
UNIT 3 FORENSIC PSYCHOLOGY AND RELATED FIELDS

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3.0 INTRODUCTION

In Unit 2 you have become familiar with the historical perspective of Forensic Psychology. You have read in the Unit how Forensic Psychology originated and how it grew and developed and attained the present status. In this Unit 3 you will read about Forensic Psychology and its related fields. These related fields are many. But we will mainly concentrate on Clinical, Cognitive, Developmental and Social Psychology. As you go through this unit you will see how these fields are intimately connected with Forensic Psychology. Thus in this unit you will learn about clinical psychology and its relation to forensic psychology, and developmental psychology and its relation to forensic psychology etc. You will also learn about clinical forensic psychology and what are all the functions of this branch in criminal justice system. This unit also deliberates on the relationship between social psychology and forensic psychology as well as cognitive psychology and its relation to forensic psychology.

3.1 OBJECTIVES

After reading this unit, you will be able to:

- Define Forensic Psychology;
- Relate Cognitive Psychology to Forensic Psychology;
- Explain how Developmental Psychology is related to Forensic Psychology;
- Describe how Social Psychology is related to Forensic Psychology; and
- Compare the relative contributions of these fields to Forensic Psychology.

3.2 CLINICAL PSYCHOLOGY AND ITS RELATION TO FORENSIC PSYCHOLOGY

Clinical Psychology is an integration of science, theory and clinical knowledge for the purpose of understanding, preventing, and relieving psychologically based distress or *dysfunction* and to promote subjective *well-being* and personal development. Central to its practice are *psychological assessment* and *psychotherapy*, although clinical psychologists also engage in research, teaching, consultation, forensic testimony, and programme development and administration. In many countries, clinical psychology is a regulated *mental health profession*.

The field is often considered to have begun in 1896 with the opening of the first psychological *clinic* at the *University of Pennsylvania* by *Lightner Witmer*. In the first half of the 20th century, clinical psychology was focused on psychological assessment, with little attention given to treatment. This changed after the 1940s when World War II resulted in the need for a large increase in the number of trained clinicians. Since that time, two main educational models have developed – the *Ph.D. science-practitioners model* (focusing on research) and the *Psy.D. practitioner-scholar model* (focusing on clinical practice). Clinical psychologists are now considered experts in providing psychotherapy, and generally train within four primary theoretical orientations – *psychodynamic*, *humanistic*, *behaviour therapy / cognitive behavioural*, and *systems or family therapy*.

3.2.1 Clinical Psychology and Forensic Psychology

Within the general field of psychology there are a wide range of different disciplines. Two such disciplines are Clinical Psychology and Forensic Psychology. *Clinical Psychology* differs from *Forensic Psychology* in that the general purpose of *Clinical Psychology* is to diagnose and treat psychological dysfunction, whereas the purpose of *Forensic Psychology* is to provide the psychological assessments in legal situations. A clinical psychologist is bound by an oath of confidentiality to the patients that he sees and is motivated by a desire to help those patients find accurate diagnosis and appropriate treatment for any emotional or mental issue that is disrupting their lives. A *Forensic Psychologist* acts in the capacity of an expert witness in psychological matters as they relate to criminal proceedings.

Clinical Psychology and *Forensic Psychology* both got their start in the same general time period, the late 1800s. The first true clinical psychologist was *Lightner Witmer*, who was a former student of *Wilhelm Wundt*, the ‘Father of Psychology’. *Witmer* was the head of the *Psychology Department* at the *University of Pennsylvania* when he began this ground breaking work with a boy that had trouble spelling. His tireless work was the first time that psychological research was applied in the therapeutic setting, and led to him opening the first psychological clinic in 1896 as has already been mentioned.

The first known use of the *Forensic Psychology* came when *Albert von Schrenk-Notzing* testified at a murder trial on the negative impact of publicity on the memories of the witness accounts. He was the first to suggest, in court, that too much press surrounding an event could lead to a “retroactive memory falsification”. Essentially, his view was that the witness would have a hard time distinguishing what they actually seen from what had been reported in the press.

This very issue is still at the heart of many legal battles today. It is interesting to note that Hugo Munsterberg, who was another student of Wundt, opened a clinic in 1892 with the goal of introducing psychology to the courtroom. He was largely laughed at but continued championing his cause for many, many years.

In order to practice either form of psychology, one must *obtain a graduate degree in psychology* from an accredited university. A clinical psychologist will work to obtain either a Ph.D., which is geared more toward research or a PsyD, which is geared toward treatment of patients. A Forensic Psychologist would also pursue a Ph.D. but would need to augment this education with a legal background in order to become an expert witness.

