world don't have juries: legally trained professionals, magistrates or judges make all the decisions. Where juries do exist, important differences arise in how psychological issues are dealt with and, crucially from the point of doing research, how possible it is or isn't to examine how the court operates.

Not all legal activity concerns criminal acts

In my overview of the areas of activity of forensic psychology, I talk about 'crime' and 'offending'. But that isn't the only legal process in which psychology is relevant.

Courts consider a host of other events, usually referred to as *civil proceedings* and in which no-one is charged with a crime but there's a disagreement that requires a court of some sort to decide upon. One example is a coroner's court in which the cause of death is to be determined. Family courts in which custody of children may be the central issue are places where you often find psychologists assessing the parents or the children, their relationships or other related matters.

I think of some proceedings as *quasi-legal*. They're rather like courts of law but don't carry

the same weight or formality. Examples include employment tribunals, where a person is perhaps claiming wrongful dismissal, reviews of a person's disability in relation to an accident claim, or a claim for disability benefits from the state. As well as possible medical aspects, these examples may also feature significant psychological issues.

I also use the terms 'police' or 'investigation' in a rather loose way. Many of the people carrying out investigations aren't police officers, but may be insurance or arson investigators, customs and excise, tax collectors or other government agencies involved in aspects of law enforcement. All these areas are increasingly drawing on forensic psychology.



In the US, issues around proceedings are more open. The delightful film, based on the John Grisham novel *The Runaway Jury* pushes to the extreme the ways in which some knowledge of individual personality processes and social dynamics can influence juries. The attorney used this advice in the film to try and choose a jury that would give him the verdict he wanted and then to manipulate the way he presented arguments to them so they would take his side. I won't tell you how it all pans out in case you want to watch the film or read the book, but you can be sure it was not as you might expect.

Plenty of professional psychologists in the US, while not going as far as the characters in the film, do endeavour to help attorneys in selecting who should be eliminated from a jury and how to present the case to take account of how and what a jury understands of a case.

Reviewing the origins of forensic psychology

Although professional forensic psychologists have only been operating in any numbers over the past 25 years, activity that can be recognised as forensic psychology is as old as modern psychology, going back to the latter half of the nineteenth century. Indeed, just about any development in scientific psychology quickly finds an application in some aspect of the legal process. Many well-known psychological studies started in the university and found their way into court as evidence. (I describe some of these landmark cases in Chapter 20.) Also, clinical practitioners working directly with patients have also contributed to developments in forensic psychology. In this section, I review these two parallel disciplines of psychology.

The academic strand

All the applications of psychology to crime and law that I discuss in this section have their origins in the research laboratories of universities. New procedures have come from the products of careful study independently of the cut and thrust of legal debate or the challenges of a particular case. Later on, these procedures were applied directly to actual cases as illustrated in the nearby sidebar 'Defending a mayor from a charge of obscene behaviour'.

The law deals with all aspects of people in all the situations they find themselves. No surprise, therefore, that every major area of psychology and every significant psychologist has found relevance in some consideration of crime, criminality, investigation and prosecution. As a result, the links of psychology to the law are most notable in those countries where psychologists have been most numerous and active. Sigmund Freud, for example, told judges in Vienna in 1906 that they needed to be aware of how witnesses can inadvertently distort information because of unconscious processes.



Defending a mayor from a charge of obscene behaviour

Professor Lionel Haward (1920–98) is the father of forensic psychology in the UK and gave evidence in many cases, often using procedures derived from experimental psychology as the basis for his evidence.

One particularly interesting (not to say amusing) case was when Haward acted for the defence of a local mayor who was accused of indecent exposure in a public toilet. This charge resulted from two police officers following up complaints of indecent activities by hiding themselves in a cubicle in the public conveniences, peering through a grill in the door.

The defendant claimed that he'd been wearing a pink scarf at the time and that the enthusiastic police officers, keen to make an arrest, were so primed to expect indecency that they misinterpreted this innocent apparel for a part of his anatomy!

Haward set up an experiment in which naïve subjects were shown photographs under limited lighting conditions of the mayor wearing his scarf. The subjects were given the expectation that something untoward was illustrated in the pictures and asked to indicate when they saw it and what it was.

