
UNIT 1 DEFINITION, DESCRIPTION AND CONCEPT OF CRIMINAL PSYCHOLOGY AND FORENSIC PSYCHOLOGY

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1.0 INTRODUCTION

You are familiar with the terms psychology and crime. Perhaps you have heard also of Criminal Psychology and Forensic Psychology. But you may not be clear as to what exactly Criminal Psychology means. Nor perhaps you know what are the distinguishing features of forensic psychology.

Criminal Psychology and Forensic Psychology are actually the two branches of applied psychology. Police, Court and Prison are the terms closely associated with Forensic Psychology. These three i.e. Police, Court and Prison together constitute what is known as Criminal Justice System.

In this unit we will define both criminal and forensic psychology and indicate the functions of a forensic psychologist. The unit will also differentiate between

criminal and forensic psychology and what all are required to be come a forensic psychologist in terms of training etc. If you want to be a Forensic Psychologist you are to work in relation to the Criminal Justice System. As you go through the Unit you will understand what Forensic Psychology is.

1.1 OBJECTIVES

After reading this unit, you will be able to:

- Define forensic psychology and how it differs from criminal psychology;
- Describe what criminal psychology means;
- Explain what forensic psychology is;
- Distinguish between criminal psychology and forensic psychology;
- Describe forensic psychology as a branch of applied psychology; and
- Analyse what forensic psychologists need to do.

1.2 DEFINITION, DESCRIPTION AND CONCEPT OF CRIMINAL PSYCHOLOGY

Before saying anything about Criminal Psychology we should say something about what is criminal behaviour. Criminal behaviour is behaviour in violation of criminal law. Perhaps you have noticed in some restricted areas it is written ‘Trespassers shall be prosecuted’. If you enter that area, your behaviour would be considered as criminal behaviour. Your behaviour is then in violation of criminal law. And you have committed a crime and so you are a criminal.

Now let us focus on Criminal Psychology. Criminal Psychology is that branch of Applied Psychology which is primarily used to determine the criminal’s reasons for committing a crime. Criminal Psychology studies criminal’s thoughts, intentions and reactions to the crimes they have committed. It assists police investigators to create profiles of a potential criminal. That is, it assists to create character sketches of a criminal in order to narrow down the search for the offender. It focuses on the criminal mind before, during and after the commission of a crime. It delves into the offender’s personal history, searching his or her past for explanations of criminal behaviour. It then analyses factors surrounding the crime itself. Later, the Criminal Psychologists can follow the progress of the individual once he or she has been sentenced or assigned a treatment plan.

1.3 DEFINITION, DESCRIPTION AND CONCEPT OF FORENSIC PSYCHOLOGY

Forensic Psychology is the application of psychology to the criminal justice system. Criminal justice system includes three parts viz. police, court and prison. Forensic Psychology is the intersection between psychology and the criminal justice system. It involves understanding criminal law in the relevant jurisdictions in order to be able to interact appropriately with judges, attorneys and the legal professionals. An important aspect of Forensic Psychology is the ability to testify in court, reformulating psychological findings into the legal language of the courtroom, providing information to legal personnel in a way that can be understood. Further, in order to be credible witness, the forensic psychologist must understand the philosophy, rules and standards of the judicial system.

Questions asked by the court of a forensic psychologist are generally not questions regarding psychology but are legal questions and the response must be in language the court understands. For example, a forensic psychologist is frequently appointed by the court to assess a defendant's competency to stand trial. The court also frequently appoints a forensic psychologist to assess the state of mind of the defendant at the time of the offense. This is referred to as an evaluation of the defendant's sanity or insanity (which relates to criminal responsibility) at the time of the offense. These are not primarily psychological questions but rather legal ones. Thus, a forensic psychologist must be able to translate psychological information into a legal framework.

Forensic psychologists provide sentencing recommendations, treatment recommendations and any other information the judge requests. Forensic psychology also involves training and evaluating police or other law enforcement personnel. Forensic psychologists may also help with jury selection.

You have been presented with a general description and conception of what Forensic Psychology means. We defined Forensic Psychology as the application of the psychological knowledge to the criminal justice system. Let us now explain what has already been discussed by breaking down the criminal justice system into its own sub-components and see how psychological knowledge can be applied.