3.2.2 Clinical-Forensic Psychology

Clinical forensic psychology is the subfield that most people are familiar with, even though they are not even aware of it. There are a variety of things to do with this area. Just like a clinical psychologist, *Clinical-forensic Psychologists* are mainly interested in assessing and treating people suffering from some form of mental illness. The difference is that the people being treated are also being assessed because they are somehow involved in the criminal justice system, mainly because of conviction for some offense. Most people in the subfield decide to make treatment and assessment the focus of their career in life. Offenders can be forcibly treated while in prisons, corrections facilities, as a requirement of parole/probation, or in a hospital. Alternatively, offenders could see a Clinical-forensic Psychologist who operates in private practice.

This type of psychologist can work as an expert witness in both criminal and civil court cases for the defendant and /or the party filing the civil lawsuit. Many people in American society look down upon expert witnesses. People often believe expert witnesses are saying what is demanded to receive compensation, especially when testifying about *competency* to stand trial and *sanity* of defendants. Clinical-forensic Psychologist may be involved in evaluating jury selections, the mental health of persons in criminal and civil cases, or the validity of an insanity defense, police confessions or eyewitness testimony.

In the civil arena, expert witnesses often testify about whether a person was competent in making some decision, such as in writing his/her will. As witnesses, psychologists can also give their opinion in workman's compensation cases (e.g., to establish if a defendant was really harmed psychologically from a work injury). Child custody is a major issue in the civil arena. The Clinical-forensic Psychologist can give his/her opinion on which parent should be the legal guardian and on parental visitation guidelines.

Psychologist here can also choose to make a career out of doing research. This is a very lucrative field if one is successful; it is mainly available in universities and colleges to those with the doctoral degree. One of the interesting topics frequently researched is the effectiveness of different types of therapies for convicted criminals. There is constant advancement in this area.

Before a Clinical-forensic Psychologist can actually pursue his/her desired specialty, additional training and volunteer work may be needed, even after receiving a doctoral degree. The best way to do this is through externships and mentoring programmes. Working closely with others teaches a person how to go about working in a field.

When a clinical psychologist conduct psychotherapy, he does not accept managed care, and so he always assume that client paying him out of their own pockets really want help and therefore are not deliberately lying to him. Psychotherapy, after all, depends on honesty. Nevertheless people do lie, for a variety of reasons – shame, guilt, fear, etc. – and the lies have to be dealt with as therapeutic issues. In such cases, clients essentially pay him for the privilege of resisting treatment.

But everything changes if a person commits a crime and then wants to make a legal defense based on his/her mental condition; is ordered by the judicial system to be psychologically evaluated, tested, or diagnosed; is ordered by the judicial system to receive psychotherapy; sues someone on the grounds of psychological damages.

In cases such as these, there are strong motives for deception which can cast the shadow of doubt on everything that is said in psychotherapy. Here are some points to consider.

Insanity: Pleading “*not guilty due to a mental condition*” is known as an insanity defense. *Insanity* is a legal term, not a psychiatric term, and so it doesn’t imply anything about the nature of the underlying disorder. Just about any major psychiatric disorder – a psychotic disorder (e.g. schizophrenia), a mood disorder (e.g. major depression) or an anxiety disorder (e.g. PTSD) – could be used as the basis for an insanity defense.

In years past, drunk drivers who caused major vehicle crashes used to argue that they were not responsible for their behaviour because they were under the influence of alcohol. But eventually the legal system saw through the foolishness of this argument. If the person drinks willingly, and gets into a car willingly, then the resulting crash is not an “accident”, it is the final event in a long string of international behaviours.

Therefore, just as the “*under the influence of alcohol*” excuse was abused in the past, the insanity defense is often abused today as a way to “*wiggle out*” of *personal responsibility* for one’s behaviour.

In its most charitable purpose, the insanity defense should simply be a way to recognise when a person’s judgement is impaired by psychological factors beyond his or her personal intention. In such a case, the person can be sent to mandated mental health treatment, rather than to prison.

Faking: Some people will go to any lengths to avoid responsibility – and punishment – for their behaviour. Some people will also do just about anything to get rich quickly. Whenever a crime has been committed, or compensation is sought for psychological damages, a clinician would be a total fool not to consider the possibility that a mental disorder could be out right fakery – clinically known as *malingering*.

Exaggeration and Lying: Even in cases involving genuine mental disorders, things may not be as simple as they seem on the surface.

Symptoms can be consciously *exaggerated* in order to get extra attention, special privileges, momentary compensation, or sympathy.