Haward found that one picture in every eight was believed to represent an indecent act. Haward offered these results together with an explanation of the psychological processes involved and citation of other studies illustrating the power of expectancies on the interpretation of ambiguous images. The attorney used this report as the basis for invalidating the police evidence. The mayor was acquitted.

As early as 1908, Harvard Professor of Psychology Hugo Münsterberg published a book with the modern sounding title *On the Witness Stand*, in which he described the various ways in which the discoveries of the newly emerging discipline of psychology were of relevance to expert evidence in court. Many of the topics discussed are still relevant today, such as the fallibility of witnesses' memories, false confessions and how the court process itself can influence what people admit to. (Check out Chapter 4 for much more on memory and witnesses.) In Germany in 1909, where psychological research was also very active, Clara and William Stern published a book that considered children's ability to remember and give effective testimony as well as examination of the various psychological processes that may give rise to false testimonies.

A recurring interest in the psychology of lying and deception and the possibility that physiological changes in the person can reveal such deception was an early application of laboratory-derived ideas to forensic considerations. In 1915, William Marston, a student of Münsterberg, introduced the first 'lie detector' that measured a person's blood pressure when answering questions about a past event. Within a few years similar procedures were being used successfully in criminal investigations. This laid the groundwork for many procedures that are in use today. I talk much more about deception in Chapter 6.

Following on from the work of the early pioneers in psychological research, an increasing number of psychological studies of relevance to the law were carried out. Examining psychological issues relating to testimony and deception have become the cornerstone of this work. But broader issues such as beliefs about rape, or social psychological aspects of jury decision-making, have now taken this far beyond those explorations a century ago.

The clinical strand

Alongside the academic explorations of human behaviour and experience that I describe in the preceding section, people working directly with patients in a clinical context have, from early in the 20th century, contributed to various aspects of legal proceedings.

Lionel Haward was a clinical psychologist carrying out therapy with patients. Some of his patients came to him through the courts, for assessment or treatment, and out of that contact he was called on to give expert evidence. He drew on psychological procedures as illustrated in the sidebar 'Defending a mayor from a charge of obscene behaviour', but as with most clinical psychologists his main contribution to court procedure was from the point of view of a clinician offering an informed, objective opinion about a patient.

Giving testimony

One of the founders of modern, scientific psychology was J. McKeen Cattell, working at Columbia University in the 1890s. He was very interested in how people remember and how

accurately they could recall what had happened. He thus set in motion the study of the psychology of testimony that has grown ever since and thrives today.



The assessment of an individual for the courts is usually traced back to a famous case in 1843 when Daniel McNaughton shot Edward Drummond. Apparently McNaughton thought he was shooting Sir Robert Peel, who was the leader of the Tory party at the time. McNaughton said that the reason for the shooting was that:

The Tories in my native city have compelled me to do this. They follow and persecute me wherever I go, and have entirely destroyed my peace of mind.

This claim was taken to mean that McNaughton was mentally disturbed, causing a furore in the British legal system at the time.



To understand this case, I need to introduce a couple of legal Latin terms.

For a person to be convicted in most places in the world, certain conditions need to be satisfied:

- ✓ **Actus reus** – meaning that the act did actually occur (or some crime was committed because an action did not occur).
- ✓ **Mens rea** – meaning that the individual knew what he was doing, knew that it was wrong and did it intentionally.

In their wisdom, lawyers think of mental disturbances as (simplistically) implying that the person isn't guilty if his mind isn't guilty. (They have a neat Latin phrase for this, but I think you've had enough Latin for now!) When lawyers start talking about the mind, though, they open the door to psychologists and psychiatrists, who are more than ready to comment on other people's minds and how in contact with reality they are.

Now, back to the McNaughton case. At the time, convicting someone who didn't appreciate the significance of his own actions, or whose actions weren't under his rational voluntary control, was considered uncivilised. The confusion in the existing law that required only the second condition of *mens rea* to be met, but didn't detail how that can relate to mental disturbance, led to a clarification of the law in what became called the McNaughton Rules. The rules recognised that a 'disease of the mind' can exist in which the person couldn't have voluntary and conscious control over his actions or be really aware of their significance. Therefore, on the basis of *mens rea*, McNaughton was found not guilty of murder.

