In recent years there has been a growth in the availability and popularity of both undergraduate modules and taught postgraduate courses in the broad field of forensic psychology. Indeed the term ‘forensic’ has been increasingly juxtaposed with a range of areas of academic study e.g. analysis, anthropology, archaeology, computing, engineering, investigation, measurement, psychobiology, psychology and science (UCAS, 2008). This is also evident in much professional practice, both within the field of health (e.g. psychiatric nurses, psychiatrists, occupational therapists and social workers) and beyond (e.g. accountants and computing specialists).

The past decade has been one of boom in forensic psychological practice with record numbers of posts in health and criminal justice, although there has been somewhat of a flattening of the total numbers of psychological staff employed in prisons and probation services between 2005 and 2009. However, there has been a growth of staffing in the Higher Education sector to accommodate course growth. There has also been a concomitant expansion in the breadth and depth of academic work (see for example, Crighton & Towl, 2008; Towl et al., 2008). Regrettably, much recent work of forensic psychologists in prisons has been increasingly restricted to unduly narrow areas of practice and theoretical perspectives. In view of the above it seemed timely to draw together a forensic textbook intended chiefly, but by no means exclusively, for the above audiences. As with some of our previous works, we have been keen to reflect a range of ‘voices’ or perspectives in the textbook. Thus this is not, for example, simply an uncritical treatise on the demerits and merits of cognitive-behavioural-based approaches to working with criminals. That is a very well trodden path, with some clear ethical and empirical limitations. That said, we do cover some of this territory in a spirit of inclusivity, as opposed to the exclusivity which appears prevalent in some of the forensic literature; particularly in the forensic domain of research and practice with criminals in working towards reducing their risk of reoffending.

We are keen to capture not only some of the key areas of growth and development but also to draw upon an understanding of psychology and the context of its applications in the current social and political environment. The first section of this textbook has as its focus the forensic context. Inexorably this section touches upon the social and political. The second section covers some key areas of the knowledge base from leading contributors in the field.

Justice

The justice system in England and Wales is the starting point for setting the scene for many of the activities and interests of forensic psychologists. David Faulkner helpfully begins his chapter on the justice system with a brief exploration of what justice means. And such thinking and reflection are perhaps a helpful starting point when considering the ethical basis of much of the domain of forensic psychology whether as an area of academic study or professional practice. After outlining some key developments over the past century or so in the criminal justice system he goes on to consider what a crime is. Forensic psychologists can often derive great benefit from
a fuller understanding of criminological perspectives. It is often asking the most fundamental questions that can yield some of the most fruitful hypotheses. Scientifically the methods that are used to collect data on crime will clearly be important in informing our understanding of crime, for example, in understanding the prevalence rates for particular crimes. Psychologists who are professionally interested in crime will want to familiarise themselves with the different methodologies commonly used and drawn upon in reports of crime in official figures. The social construction of crime and indeed the social structures that administer the criminal justice process or processes is apparent from the chapter. One example of the social construction of crime which may be familiar particularly perhaps to student readers is the behaviour of some students in damaging property in their universities after having consumed comparatively large quantities of alcohol. If caught, they may be admonished by their university but rarely in such circumstances would they find themselves in court on charges of criminal damage. By contrast, similar levels of property damage discharged by young people in economically deprived areas may be far more readily criminalised and viewed as wanton vandalism. The same could be said for those students who, under the influence of drink, drop their trousers. Such behaviours may be interpreted by some as high spirits and by others as simply offensive and inappropriate. Outside the cosy cloisters of academia such individuals may find themselves charged with criminal offences. More topically at the time of writing, the conduct of police officers at the G20 protests in London in early 2009 raises some interesting questions about who the criminal is. The gratuitous violence of police officers was, on occasion, plain to see in the media. The wearing of a uniform or membership of a particular profession may protect one from such potentially pejorative behavioural labelling (i.e. being designated a criminal). But it can happen; police officers are, on occasion, charged with offences, some are found guilty and some of those become prisoners.

The chapter includes coverage of some of the key structures and institutions of criminal justice processes. One problem which sets part of the context for the level of access that convicted criminals are likely to have to psychological services is that of the high numbers of people accommodated within prisons and under the supervision of probation services. Prisons in the UK are largely full. Less visible is the fact that probation supervision appears to be working beyond its reasonable capacity. Such capacity problems inexorably lead to the rationing of psychological services. Many psychologists within prisons will feel grave discomfort at the number of children in prisons (about 2800 in 2008). Some may not be unduly troubled, although they should surely be concerned about this. David Faulkner is. He goes on to cover the growing and demanding area of youth justice.