1.3.1 Criminal Investigation

Forensic Psychologists can play a number of key roles in a criminal investigation. Immediately following a crime, a forensic psychologist may be asked to act as a criminal profiler. Most of us have an idea of what profiling is. It has over the years become the love child of numerous television programmes, movies and crime novels. Criminal profiling involves the psychologist (though all profilers are not psychologists) using his understanding of human behaviour, motivation and pathology so that he can create a psychological profile of the offender. The profiles can be surprisingly accurate.

From observations of the crime scene one can infer the behavioural characteristics of the individual who created it. To a profiler everyone is slave to their psychological make up. In turn, profilers use their knowledge of whom the typical offender is that bears these characteristics and then predicts not only how the investigators can expect the offender to behave in the future, but also what their physical appearance will likely be. While profiling may seem very exciting, few psychologists are ever involved in this field. Once the suspect has been apprehended there are more opportunities for psychological intervention.

Psychological knowledge has been applied to many more areas of investigative police work, from the police investigation to the police lineup. Both of these areas have prospered greatly from psychological research. While those studying in these areas do not typically work within the police station (they will often do their research from an academic institution) they will often act in a consulting capacity and will perform teaching projects with the department. One may also find a Police Psychologist working with the officers. While this individual may perform a number of the above jobs, they will also be on hand to provide counselling for officers, aid in the evaluation of prospective applicants, and provide crisis counselling for crime victims. Now we must leave the police station and enter the courtroom.

1.3.2 The Court System

In the court system, Forensic Psychologists are frequently used for both the criminal and civil cases. In the criminal arena, the forensic psychologist is often asked to assess competency. Competency assessments can serve a number of purposes. First, a defendant can be assessed for the ability to stand trial and/or make legal decisions on their own behalf. These evaluations are carried out when the defendant appears to suffer from a mental defect, such as an acute psychiatric disorder (viz. schizophrenia) or a mental disability like mental retardation. Secondly, Psychologists may also be asked to make an evaluation regarding the defendant’s mental state at the time of the offence. The entire “not guilty by reason of insanity” defense relies on the psychological evaluation of a defendant’s inability to form criminal intent.

Frequently, people forget about the applications of forensic psychology to civil law. Often a forensic psychologist is asked to make evaluations of defendant’s disability or level of trauma. From these evaluations the court can decide whether compensatory damages should be provided. Civil-Forensic Psychologists also work on child custody, sexual harassment, and immigration cases. Virtually any civil matter that requires psychological evaluation may include the work of Forensic Psychologist. It is important to remember that not all Forensic Psychologists work with violent criminals. Many psychologists are also experts at how to psychologically motivate witness.

1.3.3 Corrections and Forensic Psychiatric Facilities

Most Forensic Psychologists work in a correctional institution (i.e. prison or juvenile home) or in psychological hospital. In this environment they will perform a number of important roles. One of the most important roles is therapeutic intervention. The forensic Psychologists in these institutions often provide a range of therapies in order to control or eliminate the psychiatric disorder which has led to crime on the part of the offender. Certain disorders (viz., obsessions, schizophrenia, addictions) that can be correlated to criminal behaviour can often be treated satisfactorily. Other disorders like sociopathy and psychopathy cannot be controlled satisfactorily. Before and after treatment, the Forensic Psychologist may perform diagnosis through psychometric testing in order to evaluate the client’s risk of violence. Apart from this, the Forensic Psychologist also predicts the client’s risk of recidivism (the likelihood that the criminal will recommit the crime) through psychiatric evaluation.

<p>Self Assessment Questions</p> <p>1) What is criminal behaviour? Bring out its characteristics.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

2) What is criminal psychology? Define and elucidate its characteristic features.

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3) Define forensic psychology and indicate its important features.

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4) What are the organs of criminal justice system? Elucidate.