The idea that the mind (rather than the brain) is an organ that can be diseased, like the liver or heart, shows how subtle (or possibly ignorant!) lawyers can be. Plenty of illnesses of the brain don't affect a person's ability to voluntarily and consciously commit a crime. Similarly, many disturbed mental states can't be linked directly to brain disease. So a seemingly straightforward legal requirement opened the doors to professionals who

worked with mentally ill patients to give guidance to the court on whether the defendant was in a psychologically sound state at the time of the crime to be legally responsible for his actions. This situation is still a central issue on which psychologists and psychiatrists give guidance to the court.



Another case, this time from the US, helps to illustrate this situation of clinical psychology helping the legal system. When Christopher Simmons was a few months shy of his 18th birthday, he carefully planned and carried out the murder of Shirley Crook. Simmons was given a death sentence when convicted. However, the American Psychological Association supported his appeal against the death sentence by reviewing studies of teenagers. They stated that juveniles under the age of 18 didn't have the mental ability to take full moral responsibility for their actions, and therefore couldn't be regarded as having *mens rea*. The US Supreme Court accepted this advice and overturned the death penalty. (Turn to Chapter 16 for more on crime and juveniles.)

The consideration of the mental state of the defendant has produced many other issues on which the court welcomes guidance, including:

- ✓ Deciding whether, due to intellectual ability or mental state, the defendant can understand the court procedures well enough to be fit to plead.
- ✓ Determining the ability of children to be witnesses and the most effective procedures for involving them in court cases (see Chapter 4).
- ✓ Predicting the likely risk that an offender may pose in the future and hence implications for his sentencing.
- ✓ Deciding whether an offender's mental condition is likely to be responsive to treatment.
- ✓ Helping with the support and assistance to victims (I look at this in Chapter 7).

Examining the Building Blocks of Forensic Psychology

Academic and clinical approaches to psychology may differ. For example, academics research more general aspects of human psychology, such as perception, personality or memory while clinicians are concerned with examining the thoughts, feelings and actions of their patient in the clinic. However, for the forensic psychologist, the academic and clinical strands have never been totally distinct. Nowadays the two strands overlap in many different

ways. This raises the interesting question of how forensic psychologists know what they know.

The chief difference between the layman and the professional is that the professional can draw on the body of objective knowledge and findings that come from established scientific procedures. Therefore in this section, I look at the basis on which forensic psychologists form an opinion. Having some knowledge of how this process works, helps to give you a clearer picture of the nature of forensic psychology.

Experimenting

Imagine that you want to show that a particular procedure such as detecting lying really works. The most reliable way of doing this is by using the long-established scientific procedure of the carefully controlled experiment. This experiment needs to demonstrate that the procedure detects when people are lying better than the chance probability of, say, throwing a dice, and also that the scientific procedure can detect the truth better than chance.

The challenge in setting up these types of experiments is that ethical limits often exist on what the subjects in an experiment can be asked to do. For example, you can't ask people to commit a real crime, mix them in with others who didn't and then see if you can spot the liars. You have to set up some sort of artificial situation, which means that, no matter how realistic you make it, the same emotional pressures don't exist as, for example, in a real murder case where the murderer is desperately trying to avoid being found out.

Other difficulties come from getting a reliable comparison between the conditions that are of interest and some neutral comparable circumstances. An important example is in experiments that are trying to improve interview procedures. What do you compare any new interview procedure with? How do you measure the differences between new and comparison procedures? As in the example of lying, interviewing people about a serious event you know is fictitious can be fruitless, but if you interview people about actual events there may be something special about those events and how they're remembered that means they aren't typical of other situations. Does it make any difference whether you're interviewing people who have experienced a burglary in contrast to a violent assault?

These questions show how complicated setting up carefully controlled experiments in the area of forensic psychology can be.