This is a theme that Kerry Baker takes up in the next chapter with her main focus upon community and residential services for children and young people. She also begins with a salutary reminder that only a small proportion of young people convicted by the courts receive custodial sentences. Her chapter consists of an overview of youth justice and the types of interventions provided for young people in the community. Of course, investments in the criminal justice system to address youth crime will only ever have a marginal effect on levels of crime. This is partly because the substantive issues that need addressing are not directly about crime per se but rather linked to poverty and economic, educational and sometimes emotional privation. Thus political and social policy based interventions are an essential element of effectively tackling youth crime. More unequal societies are more unhealthy societies. Hence relative poverty as well as absolute poverty is important to tackle. Sadly, in recent years there has been little progress in this important area in terms of results despite the investment of a great deal of public money. Just as in the adult system, a great deal of money has been invested in various ‘assessment tools’ which may have served the financial and professional interests of some but have not served the public particularly well. The marketisation and manualisation of some such youth services have, at times, led to narrow notions of intervention. A parallel may be drawn with the privatisation of bus services where the market dictates that only some services are profitable irrespective of customer needs. The increasing use of manual-based interventions has led some to conclude that there is a real danger of the dumbing down of such interventions with a failure to reflect the complexities of human behaviour (Towl, 2004). But there are signs that more broadly based approaches may be becoming increasingly popular, e.g. with multi-systemic therapy (MST). Kerry Baker argues for more multi-modal treatments and also considers some topical debates around ‘best practice’ in this challenging area. Having considered various types of service provision for children and young people she focuses upon some key debates around issues of policy and practice. The context of much criminal-justice-based work has been a toughening up on sentencing over the past decade but with comparatively
little done to address the causes of crime. We see in subsequent chapters how much may be learned from a public health based model of crime reduction. Sadly, this appears to be a lesson still to be learnt in the domain of youth justice, with an emphasis on assessment and identifying ‘risks’ overriding investment in interventions. Kerry Baker also touches upon the so-called ‘What works?’ literature in her wide-ranging chapter. She helpfully points readers in the direction of the wider debate about such modern political politicalities (e.g. Merrington & Stanley, 2007; Thomas-Peter, 2006). There is a real political resonance to her comment about the importance of being seen to do ‘something’ in the domain of criminal justice in general and youth offender work in particular. This is a theme which resonates in areas which have comparatively high levels of public interest. Thus it is not only in work with children and young people that this interest is aroused but also, for example, in the area of sex offending. This has arguably contributed to the evaluation of interventions which have sometimes been characterised more by political expediency than by empirical rigour.

In the context-setting first section of this book, Chapter 4 covers the area of expert testimony. As Brian Clifford points out, one feature that distinguishes this as a form of evidence is that opinions are actively sought. A great premium can sometimes be put upon ‘expert evidence’. Hence it is potentially important as part of the criminal and civil justice process. Interestingly, although the practice of ‘expert testimony’ has been around for a number of centuries, it is only comparatively recently that psychologists have been called upon in such roles. Expert witnesses, according to the British Psychological Society, are there to serve the courts rather than the parties instructing them (BPS, 2007). This is the legal basis of the relationship between expert witnesses and the courts.

**Expert Controversies**

One of the controversies in the area of expert evidence by psychologists, and for that matter psychiatrists too, is that the scientific basis of some of the assertions made about the evidence base may be deeply equivocal. Thus there are some major doubts about aspects of the disciplines of both psychology and psychiatry. For example, some have reported scientific concerns about the validity of psychiatric diagnoses which are derived from a series of checklists. Although some psychologists have been critical of this approach, many have warmed to it, content to offer their views (and pick up their fee for so doing) on whether or not an individual may be deemed fit to be allocated to a particular diagnostic category. In general, such diagnostic taxonomies have been seen to have greater reliability than validity. Many requests for psychological evidence in the forensic domain can hinge upon whether or not an individual is deemed to fit in this or that diagnostic category. Similar issues are to the fore with the psychometrics industry. The heavily marketed claim is that various psychometric ‘tools’ may furnish us with much-coveted ‘objective’ information about germane psychological aspects of human functioning, using an algorithm. Of course, such information needs to be viewed in the wider context of its use.

Another area of expert testimony has been in relation to memory research. A 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. Of course, the scope for applications of our understanding of memory research can potentially go much wider. For example, the application of the understanding of memory to the assessment of life-sentenced prisoners would be one area of development. Part of the standard assessment methods used for such prisoners involves the collection of interview-based data. Thus prisoners may be asked to give their recollection of their thoughts, emotions and actions during the commission of their index offence. Some of the findings from memory research would suggest that this would be likely to be a constructive process, perhaps with a recall effect of previous accounts given at various points over the period since the commission of the offence. This is an area ripe for research. But it is not just in relation to memory research that there may be forensic applications. An understanding of developmental psychology, and indeed social psychology, may be helpful in their applications to working with children, young people and adults in contact with criminal justice organisations.

But the whole area of expert testimony warrants close scrutiny on ethical grounds. Almost by definition, laypersons are unlikely to be good at detecting errors in scientific research presented to them. It is incumbent upon the ‘expert’ to offer not only scientific opinion but to express it in a manner in which a jury is most likely to understand and appreciate the precise status and relevance of such views. But the ultimate ethical issue, as
Brian Clifford asserts, revolves around the quality of the science that the 'expert' draws upon.

Thinking about Ethics

The fifth and final chapter in the context-setting section of the book is about ethics. It has been observed that although the substantive ethical issues are not different to those found elsewhere, they perhaps are brought into sharper focus in the forensic field (Towl, 1994). Ethical issues underpin what we research and how we practise. It is worth exploring some of the philosophical roots to our ethical understanding. Considerations of both individual rights and a sense of the common good are key considerations which underpin many professional ethical codes of practice. Ethics and ethical thinking and reflection do not occur in a vacuum but rather in the context of power relations in particular cultures during particular times. Power differentials are pervasive across cultures. Professional cultures set the scene for both ethical and unethical behaviour. Some aspects of research and practice may change speedily over time in terms of adjustments to wider societal norms, others more slowly. One underlying concern about professionals in general has been the extent to which they are considered to be self-serving rather than serving the public interest. Professions tend to attract higher levels of pay and related benefits in comparison with the workforce in general. It is perhaps unsurprising, then, that professional ethical guidance can sometimes be seen in the same way, i.e. there to serve the self-interests of the profession. Psychology and the work of psychologists are not immune to this. Indeed, the numbers of complaints in forensic practice have grown in recent years, e.g. particularly in prisons. As indicated above, forensic practice can bring into sharper focus some fundamental ethical issues. If forensic psychologists are criticised, which they frequently are, in service user outlets (see, for example, Hanson, 2009; Rose, 2009), this can lead to defensive professional practices. These can include the avoidance of some areas of work or an unwillingness to take appropriate and just risks. There is no excuse for such practices. Indeed, such practices themselves may reasonably be deemed unethical and are by no means exclusive to the forensic psychological field. But 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 of the complainant. There is some good guidance available for forensic psychologists (see, for example, the BPS code of conduct and also the very useful European-wide guidance produced by Lindsay et al., 2008). Responses to complaints can be an opportunity for reflection on one’s own practice; there may be learning to benefit from. Of course, in forensic practice there may be more of a tendency for recipients of services to complain in relation to decision making which may have an impact on their liberty. This is perfectly understandable.