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5) Say True or False to the following statements

- i) When a person violates criminal law he is a criminal. ()
- ii) Criminal psychology is mainly concerned with the treatment of criminals for correction. ()
- iii) An important aspect of forensic psychology is the ability to testify in the court. ()
- iv) Forensic psychology cannot provide sentencing recommendations. ()

1.4 PRACTISE OF FORENSIC PSYCHOLOGY

The typical day of Forensic Psychologist can vary. In general, it is oriented towards research activities. However, a psychologist may do other things as well, such as helping with jury selection. In this case the psychologist would wake up fairly early and gather information on studies done on juries especially relevant to a pending case. They would then go to a courthouse or to an attorney's office to sift through papers or conduct interviews of possible jurors. The psychologist might also help attorneys narrow down the juror pool by eliminating people whose views may affect the outcome of the trial in an undesirable way. This process can sometimes last several weeks or even longer.

1.4.1 Pros and Cons of a Career in Forensic Psychology

There are both potentially rewarding and frustrating aspects to working in Forensic Psychology that need to be carefully considered before pursuing a career in this field. Listed below are some potential pros and cons.

1.4.2 Some Potential Attractions of Careers in Forensic Psychology

There are certain very special attractions in being in the field of forensic psychology and working as forensic psychologist. For instance, if a person enjoys working with others, then this will be good profession to take up. Forensic psychologists usually work with a team of other professionals in addition to working directly with clients or criminal offenders. A person who loves challenging assignments would find forensic psychologist’s job quite attractive. A person who is interested in psychology and the law subjects would find forensic psychology a very interesting subject. Some of the attractions of the area of forensic psychology are given in the table below.

Table: Advantages of forensic psychology as a career

Helping others	Forensic psychology can be very rewarding when you make a difference to someone’s life.
Opportunities	There are many different specialties within the field of forensic psychology.
Changing environment	When working in prisons and with juvenile delinquents every day can be challenging and very different providing opportunities for applying varying skills and techniques.
Recognition	Those who act as expert witnesses are usually well known.
Personal fulfillment	When conducting research, psychologists findings are often beneficial to society.

1.4.3 Some Potential Drawbacks of Careers in Forensic Psychology

While there are great attractions in the field of forensic psychology, there are equally a few unattractive or disadvantageous aspects in the field of forensic psychology. For instance, a forensic psychologist has to devote a substantial time commitment (5-7 years of graduate study.) Pay is usually low in relation to the amount of education and work required. Frustration, stress, and burnout can occur.

These are explained in the table given below.

Table: Potential drawbacks in career in forensic psychology

Continuing education	Attending seminars and conferences throughout one’s professional life is important for keeping with the current trends and discoveries in the field. Also, it is not easy to get a job directly out of the doctoral programme without additional training.
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Risk of injury	The people that Forensic Psychologists work with in prison settings are sometimes very violent and the chances of getting hurt or injured is quite high when working with such violent persons.
Teamwork	Some people would rather work independently. In this field, people are constantly working with the courts, police and variety of other professionals.
Pay	The pay range of someone in this field does not always compensate for the hard work and long hours.
Burnout risk	Forensic Psychology can be very stressful job. Often, people and situations cannot be changed easily.

1.4.4 Distinction between Forensic and Therapeutic Evaluation

You have learned that the Forensic Psychologist is asked to make evaluation of defendant's mental state. Now if you study the distinction between forensic and therapeutic evaluation, your concept of forensic psychology will be better.

A forensic psychologist's interactions with the ethical responsibilities to the client differ widely from those of a psychologist dealing with a client in clinical setting.

- i) **Scope:** Rather than the broad set of issues a psychologist addresses in clinical setting, a forensic psychologist addresses a narrowly defined set of events or interactions of a non-clinical nature.
- ii) **Importance of client's perspective:** A clinician places primary importance on understanding the client's unique point of view, while the forensic psychologist is interested in accuracy, and the client's view point is secondary.
- iii) **Voluntariness:** Usually in clinical setting a psychologist is dealing with a voluntary client. A forensic psychologist evaluates clients by order of a judge or at behest of an attorney.
- iv) **Autonomy:** Voluntary clients have more latitude and autonomy regarding the assessment objectives. Any assessment usually takes their concerns into account. The objectives of a forensic examination are confined by the applicable statutes or common law elements that pertain to the legal issue in question.
- v) **Threats to validity:** While the client and therapist are working toward a common goal, although unconscious distortion may occur, in the forensic context there is a substantially greater likelihood of intentional and conscious distortion.
- vi) **Relationship and dynamics:** Therapeutic interactions work toward developing a trusting, empathic therapeutic alliance, a forensic psychologist may not ethically nurture the client or act in a "helping" role, as the forensic evaluator had divided loyalties and there are substantial limits on confidentiality he can guarantee the client. A forensic evaluator must always be aware of manipulation in the adversary context of a legal setting. These concerns mandate an emotional distance that is unlike a therapeutic interaction.