Overall, many experiments are rather artificial. They use students pretending in various ways, or people are shown videos rather than experiencing actual events directly. Attempts to repeat the results in real situations aren't always successful.

Nonetheless, some of the basic issues, especially in the area of testimony have been opened up by using carefully controlled academic experiments.

Studying in the field

Studies carried out in real life situations are generally regarded as producing results that can be applied more readily to other real circumstances. The most common form of study is in evaluating the impact of a particular intervention, such as a treatment programme for alcoholics or a screening procedure for selecting prison staff. Ideally such studies also require careful comparisons, at least with what happened before the intervention, but preferably with other established procedures.

These studies can explore many related processes in large scale analyses such as, for example, when considering the impact on future criminality of different ways of dealing with criminals. The results from this specific research merge with more general areas of criminality. Psychologists expect to pay particular attention to making sure that like is compared with like and carrying out detailed analysis of who was being dealt with in each of the forms of treatment or punishment. Often the impact of any intervention with an offender depends more on the nature of the offender – his age or how deep he's in a criminal culture – rather than exactly what punishment or treatment he gets.

Assessing and measuring

The focus on individuals and understanding their particular psychology is such a central aspect of forensic psychology that a great deal of research and practice revolves around assessing the characteristics of individuals. In Part III I go through some of the processes that are used to develop assessment instruments. For now, you just need to know that this measuring is far from a casual activity.

When forensic psychologists decide that measuring an aspect of a person is useful, they take care to define the aspect precisely. It may be sexual fantasies, psychopathy, malingering, suggestibility, general levels of deviance or a

whole host of other crucial aspects that may be relevant to some area of how the judicial system deals with such people.

Having decided on what to examine, the psychologist then forms and tries out careful statements, possibly in a questionnaire to be answered, or guidance of what's to be observed in an interview or information gathered from records about the person. In some cases, the respondent may be asked to perform tests, or physiological measurements may be made of the person under certain conditions. An example is measuring if a man gets an erection when viewing different forms of sexually explicit pictures as a way of finding out his sexual preferences.

After the procedure is developed, it's tested in several ways with different samples of people so that the procedure can be effectively calibrated. Eventually, after a number of studies of the procedure in actual use, a court of law may accept it as providing a measure that can guide the court's deliberations or as the basis for determining treatment regimes or parole.

The two key aspects of reliability and validity are required before the measurement instrument can be trusted. Psychological assessment measurements can't be taken at face value and have to be demonstrated through research:

- ✓ **Reliability:** How consistently the procedure measures what it measures. For example, a measuring tape made out of elastic isn't reliable because it gives a different length for the same object every time it's used.
- ✓ **Validity:** How well the procedure measures what it claims to measure. A measure of sexual fantasies that was in fact assessing how much pornography a person watched can be misleading, although asking the person about what he liked watching may indicate sexual preferences.



Validity is more difficult to establish than reliability because validity requires a careful definition of what the measurement is supposed to be measuring.

There are lots of other aspects of psychological measurements that are important before they can be used with confidence, but two are enough for now. You can find out about other psychological measurements in Part III.

Studying individual cases

Many breakthroughs in medicine come from the study of an individual person. Working from a single case is much easier for doctors, because usually the

majority of human bodies are more or less physically the same: two arms, two eyes, the same sort of kidneys and liver (give or take a few beers!).

In contrast, an individual's psychological make-up is distinctly different from the next person's, and even if many similarities exist, everybody *thinks* that they're unique. For this reason, psychologists frown on a single study as a way of making discoveries and then applying the discovery to numberless people. However, single cases are very useful in illustrating results drawn from other scientific procedures, which is how I use case-studies throughout this book.

Getting theoretical

I don't want you to think that forensic psychology is all numbers and observation and prisoners filling in questionnaires. None of these ways of collecting information about people makes much sense unless accompanied by explanation and understanding of what the forensic psychologist is doing. In science such insights come from what is broadly known as 'theory'.



Psychological theories aren't idle speculations or impossible suggestions in the way that the word theory is often used in daily life. In the study of psychology, *theories* consist of carefully defined ideas that are related to each other in an argument, which is then tested by obtaining some information (usually called data) from actual situations.