It is probably axiomatic to state that, in general, the greater the power imbalances the greater the opportunity for abuses, and thus unethical behaviour. This touches upon a tension within the growth of professions. Characteristically, professional groups tend to work towards increasing their power bases rather than decreasing them. One unintended consequence is that it becomes more likely that some will abuse such powers and a recipient of such unethical services may well eventually, and not unreasonably, complain. More power for a particular profession is not by any means necessarily a good thing, far from it. One test of a professional is the extent to which an individual is willing to ‘whistle blow’ about a colleague. Perhaps too often it is easier not to comment upon, let alone intervene, when a colleague is behaving in a professionally inappropriate manner. Some, of course, will cover up for the mistakes of colleagues and this can be a rarely acknowledged problem across professions and beyond. However, increased influence or power may, of course, be used positively and this is the basis of countervailing arguments. But such tensions provide us with a salutary reminder of the need always to treat others with dignity and respect, especially when dealing with differences. Compassion, understanding, justice and kindness are crucial to just, ethical decision-making processes. Another useful ‘rule of thumb’ test can be not to treat others how we would not wish to be treated ourselves. Again, it is also the case when applying aspects of psychological development to our understanding of criminals and crime. The second section of the book has as its focus the evidence base in forensic psychology and its applications. We begin with the evidence in the domain of neurobiological research.

Developmental Perspectives

Neurobiological research into crime and antisocial behaviour has grown considerably in recent years. Robert
Schug and his colleagues cover this exciting area of research in their detailed chapter. Brain research has moved on considerably since the days of clinical lobotomies to control aggressive or disruptive behaviour in UK psychiatric hospitals. A combination of improved technologies, ethical standards and a more rigorously scientific approach have improved the knowledge and understanding yielded in this complex area of research. Studies have been undertaken with brain-injured patients which have led to links being made between orbitofrontal cortex and experiences of rage and hostility. Frontal lobe damage has generally been equated with a greater proneness to demonstrate antisocial behaviour. Establishing causal relationships is much more challenging. Head injuries of various sorts may, for example, act as a trigger that disrupts normal functioning in terms of behavioural inhibitors. There are a range of potential hypotheses as to how the underlying biological mechanisms may impact upon behaviour in this exciting area of research. What complicates matters further is that there are likely to be a range of environmental aspects to the manifestation of underlying biological mechanisms that may be at work. The field has moved on since the intellectually vacuous debates about issues of nature vs. nurture. Such complex interactions can be difficult to study with an appropriate level of scientific rigour.

Psychometric testing provides us with one avenue of exploration in improving our understanding of specific brain functioning and links to antisocial behaviour, although some of the results in this challenging area of research are open to a range of interpretations. For example, it has been reported that antisocial behaviour is associated with comparatively lower levels of verbal intelligence. From a neurobiological perspective this may, not unreasonably, be interpreted as linked to left hemispheric dysfunction. However, the reason for comparatively higher levels of performance IQ may simply be attributable to a lack of educational opportunities. Both such explanations may, of course, be accurate. Again, it is the causal links or specific mechanisms underpinning such differences that are perhaps most challenging to demonstrate. Significant verbal deficits in children can be predictive of subsequent delinquency. Whichever of these interpretations of the data is taken to be true, it would seem that there is a compelling case for improved access to educational opportunities, especially for those young children without social and economic advantages. This is a form of social engineering very popular and actively accessed within the middle classes with such a keen focus on which schools their children go to. Unlike their middle-class counterparts, educational disadvantage tends to be a feature of (young) offender populations. It is perhaps encouraging, albeit in a relatively small way, that increasingly psychologists are taking an interest in working with children and young people in young offender institutions, i.e. prisons, although, to be most effective, such work should be undertaken earlier in the trajectory towards crime, with individual children and young people. The next chapter in the book includes coverage of the key area of ‘prevention’.