4) Differentiate between clinical and forensic psychology.

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5) Fill in the blanks:

- a) The first true clinical psychologist was
- b) Hugo Munsterberg opened a clinic in 1892 with the goal of introducing psychology into the
- c) Clinical forensic psychologists can work as in both criminal and civil cases.
- d) The legal presentation of the evidence amounts to nothing more than a person showing the court what he or she wants the court

3.3 COGNITIVE PSYCHOLOGY AND ITS RELATION TO FORENSIC PSYCHOLOGY

Cognitive Psychology is a discipline within *psychology* that investigates the internal mental processes of thought such as visual processing, memory, thinking, learning, feeling, problem solving, and language.

The school of thought arising from this approach is known as *cognitive* which is interested in how people mentally represent *information processing*. It had its foundations in the work of *Wilhelm Wundt*, Gestalt Psychology of *Max Wertheimer*, *Wolfgang Köhler*, and *Kurt Kofka*, and in the work of *Jean Piaget*, who provided a theory of stages/phases that described children's cognitive development.

Cognitive psychologists use *psychophysical* and experimental approaches to understand, diagnose and solve problems, concerning themselves with the mental processes which mediate between stimulus and response. Cognitive theory contends that solutions to problems take the form of *algorithms – rules* that are not necessarily understood but promise a solution, *heuristics – rules* that are understood but that do not always guarantee solutions. In other instances, solutions may be found through insight, a sudden awareness of relationships. Modern cognitive psychology has been deeply influenced by the work of *Noam Chomsky*, *Albert Bandura*, and *Ulric Neisser*.

Forensic Psychology is tied closest to the cognitive perspective. The cognitive perspective was developed by George Miller, Jerome Bruner, and Ulrich Neisser throughout the 1990s. It focused on identifying the process of thinking, language, and dreams, with the main idea that perceptions and thoughts influence behaviour. Forensic psychologists not only offer their expert opinion at trials, but can also be found helping a witness identifying a murderer in a line of suspects. They sometimes hypnotize subjects to help them remember things or interview potential

jury members to eliminate those who may be biased. These tasks relate to the cognitive activities of thinking, memory and perceptions. Other times, they give their own expert testimony at trials which could result in an individual being confined to a mental institution, receive huge monetary awards, obtain custody of a child, or lose his or her life. Legal psychologists play a big role in the justice system.

Forensic psychologists often work within the judicial system in such diverse areas as determining an inmate's readiness for parole; evaluation of rehabilitation programmes; clinical competency; tort liability and damages; evidence; jury selection; and police training. The evaluations of the mental state of individuals also communicate the cognitive perspective. They may also be employed in other areas of jurisprudence, including patent and trademark disputes, divorce and custody cases, product liability, and taxation. Psychologists advise their clients in several ways, including diagnostic appraisals, which may determine the capability of the client to stand trial. They are also called to provide clinically-based opinions on a wide variety of issues arising from their diagnoses. Sometimes they obtain hospital records, police reports, witness statements, and provide relevant research. Beside submitting these and other findings, they are often required to testify in court. Forensic Psychologist may be hired by a defense attorney to evaluate the defendant's mental processes. They administer personality and intelligence tests after being briefed on the circumstances of the crime and examining records detailing the mental or emotional problems and treatment. Forensic psychology can also be tied to ideas of structuralism. That is, structure of conscious experience (such as witnessing a crime); objective sensation – seeing, touching, testing, hearing; and subjective feelings like memories and thoughts.

Legal psychologists are regularly consulted in child custody cases. Both parents must be evaluated along with the children and other relevant family members. It may involve visits to the home of each parent to find out additional information on the relationship between the parent and child and the living environment. They want to determine the best interests of the child. They may train police officers to handle diverse situations like domestic abuse, suicide threats, hostage crisis, and how to control crowds. If the police have an idea of the mental processes of those they are involved with, they can do their jobs better. Clinicians who enter the forensic areas seek to uncover truth whatever the implications may be.

Forensic Psychologists determine whether or not people are telling the truth with the use of polygraph machines. The machine records a person's physical response to questions. The lie detector measures blood pressure, breathing, electrical conductivity of the skin, pulse and perspiration in order to tell if a person is lying or not. This aspect of forensics especially ties back to the cognitive perspective and conscious thoughts. If the enquired party does not provide accurate answers, then their body's reaction gives them away.

Forensic or legal psychology is most directly related to the cognitive perspective because most of this profession deals with mentality, memories and conscious thoughts. Psychologists assess witnesses and suspects for accuracy in objective thoughts and help enhance memories to uncover the truth and put away the bad guys.