- vii) **Pace and setting:** Unlike therapeutic interactions which may be guided by many factors, place great time constraints on the evaluation without opportunities for reevaluation. The forensic examiner focuses on the importance of accuracy and the finality of legal dispositions.

1.5 DIFFERENCE BETWEEN CRIMINAL AND FORENSIC PSYCHOLOGY

Historically, the terms **criminal psychology** and **forensic psychology** have been used interchangeably. But there are several acceptable definitions of criminal psychology. For instance, it can be considered a sub-field within the larger category of forensic psychology. This particular definition of criminal psychology is derived from its specific focus on the criminal mind before, during and after the commission of a crime. It delves into the individual personal history, searching his or her past for explanations of criminal behaviour. It then analyses factors surrounding the crime itself. Later, the criminal psychologist can follow the progress of the individual once he or she has been sentenced or assigned a treatment plan.

According to some experts, forensic psychology is quite different. It focuses primarily on the connection between psychology and the judicial system. Forensic psychologists work with judges, and they assist lawyers with jury selection and sentencing recommendations. Additional examples of forensic psychologists functioning more as legal consultants include testifying in court regarding a defendant's competency to stand trial, or determining criminal responsibility based on an assessment of the defendant's mental state at the time he or she committed the crime.

Another difference between forensic psychology and criminal psychology is that the former concentrates mainly on crime investigations and the **judicial process**. It centres on the circumstances of the specific crime committed. The criminal psychologist, on the other hand, spends a great deal of time on offender assessment and treatment. He studies the defendant's history and its effect on criminal behaviour. Like forensic psychologist, he observes the offender and uses scientific methods to determine the criminal's mindset during the commission of the crime. Going a step further, he might then use the accumulated information to propose appropriate treatment and to evaluate the success of the chosen treatment. A professional background in criminal psychology has numerous applications, and experts have identified several professional roles that criminal psychologists can play.

In a nut-shell criminal psychology is primarily used to determine the criminal's reason for committing a crime while Forensic Psychology analyses the effect of the crime on victims and the mental condition of the offender.

1.6 FUNCTIONS OF FORENSIC PSYCHOLOGISTS

The forensic psychologist views the client or defendant from a different point of view than does a traditional clinical psychologist. Seeing the situation from the client's point of view or "empathizing" is not the forensic psychologist's task. Traditional psychological tests and interview procedure are not sufficient when

applied to the forensic situation. In forensic evaluations, it is important to assess the consistency of factual information across multiple sources.

Forensic evaluators must be able to provide the source on which any information is based. Unlike more traditional applications of clinical psychology, informed consent is not required when the assessment is ordered by the court. Instead, the defendant simply needs to be notified regarding the purpose of the evaluation and the fact that he or she will have no control over how the information obtained is used. While psychologists infrequently have to be concerned about the malingering or feigning illness in non-criminal clinical setting, a forensic psychologist must be able to recognise exaggerated or faked symptoms. Malingering exists on a continuum so that forensic psychologist must be skilled in recognising varying degrees of feigned symptoms.

Forensic psychologists perform a wide range of tasks within the criminal justice system. By far the largest is that of preparing for and providing testimony in the court room. This task has become increasingly difficult as attorneys have become sophisticated at undermining psychological testimony. Evaluating the client, preparing for testimony, and the testimony itself require the forensic psychologist to have a firm grasp of the law and the legal situation at issue in the courtroom, using the Crime Classification Manual and other sources.