The first chapter in this book by David Farrington draws upon the developmental evidence base in seeking to address the important policy and public concern of the prevention of the development of criminal behaviour. Effective prevention will result in fewer victims and also more individuals living fulfilling and productive lives. One recent trend in some of the research evaluating the efficacy of particular interventions aimed at reducing the risk of (re)offending has been the introduction of measures of ‘cost effectiveness’ in addition to traditional psychological methods of evaluation. This is a very positive development. It is positive because it allows us not only to focus upon the area of ‘treatment impact’ but also the financial cost of such impacts. Thus we have the potential to invest such public money more wisely. The idea underlying the developmental prevention of criminality is that ‘risk factors’ may be identified in advance and addressed early, before the ‘risks’ manifest themselves behaviourally. Also, ‘protective factors’ may be identified to further ameliorate the frequency and severity of such ‘risks’. Children who have poor parental supervision are exposed to a greater risk of engaging in offending than those who do not. Even in purely financial terms some interventions can be demonstrably effective in saving the public purse. This has been revealed by a number of cost–benefit-based studies. One comparatively famous ‘intensive’ intervention involved home visitors giving advice about prenatal and postnatal care to young mothers. There was a focus upon appropriate nutrition and related health advice. In short, it was a general parental education intervention. Postnatal home visits resulted in decreased levels of child neglect and abuse. Children of these mothers had less than half the rate of arrests of a comparison group. These are powerful findings. The focus in Farrington’s chapter is rightly on high quality evaluations. The quality of the research data is crucial. It is crucial in making evident the strengths and weaknesses of particular research methods. In public policy terms he makes the case for the development of a national prevention agency. The arguments are compelling. Such an idea
has been implemented elsewhere (e.g. in Sweden and Canada). Such an enterprise would allow for a much more appropriate use of forensic psychologists who could work alongside their educational psychology counterparts. One of the key problems in the development of forensic psychological services in England and Wales is that there are far fewer such psychologists engaging in preventative work and rather more working in prisons and particularly high-security prisons which some would say are overstaffed with forensic psychologists. Even within the prison system, in terms of the potential impact upon crime reduction, there are too few psychologists working in young offender institutions. A wiser distribution of resources would target schools, pupil referral units, youth justice services in the community and residential estates and caseloads of ‘high risk’ offenders in the probation services.

Psychosocial research has been key in the study of offenders. Offenders tend to be versatile in their criminal activities, switching sometimes effortlessly from one offence type to another, e.g. burglary and assaults. Most convicted violent offenders will have convictions for non-violent crimes too. In his next chapter on the developmental evidence base, David Farrington reviews work on risk factors that influence the development of criminal careers. This is an area where there are a number of studies with comparatively robust research methods that have been employed. David Farrington in his review adopts a rigorous approach to the research quality of the studies that he covers.

Early signs of impulsivity can be used to predict an inflated risk of antisocial behaviour. This has perhaps found a recent manifestation in the currently fashionable diagnosis of ‘attention deficit-hyperactivity disorder’. Related perhaps to this is that low school achievement is linked to an increased risk of youth violence. Indeed, there are a whole host of correlations that may be made with the prediction of subsequent crime. More recent studies in particular have begun to look, not just at correlations, but also at mediating factors in behavioural outcomes. For example, it has been proposed that the link between low school achievement and delinquency may be mediated by psychological disinhibition. The executive functioning of young brains may well be important in the prediction of future functioning. This is perhaps a good example of future research opportunities, with the need to draw upon wider learning within the expanding cognitive psychology field to help in our understanding of the developmental trajectories towards crime.

Parenting methods have also been looked at in terms of links with future potential crimes. These methods have often been categorised in terms of factors such as parental supervision, discipline and warmth (or coldness). One seminal study in this area provided evidence that poor parental supervision, harsh discipline and an rejecting attitude predicted an inflated chance of subsequent delinquency. Authoritarian parenting styles in particular have been linked to the prediction of subsequent violence. This is entirely in keeping with social learning theory. Brutalisation begets brutalisation. Attachment theory has also been drawn upon in understanding the psychosocial trajectories towards delinquency (Crighton & Towl, 2008; Crittenden, 2008).

The family can be a significant protective factor for some; however, if a child is unfortunate enough to have a father or mother who is involved in crime, then the probability is that they themselves will end up with a criminal record. Although the term ‘criminal careers’ is widely used in the field, it should perhaps be noted that there is no good evidence that the above finding reflects a ‘career choice’ that the child has moved into the family trade or profession. Far from it. 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.

In the UK it has been amply demonstrated that poverty predicts an inflated 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 in employment. These findings present some clear moral and related social policy challenges. The potential to impact upon the design of prevention-based interventions is evident.

Every bit as important as understanding the developmental progression through ‘criminal careers’ is the need to understand what leads to desistence from crime. One advantage of a developmental perspective is that it lends itself to the notion that at different life stages different factors may come to the fore as the best predictors of desistence. Marriage and stable employment are two factors which have been widely researched in terms of their predictive value in desistence. Others have argued that personal resolve and determination to stop committing crime are also important. Desistence, in one sense, may be likened to ‘spontaneous recovery’ in medicine. Generally when we are unwell we subsequently
recover. This is true of both physical and mental health. It would very often be the case without any medical intervention. A parallel can be drawn with crime. A certain number of those committing crimes (probably most) will eventually desist from committing crimes. The rate of crime by individual offenders is, in large part, age dependent. Thus it could be argued that one factor potentially important in desistence is the ageing process. The field is replete with a lack of agreement about how precisely desistence should be operationalised. Some consider deceleration of the rate or seriousness of the type of crime to be a form of desistence. Others assume that desistence means no longer committing crime. This is an under-researched area with plenty of potential and indeed promise for the future.

Offender Profiling: Smoke and Mirrors?

Offender profiling, possibly like no other topic across the forensic psychological field, generates much interest, some of which is prurient, some not. Whatever the motivation, this is an area of the forensic field which has spawned a number of films and television programmes. Much of the forensic field, well beyond the boundaries of psychology, has been booming. Some of the increased interest across the field is due to some genuine developments with clear forensic applications (e.g. DNA testing). However, much in this popular area of forensic psychology amounts merely to empirical smoke and mirrors. David Crighton, in his chapter on offender profiling, gives a more generous outline of the field, and crucially its potential. He looks afresh at some of the evidence, including the methodologies used by 'profilers'. He accurately concludes that the scientific evidence in support of offender profiling in its various guises is somewhat limited.