So, when you ask whether criminals are born or created by their experiences, called the 'nature or nurture' question, you're really asking which of the two broad theories about the origins of crime is most plausible.

As I show throughout this book, when you start to define more clearly what key concepts mean and you look for the evidence, the theories usually become more subtle and more complicated. But that's what makes forensic psychology so fascinating.

Professional ethics

All of the activities that forensic psychologists are engaged in carry serious consequences, both legally and professionally. A person's life or freedom can hang on what the psychologist says. There are therefore many constraints and guidelines for what forensic psychologists do. I explore ten of these in Chapter 17.

Working with Others: People and Places That Forensic Psychologists Encounter

Forensic psychologists don't spend their time locked in prison cells chatting to serial killers. They find themselves interacting with a great range of people in various ways:

- ✔ **Patients:** Some people are assigned to forensic psychologists through the legal process and offered therapy or given help in other ways to cope with any psychological problems.
- ✔ **Clients:** People, without personal problems, buying into assistance from forensic psychologists on matters such as getting help with setting up selection procedures, say for prison officers or policemen who work on sexual assault cases, or giving advice on interviewing procedures that may be used in many different sorts of investigations.
- ✔ **Witnesses:** In some cases witnesses may need special help to cope with the legal process or even to remember more clearly what happened. Young children can pose special problems to the courts. Forensic psychologists may be brought in to help with these matters.
- ✔ **Other professionals:** Fellow professionals can turn to the forensic psychologist to assist in throwing light on the circumstances of a case or for help in understanding the actions of an individual. Assessing future risk is a particularly important service in this regard, as I describe in Chapter 10.

The following sections list some of the settings and groups of people where the forensic psychology makes an important contribution.

In the courts

Forensic psychologists carry out the following tasks, for example, in relation to criminal cases:

- ✔ Giving help in selecting jury members or giving lawyers guidance on how to present a case, especially in the US.
- ✔ Evaluating the competence of a defendant to stand trial.
- ✔ Providing risk and other assessments that can influence the sentencing of a convicted person.



- ✓ Assessing whether a convicted person is mentally sound enough to face the death penalty (in the US).
- ✓ They can act for the prosecution or the defence. I've done both, although not in the same trial of course.

In civil cases and in quasi-legal settings, including industrial and employment tribunals or internal reviews of employees, forensic psychologists carry out the following tasks, for instance:

- ✓ Evaluating child custody cases.
- ✓ Assessing whether child abuse occurred.
- ✓ Appraising competency of key individuals.
- ✓ Gauging psychological effects of trauma, personal injury, product liability, harassment and professional negligence.
- ✓ Reviewing judgements made about behavioural material, such as offensive communications.

Depending on the jurisdiction, forensic psychologists can also offer the same sort of help and expertise in criminal cases.

With victims

Forensic psychologists provide help to victims by:

- ✓ Educating and assisting those who are responsible for notifying relatives of a victim's death.
- ✓ Treating victims or witnesses of crime.
- ✓ Training people who supply services to victims.

In prisons, 'special hospitals' and correctional institutions

The sorts of tasks that forensic psychologists carry out in institutions include:

- ✓ Helping to select personnel for employment in the prisons.
- ✓ Providing support, especially in stress management, for those working in institutions.

- ✓ Evaluating programmes in use or proposed programmes for helping offenders from re-offending, such as the anger management and sexual awareness programmes I describe in Part V.
- ✓ Contributing to decisions about how prisoners are classified and suitable placements in appropriate institutions or on the different sorts of programmes I discuss in Chapters 13 to 16.

With the police

Forensic psychologists sometimes do the following in criminal investigations:

- ✓ Give guidance on the search for an unknown offender.
- ✓ Train and assist in interviews of victims, witnesses and suspects.
- ✓ Advise on dealing with mentally ill people.
- ✓ Offer guidance on handling domestic violence.

Forensic psychologists may also:

- ✓ Supply counselling services for police officers involved in shooting or other traumatic incidents.
- ✓ Give support in hostage negotiations.