1.6.1 Malingering

An overriding issue in any type of forensic assessment is the issue of malingering and deception. A defendant may be intentionally faking a mental illness or may be exaggerating the degree of symptomatology. The forensic psychologist must always keep this possibility in mind. It is important if malingering is suspected to observe the defendant in other settings as it is difficult to maintain false symptoms consistently over time. In some cases, the court views malingering or feigning illness as obstruction of justice and sentences the defendant accordingly. Malingering or feigning illness during a competency evaluation was held to be obstruction of justice and led to an enhanced sentence. As such fabricating mental illness in a competency-to-stand-trial assessment now can be raised to enhance the sentencing level following a guilty plea.

1.6.2 Competency Evaluations

If there is a question of the accused's competency to stand trial, a forensic psychologist is appointed by the court to examine and assess the individual. The individual may be in custody or may have been released on bail. Based on the forensic assessment, a recommendation is made to the court whether or not the defendant is competent to proceed to trial. If the defendant is considered incompetent to proceed, the report or testimony will include recommendations for the interim period during which an attempt at restoring the individual's competency to understand the court and legal proceedings, as well as participate appropriately in their defense will be made. Often, this is an issue of committed, on the advice of a forensic psychologist, to a psychiatric treatment facility until such time as the individual is deemed competent.

1.6.3 Sanity Evaluations

The forensic psychologist may also be appointed by the court to evaluate the defendant's state of mind at the time of the offence. These are defendants who

the judge, prosecutor or public defenders believe, through personal interaction with the defendant or through reading the police report, may have been significantly impaired at the time of the offense. In other situations, the defense attorney may decide to have defendant plead not guilty by reason of insanity. In this case, usually the court appoints forensic evaluators and the defense may hire their own forensic expert. In actual practice, this is rarely a plea in a trial. Usually any judgements about the defendant's state of mind at the time of the offense are made by the court before the trial process begins.

1.6.4 Sentence Mitigation

Even in situation where the defendant's mental disorder does not meet the criteria for a not guilty by reason of insanity defense, the defendant's state of mind at the time, as well as relevant past history of mental disorder and psychological abuse can be used to attempt a mitigation of sentence. The forensic psychologist's evaluation and report is an important element in presenting evidence for sentence mitigation.

1.6.5 Other Evaluations

Forensic psychologists are frequently asked to make an assessment of an individual's dangerousness or risk of re-offending. They may provide information and recommendations necessary for sentencing purposes, grants of probation, and the formulation of conditions of parole, which often involves an assessment of the offender's ability to be rehabilitated. They are also asked questions of witness credibility and malingering. Occasionally, they may also provide criminal profiles to law enforcement.

1.7 ETHICAL IMPLICATIONS

A forensic psychologist generally practices within the confines of the courtroom, incarceration facilities, and other legal setting. It is important to remember that the forensic psychologist is equally likely to be testifying for the prosecution as for the defense attorney. A forensic psychologist does not take a side, as do the psychologists. The ethical standards for a forensic psychologist differ from those of a clinical psychologist or other practicing psychologist because the forensic psychologist is not an advocate for the client and nothing the client says is guaranteed to be kept confidential. This makes evaluation of the client difficult, as the forensic psychologist needs and wants to obtain certain information while it is often not in the client's best interest to provide it. The client has no control over how that information is used. Despite the signing of a waiver of confidentiality, most clients do not realise the nature of the evaluative situation. Furthermore, the interview techniques differ from those typical of a clinical psychologist and require an understanding of the criminal mind and criminal and violent behaviour. For example, even indicating to a defendant being interviewed that an effort will be made to get the defendant professional help may be grounds for excluding the expert's testimony.

In addition, the forensic psychologist deals with a range of clients unlike those of the average practicing psychologist. Because the client base is by and large criminal, the forensic psychologist is immersed in an abnormal world. As such, the population evaluated by the forensic psychologist is heavily weighted with specific personality disorders.

The typical grounds for malpractice suits also apply to the forensic psychologist, such as wrongful commitment, inadequate informed consent, duty and breach of duty, and standards of care issues. Some situations are more clear cut for forensic psychologist. The duty to warn, which is mandated by many states, is generally not a problem because the client or defendant has already signed a release of information, unless the victim is not clearly identified and the issue of identifiability of the victim arises. However, in general the forensic psychologist is less likely to encounter malpractice suits than a clinical psychologist. The forensic psychologist does have some additional professional liability issues. As mentioned above, confidentiality in a forensic setting is more complicated than in a clinical setting as the client or defendant is apt to misinterpret the limits of confidentiality despite being warned and signing a release.