Witnesses

The three chapters of the book that follow are about witnesses. These are critical areas of forensic psychology. Lorraine Hope helpfully points out that eyewitnesses can play an important role in the courtroom. The accuracy, or otherwise, of such eyewitness testimony is clearly crucial. For many students of psychology this will have a real resonance with much of memory research covered during their undergraduate studies. The reconstructive functioning of memory can plausibly lead to biases and inaccuracies in eyewitness testimony. This is an area of forensic psychological research and practice where opportunities to draw from the learning from experimental psychological studies into memory and learning abound. Of course, one feature of the field is the challenge of how results observed in the psychological laboratory may transfer to real-life events. This is largely a question of the ecological validity of such learning, which is by no means exclusive to this area of forensic study. But the models and methods developed in laboratories and lecture halls can be convincingly applied to study in real-world settings. Concepts from memory and learning research can clearly be helpful in assisting our understanding of eyewitness testimony. For example, we may wish to look at errors in encoding information or systematic biases in recall. Memory decay effects may also be an interesting area for further examination. Facial recognition studies also have had an impact, drawing from work in experimental psychology. One practical social policy area of influence drawn from these areas of research in the forensic psychological field has been in relation to the development of procedural guidance relating to the identification of suspects by the police in England and Wales.

One area of witness testimony which presents a set of its own challenges is in the area of children as witnesses. This area of study is of particular interest in the forensic field because when children are victims of crimes, especially sexual or physically assaultative crimes, they may well be the only witnesses to such events. Graham Davies and Kathy Pezdek give an account of the factors which may affect the veracity of children's memory. They also touch upon interview techniques and the presentation of child witness testimony in court. Such areas tend to hold a relatively high level of media and public interest. They are also areas where both experimental and field-based studies may be drawn upon. One key lesson is in the importance of the amount of time which has elapsed from the point of the relevant events to the recall of the events. The nature of the crimes themselves in combination with the inefficiencies built into the criminal justice process may together result in less complete accounts of events than could be the case. However, overall, children are perfectly capable of providing accurate reports of such events. In general, children are reliable witnesses. However, such reported memories may be shaped to some degree by the information-gathering process, most commonly the interviewing of the child. The memorandum of good practice in child witness interviewing includes video recording the interview. The memorandum is based on three precepts: the need to be...
ethical in eliciting testimony, the need to draw from the scientific literature and also the related need of operating within the relevant legal structures and systems. However, there appears to have been a difference, sometimes substantially so, between theory and practice. In practice, some interviewers have not shown an appropriate level of regard for such important procedural issues. Hence the distribution of ‘Achieving Best Evidence in Criminal Proceedings’ (Home Office, 2002), although the development of new guidance does not necessarily address some of the issues of managerial incompetence that may well play more of a role with such problems. Appearing as a witness in court can be a stressful event for an adult, and this is arguably even more so for a child. In view of this, special measures have been introduced to reduce the stressfulness of the role, e.g. the removal of formal court dress and the clearing of the public gallery. Live video links have also been used so that the child does not have to experience being in the courtroom. However, there is some evidence that jurors may be less likely to convict when receiving video rather than live child testimony. Arguably what is most important in this challenging field of application is that lawyers and psychologists work more closely together to try to ensure both accurate and just decision making.

Witness testimony with adults is also an area which has received a great deal of attention from, amongst others, psychologists. Again the field is characterised by both the application of findings in experimental psychology and also some field-based studies. Our understanding of memory and aids to enhance the detail and accuracy of memories for particular events are central to this area of work. An understanding of encoding, storage and the retrieval of memories is important as is, in particular, an awareness of the processes of forgetting. Cognitive interviewing is also covered in the chapter by David La Rooy and Coral Dando on witness interviewing.

Victims of crimes frequently find themselves in the uncomfortable position of having to give evidence. This can be very important if a conviction is to be secured. Of course, many, probably most, victims of crimes do not get to court. This is an important area of the study of victims. Indeed, some of the more grandiose claims made by researchers in, for example, much of the sex offender literature seem effortlessly dismissive of the full implications of low reporting rates upon what is sometimes purported to be ‘what we know about sex offenders’. In addition to the area of unreported victims is the area of the consequences for victims of particular crimes, and factors which may help alleviate or circumvent personal consequences. Offenders as a group and those who go on to become offenders often have some of the highest rates of victimhood themselves. In short, offenders and victims are by no means mutually exclusive groups; there is a great deal of overlap. Young men have some of the highest rates of victimhood for violent crime. This is perhaps contrary to the sometimes received understanding that it may be the elderly who are most likely to be victims of such crime. That is not to suggest that the elderly do not experience more fear of violent crime than many.

In terms of the criminal justice process played out in the courts, one crucial grouping is juries. Jury decision making has been the subject of much research. References to juries go back a long way in recorded history. But a commonly referred to historical reference point is that of the Magna Carta, in 1215. Juries remain prominent in our court system. This is despite evidence that many members of the jury may struggle to understand particularly complex cases. Furthermore, they can also struggle to follow the instructions of judges, e.g. when asked to ignore inadmissible evidence – although, of course, some would question whether or not the instructions of judges are always just, or on occasion simply effectively protecting existing power relationships. The legal professions have little or no incentives to change this as the confusion, in effect, serves to enhance their power bases.