Self Assessment Questions 2

- 1) Answers True (✓) or False (×).
 - a) Criminal Psychology can be considered as a sub-field of Forensic Psychology. ()
 - b) Forensic Psychologist determines criminal responsibility based on an assessment of the defendant's mental state at the time he or she committed the crime. ()
 - c) Criminal Psychologists generally do not focus on the criminal mind during the commission of a crime. ()
 - d) According to some experts Forensic Psychology primarily focuses on the connection between psychology and the judicial system. ()
 - e) Forensic Psychology does not delve into criminal investigation. ()

1.8 EDUCATION AND TRAINING FOR CAREERS IN FORENSIC PSYCHOLOGY

Needed Skills, Abilities and Knowledge: Those with a desire to work in Forensic Psychology must be patient, adaptable, comfortable working with others, and enjoy doing research. Often, one must be a good speaker because many people who do work in this field work as expert witnesses at some point during their career. An expertise in abnormal, motivational, clinical, and social psychology is also key to being successful in this field.

1.9 LET US SUM UP

In this unit you have read that Criminal Psychology is the branch of the Applied Psychology which is primarily used to determine the criminal's reason for committing a crime. You also learnt the following points:

- that Forensic Psychology is the application of psychology to the criminal justice system.
- that criminal justice system includes three organs viz. police, court and prison.

- that the difference between Criminal Psychology and Forensic Psychology is that while the former primarily focuses on determining the criminal's reason for committing the crime the latter focuses on analysing the effect of crime on victims and the mental condition of the offender that the Forensic Psychologist can play a role in criminal investigation.
- that the Forensic Psychologist play a key role in determining competency of a criminal to stand trial.
- that the Forensic Psychologist is asked to determine whether a defendant had a criminal intention while committing the crime.
- that the Forensic Psychologist offer therapies for the insane criminals in the prisons (correctional homes).
- that those with a desire to work in Forensic Psychology must have expertise in abnormal, motivational, clinical and social psychology.

1.10 UNIT END QUESTIONS

- 1) Discuss any two salient points of distinction between forensic and therapeutic evaluation.
- 2) What is the malingering and point out its consequences?
- 3) Write what you know about competency evaluations.
- 4) Why the ethical standards for a Forensic Psychologist differ from those of a Clinical Psychologist?

1.11 GLOSSARY

- Competency** : The mental condition of the defendant at the time of trial is brought up every now and then by the defendant. If a defendant is found to be incompetent, our justice system will not usually punish him/her.
- Insanity** : Sometimes forensic psychologists are asked to determine whether a defendant was mentally capable at the time an offense was committed, commonly by employing the *McNaughton rule* and/or the *substantial capacity rule*.
- Expert Witness** : The majority of forensic psychologists testify in court for both the defense and also for prosecuting attorneys about the sanity and competency of defendants, the accuracy of the eye witness, in child custody cases, and also a variety of other things.
- Criminal Profiling** : With a lot of experience and schooling, one could work closely with local police and also federal agencies to create psychological profiles of defendants.
- Jury Consulting** : Many forensic psychologists work with attorneys in selecting jurors, analysing the potential verdicts of juries, and explaining actual trial verdicts.

- Probation** : Conditional suspension of a sentence on submission of a bond by the offender. The offender does not require to enter the prison.
- Parole** : Conditional premature release from the prison on certain conditions. Conditions are that the offender will lead a law-abiding life.

1.12 SUGGESTED READINGS

Bartol, C.R. and Bartol, A.M. (2008). *Introduction to Forensic Psychology: Research and Applications*. (2nd edition) Sage Publications, New Delhi

Veeraraghavan, Vimala (Ed) (2009) *Handbook of Forensic Psychology*. Select Scientific Publishers, New Delhi.

1.13 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

- 1) a) True, b) False, c) True, d) False,
- 2) a) True, b) True, c) False, d) True, and e) False,