**Psychological Assessment**

Power relationships are an important aspect of the context of much forensic work. This is very much the case in the area of the psychological assessment of offenders. For example, prisons are fundamentally coercive institutions (Towl, 2005a). Psychologists wield a great deal of influence in forensic contexts. This has been raised as a matter of concern amongst some service users. Readers may wish to thumb the pages of the publication *Inside Time*, the National Newspaper for Prisoners, to get a flavour of some of the concerns related to the power of psychologists in prisons. This is, or in some cases, perhaps, should be, a key ethical issue in everyday practice. Psychological assessments are not immune to biases, e.g. attributional errors that we may all from time to time be prone to in everyday judgements and decision making. But at the core of a good psychological assessment is a rigorously scientific approach applied
with appropriate human consideration for the individual or individuals who are the subject of such assessments. A range of theoretical models may be applied but each involves, in some way or another, data collection (ideally from a good range of sources), formulation and judgement (which includes a sense of justice). It is not good enough merely to provide a scientifically accurate report in the forensic domain; there is an ethical responsibility for the psychologist to ensure that their report is also a just report. Whereas the field is replete with examples of discussion and debate over the accuracy of some psychological assessment methods, comparatively rarely is the issue of the justness or fairness of reports covered with such energy and detail. This perhaps reflects poorly upon us in the forensic psychology profession. One particularly important aspect of assessment is the ability to capture the work within a report form. The precise format of assessment reports may vary. However, all should have certain features. They should be evidence based and written in an appropriately respectful and accurate manner. Any recommendations included in such a report should be explicitly linked to the body of data/evidence that characteristically will make up the main body of the report. They need to be both accurate and just.

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, 2005b). There has been an aggressive marketing of some risk assessment tools in recent years. There are some significant financial gains to be made for psychologists involved in the development of such tools and the often compulsory training and interpretation of ‘the psychometrics’. It is perhaps unsurprising that this has been a key area of the ‘for profit’ (or private) sector involvement in forensic psychological practice. In assessing the utility of particular structured tools it is perhaps worth reflecting upon who benefits from their use. This is an area that forensic psychologists have often tended to fight shy of, preferring instead to debate the relative empirical strengths and weaknesses of particular tools. Clearly this is very important too. But it is also important that practitioners are aware that businesses, by definition, are on the whole structured to make money and this will thus be the primary driver in the marketing of psychometrics. This can result in conflicts of interest. It is not unknown for those with financial interests in particular tools to recommend that others use them without being explicit about their conflict of interest. This is, of course, unethical, but comparatively rarely challenged.

There is much that can be learnt about the nature of risk assessment across disciplinary boundaries. The contemporary social and political concerns about climate change, international terrorism and transnational banking systems have given rise to a number of interdisciplinary approaches to understanding ‘risk’. There are a range of professions and disciplines with an interest in these challenging and fascinating areas. There are a particular set of ‘risks’ that tend to be focused upon within forensic practice. The relevant ‘risks’ tend to be about the chances of an individual committing crimes, and often violent and sexual crimes. Psychologists have contributed a great deal to improve the accuracy of such ‘risk assessments’. Risk assessment reports may be used both to inform judgements about whether or not an individual is released from prison or hospital and also to inform the allocation to particular interventions. White-collar crime is much less commonly a focus of forensic psychological practice. Of course, the impacts of so-called white collar crime may well be every bit as serious as those of identified potential violent or sexual offenders. The international ‘banking crisis’ perhaps provides an illustrative example of this. In the modern world poverty is a moral crime which is widespread, including within the ‘developed’ world. This will result in heightened levels of ‘risk’ of unnecessary suffering and victimhood for many, and, as has been discussed above, an increased chance of ending up on a social and individual trajectory to the perpetration of crime. All violent and sexual crimes are interpersonal. Forensic psychologists tend to focus primarily upon potential perpetrators rather than potential victims. Not only is this scientifically limited as an approach, it is also questionable in terms of ethical practice. There also perhaps needs to be a wider recognition and acknowledgement that victims and perpetrators, when it comes to violent and sexual crimes, are overlapping groups. And this is a real challenge in criminal justice in that we know that many of the measures which may impact on lowering crime are linked to the remit of government departments other than those concerned with criminal justice. But forensic psychologists as a group are well placed to challenge inappropriate policies and practices. There is something of a history of this amongst some; for example, forensic psychologists have challenged aspects of racism in prisons. Some forensic psychologists have challenged the dubious practices of colleagues who, in the past, have not always given prisoners sufficiently full information about the
assessments that are being undertaken. It is a healthy sign within a profession if members of that profession are (publicly) prepared to question and challenge the behaviour and conduct of colleagues. This is a sometimes uncomfortable but necessary process. It is essential if as a discipline forensic psychologists wish to enjoy the respect of all the public (including prisoners).

Critical Psychology

Although some psychologists remain critical or circumspect about the scientific credentials of psychiatric diagnoses, such categorisations are routinely used by many psychologists. There can be professional comfort in categorisation. Once such an allocation of a diagnostic label has taken place, there is, in effect, purportedly, an ‘explanation’ of the behaviour which may be of concern or interest. As David Pilgrim asserts in his chapter on aspects of diagnosed mental illness and offending, none of us can plausibly claim to be in perfect mental health. The area of hypothesised links between offending and mental illness is contentious. There can be tensions between psychological and psychiatric knowledge. Unlike in psychology, the focus in psychiatry is with mental disorder rather than ‘mental order’; this is one of the themes that David Pilgrim explicates further in his chapter. Poverty and social exclusion play a part in informing our understanding of who is and is not diagnosed with mental disorders. Indeed, there is a parallel with recorded crime. Just as there are systematic biases in what crime gets recorded (or is designated as a crime), there are similar such biases in who does or does not get diagnosed with what. Again the issue of power inequalities raises its head.

The issue of power inequalities is arguably more salient in the area of diagnosed mentally disordered offenders with identified intellectual disabilities. This is because it is evident to most of us that intellectual disabilities may well result in a fundamental vulnerability. The term ‘learning disabilities’ is synonymous with ‘intellectual disability’ and perhaps reflects particular professional sensibilities in terms of the more or less desirable term to be used. Again, this is an area of practice where the psychometrics industry maintains a firm hold. Screening measures for intellectual disabilities abound and are vigorously marketed. This is a large and financially lucrative market for the psychometrics industry, its proponents and beneficiaries. Much of the territory which may be considered to be ‘mental disorder’ is subject to the effective ownership of such categories through the auspices of DSM-IV and ICD-10, with an array of additional profitable product lines such as psychometric tests for intellectual assessment. The contempt that some of the early test makers had for those with intellectual disabilities is all too evident in the chapter by William Lindsay and John Taylor. They cite Terman’s (albeit unfounded) assertions about the inexorable link between the potential for criminality and ‘feeblemindedness’. This is a field characterised by a history of prejudice. This is the context in which psychological assessments and interventions take place. Psychologists themselves are also subject to the potential prejudices common in this area, but at least as a professional group we should be aware of the effects of such potential prejudices on our behaviour and judgements.

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 ‘instruct’ their legal representatives needs assessing too. There also 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 well also be a consideration for the courts. Relevant psychological assessments and evidence can lead to a defence of diminished responsibility or not guilty by reason of insanity.

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 diagnosed as having ‘personality disorders’. Historically there has been a discussion and debate about whether or not those diagnosed with personality disorders are simply at the more extreme ends of some key identified dimensions of personality or if they are qualitatively different. In their far-ranging chapter Richard Howard and Conor Duggan make a case in favour of the ‘qualitative differences’ side of the debate. Whichever side of that particular debate the reader favours, this is a complex and challenging field and one that has exercised
many an academic and clinician. It is an area where both fundamental questions about the putative nature (or existence) of personality disorders may be addressed and also practical clinical questions (e.g. about potentially suitable interventions) may be answered.

In recent years there has been a great deal of government investment in the 'treatment' of those categorised as having personality disorders. Some 'personality disorders' have been the subject to more study than others within forensic populations. There are some gender differences in such studies, with links between men and 'antisocial personality disorders' and women and borderline 'personality disorders'. This is one of those comparatively few areas of research and practice which has been generously funded by the public. The much-vaunted Dangerous Severe Personality Disorder (DSPD) units in prisons and hospitals have perhaps tended to be overstaffed with psychologists. There has been a massive investment of public money in research, with what appears to be very little indeed to show for it in terms of results which will be helpful in policy terms, or in clinical management and practice. This is disappointing, but not remotely surprising. Some of the problems have arisen out of a conceptual confusion regarding what precisely constitutes DSPD; it is not a clinical category, but rather a political one. Another part of the problem is that a range of behavioural disorders appear to have been captured under the muddled rubric of DSPD. In short, the term is bereft of any intellectual integrity. Of course, this reflects a more general problem when underlying personality traits are attributed to particular behavioural patterns. And it is an argument that could be used to call into question the scientific basis of the construct of personality disorders per se. Many, aware of some of the limitations of such terms, will simply take a pragmatic approach. As we have seen in some other areas of forensic practice, this is an area replete with financial interests from, for example, the psychometric testing industry. There have also been some large research grants available to support such work, which will tend to draw in interest and further financial, professional and intellectual investments.

Continuing along the theme of controversies, Ceri Evans covers the challenging and potentially contentious area of the trauma of being violent. The psychological impact of having committed a violent crime is rarely considered amongst those routinely dispatched to undertake risk assessments with violent offenders. Some of the work in this area has been linked to post-traumatic stress disorder (PTSD) reactions, but as Ceri Evans points out, this is only one of a range of potential diagnoses that may be employed in such cases. This is an area of study which perhaps powerfully illustrates the importance of our emotions in the reconstruction and repetition of memories of significant life events. Perhaps one reason why this can be a difficult area for some clinicians to engage with is that it is easier and more psychologically comfortable to dichotomise the world into victims and perpetrators, as 'good' or 'bad', respectively. As is discussed below in relation to a later chapter, a similar problem may occur with suicidality. Violent and sexual offenders have an increased risk of suicide, but prison staff may find it difficult to engage effectively with such offenders while they themselves put up the psychological barrier of deeming the individual dangerous rather than desperate.

Drugs

Drug and alcohol misuse has become an increasingly major problem in relation to both problems of public health and criminal justice. A compulsion to consume such products is an underlying commonality in the, oftentimes, absolutely desperate domain of the habitual drug user. Some official estimates have asserted that about half of all recorded crime is drug related, as Michael Gossop reminds us in his chapter on substance misuse. Individuals may commit crimes while under the influence of drugs. Alternatively or additionally they commit crimes to fund their drug habits. Drug addicts lie and deceive those around them, even their close friends and family, such is the power of the compulsion to access drugs. The deplorable truth is that drug addicts can often have more chance of receiving treatment if they go to prison than if they do not. This health service inadequacy contributes to the creation of a perverse incentive for addicts who want treatment to commit crime and get caught doing so, with a view to imprisonment. This cannot be right.

Drug crime is big business, and the relevant markets are vigorously policed and protected by such criminals. Thus there can be a significant difference between the supplier and the user or consumer of the particular drug. Drug overdose is a relatively common cause of death amongst regular drug users. It is frequently difficult for individual users to gauge the quality and thereby quantity of the drugs that they are intending to use. Notwithstanding the devastating impacts of drug misuse in both health and crime-related terms, one of the
most dangerous drugs routinely used in prisons is nicotine. Stopping smoking in prisons must surely be the single biggest public health policy in prisons that has not happened in recent years. This is despite the very strong empirical evidence indicating that smoking is detrimental to health. It is also despite the fact that the challenges of an imposed ban on smoking, which some thought unworkable, in public houses in the UK can be overcome. Perhaps one reason that it has not been focused upon with so much vigour within a criminal justice setting is that it is not known to be linked to increased levels of criminality. This illustrates the difficulty of departments of state not being as integrated as they could be in addressing issues which cut across government departmental boundaries. The capacity to function effectively across (and outwith) central departmental boundaries is perhaps one of the biggest challenges of public service, specifically perhaps for senior civil servants, for our purposes both within and beyond the Ministry of Justice and Home Office. There has perhaps been an increasing recognition in recent years that many public policy problems warrant multidisciplinary and multi-agency partnership working to be most likely to be effective. As a general rule it seems that earlier interventions are potentially more effective. We see from the earlier developmentally orientated chapters that those who go on to commit serious offences as adults can, as a group, be identified comparatively early in their criminal careers. Children and young people who are violent and engage in sexually harmful behaviours particularly warrant our attention. Kevin Browne and Choug Shang make a case for early intervention and support. 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 such sexually abusive behaviour may go on within the family. For example, teenage children may be trusted to care for younger siblings who then experience abuse. Often such developmental trajectories may well manifest themselves into adulthood from the perspective of both the abuser and abused.

The UK sex offender assessment and treatment industry is booming. Again this is an area where a great deal of public money has been spent. There are no UK studies for prisons over the past 14 years that have demonstrated an independent treatment effect for the statistically significant reduction of risk of reconvictions for a sexual offence, although there is evidence that convicted sex offenders will show clinical improvements on various self-report methods before and after treatment. But some would argue that they ‘would do, wouldn’t they’, with some clear response biases, such as the wish for parole. The elephant in the living room is that so-called sex offender treatment ‘programmes’ in prisons may not work. Researchers in this field seem sometimes reluctant to consider such a potentially unpalatable hypothesis. This can lead to a defensiveness which 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 the industry expanding its markets in the UK, underpinned by public funding and political imperatives. The industry has been supported by legislation, with an increased number 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. 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 upon convicted sex offender populations. It would 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, for example doctors in general practice and various specialisms such as gynaecology or paediatrics. ‘Trusted’ professions are thus extremely well protected. The medical profession is fiercely protective of its members and whistle-blowing about colleagues, as in a number of occupations, is difficult and for all intents and purposes discouraged. Previously victims of abuse by church leaders have had little voice, but increasingly such abuses have 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.

Another problem in the sex offender assessment and treatment industry is that in the UK there is a great deal of undue manualisation. There appears to be an implicit understanding in some of the literature, and much
practice, that there will some significant commonalities within particular offence types. This understanding is more persuasive in terms of the legal categories that have been assigned to the particular offence category than it is in terms of a psychological understanding of the behaviours involved. This will have implications for interventions. There are a wide range of sexual offences which, as Belinda Brooks-Gordon notes, have been added to in recent years. Within the offence types there may be a wide range of motivations and behaviours. Individual assessment is crucial. Groups (whether manualised or not) may well have their place but so does individualised treatment.

The psychometrics industry is a big and lucrative business in this field. The markets tapped into are linked not only with the promotion and marketing of particular psychometric instruments but also through sometimes mandatory training to ensure that those administering and interpreting the output data are appropriately skilled and knowledgeable. There are a relatively small number of main providers in the UK and so competition is minimal within a comparatively small research and clinical field.

Imprisoned sex offenders (including alleged sex offenders held on remand) have an inflated risk of suicide. This is a fact that can easily be forgotten in our everyday clinical practice. But by far the most powerful predictor of prisoner suicide is time in the particular prison. There is a compelling case for ensuring that prisoners have access to support early in their time in a given prison. There are some sub-groups that fall out of this general pattern. For example, although life-sentenced prisoners have an inflated risk of suicide they may, on average, complete suicide later in their sentence, possibly linked to particular milestone decisions about their progress (or lack of it) towards parole. Psychologists in prisons have tended to become less involved in this important area of practice, with a shift towards involvement with manualised interventions to reduce the risk of reoffending. This is unfortunate, because psychologists have contributed much in this important area of public health (e.g. Crighton, 2000; McHugh & Snow, 2000). There are a number of ‘suicide myths’ in this field, e.g. that young people or those held on remand are at a greater risk of suicide than others; the data would suggest otherwise. Also, interestingly, black prisoners are at a reduced risk of suicide. The precise and sometimes complex links between suicide and self-injury remain unclear. But both remain as significant problems in prisons. Staff attitudes towards suicidal prisoners can be considerably less than helpful. The depersonalising practice of referring to prisoners by their surname with a number is somewhat dehumanising and unhelpful as part of any strategy to reduce suicides. Jenny Shaw and Naomi Humber put some of the data in this vital area in its broader public health context. This builds neatly on some of the more recent directions set within suicide research (see, for example, Crighton, 2000).

Justice Restored

The penultimate chapter in this book is on the area of restorative justice. Heather Strang and Lawrence Sherman have worked extensively on this area. There are a range of models of restorative justice, and the research base has recently taken a number of steps forward with some high quality evaluations supporting the efficacy of the approach. Lamentably, this is not an area where psychologists have been as active as they might have been. Yet there is huge potential for psychologists to get more involved in both evaluative research and consultancy advice. Most importantly perhaps, there is the potential to reduce the number of future victims and to help and assist existing victims.

The forensic field is broad, with a growing knowledge base. But it is a knowledge base that could be further developed with more explicit links with the experimental psychology base of much of what is most effective, useful and just in policy and practice.

References