Self Assessment Questions 2

1) Define Cognitive Psychology?

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2) What are algorithms?

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3) Name the psychologists who deeply influenced modern cognitive psychology?

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4) What is a polygraph machine?

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5) Read the following statements and mark right (✓) or wrong (×)

- a) Rule that are understood but that do not always guarantee solutions are heuristics. ()
- b) Cognitive Psychology had its foundations in the work of Wundt, Wertheimer, Köhler and Koffka. ()
- c) Forensic Psychology is not tied closest to the cognitive perspective. ()
- d) Forensic Psychologists not only offer their expert opinion at trials, but can also be found helping a witness identify a murderer in a line of suspects. ()

3.4 DEVELOPMENTAL PSYCHOLOGY AND ITS RELATION TO FORENSIC PSYCHOLOGY

Developmental Psychology, also known as *human development*, is the *scientific* study of systematic *psychological* changes that occur in *human* beings over the course of their life span. Originally concerned with *infants* and *children*, the field has expanded to include *adolescence*, *adult development*, *aging* and the entire life span. This field examines change across a broad range of topics including *motor skills* and other psycho-physiological processes; cognitive development involving areas such as *problem solving*, *moral understanding*, and *conceptual understanding*; *language acquisition*; social, personality, and emotional development; and self-concept and *identity formation*.

Developmental psychology includes issues such as the extent to which development occurs through the gradual accumulation of *knowledge* versus stage-like development, or the extent to which children are born with innate mental structures versus learning through *experience*. Many researchers are interested in the interaction between personal characteristics, the individual's behaviour, and environmental factors including *social context*, and their impact on development; others take a more narrowly focused approach.

Developmental Psychology informs several applied fields, including: *educational psychology*, *child psychopathology*, and *forensic developmental psychology*. Developmental Psychology complements several other basic research fields in *psychology* including *social psychology*, *cognitive psychology*, *ecological psychology*, and *comparative psychology*.

Recent developments in the field of forensic developmental psychology challenge traditional conceptions about the reliability of children's reports. The areas covered involve the disclosure patterns of sexually abused children, the nature of suggestive interviews, developmental differences in suggestibility, and the amount of suggestion required to produce false reports and beliefs.

Forensic Developmental Psychology is a field that has emerged over the past two decades. The term was developed by Brooke and Poole (2002) and includes autobiographical memory, memory distortion, eyewitness identification, narrative construction, personality, and attachment as topics covered by this field of research.

Forensic Developmental Psychology is oriented toward children's actions and reactions in forensic contexts. The research is grounded in a developmental framework, and is emerging either from previous studies in basic developmental science or from related research in the adult literature.

The major topics in this field of research include the conditions that precipitate false reports, the psychological status of false reports, and developmental trends in false reports.

There are four misconceptions about children's disclosures. (i) sexually abused children do not disclose their abuse because of shame, guilt and fear. (ii) The second misconception is that suggestive interviews can be indexed by the number of leading questions. (iii) Suggestibility is primarily a problem for preschoolers

and (iv) Multiple suggestive interviews are needed to taint a report. Research in regard to these indicate that there should be greater concern that interviews with possible victims of child abuse are conducted using scientifically validated methods and less concern that true victims will deny that they were abused.

3.5 SOCIAL PSYCHOLOGY AND ITS RELATION TO FORENSIC PSYCHOLOGY

Social Psychology studies the nature and causes of social behaviour. *Social Psychology* is the study of social behaviour and mental processes, with an emphasis on how humans think about each other and how they relate to each other. Social psychologists are especially interested in how people react to social situations. They study such topics as the influence of others on an individual's behaviour (e.g. *conformity, persuasion*), and the formation of beliefs, *attitudes*, and *stereotypes* about other people. *Social cognition* fuses elements of social and cognitive psychology in order to understand how people process, remember, and distort social information. The study of *group dynamics* reveals information about the nature and potential optimisation of leadership, communication, and other phenomena that emerge at least at the *micro-social* level. In recent years, many social psychologists have become increasingly interested in *implicit* measures, mediational models, and the interaction of both person and social variables in accounting for behaviour.

Social Psychology is the *scientific study* of how people's *thoughts, feelings, and behaviours* are influenced by the actual, imagined, or implied presence of others. By this definition, *scientific* refers to the *empirical* method of investigation. The terms *thoughts, feelings, and behaviours* include all of the *psychological variables* that are *measurable* in a human being. The statement that others may be *imagined* or *implied* suggests that we are prone to social influence even when no other people are present, such as when watching television, or following internalised *cultural norms*.

Social psychologists typically explain human behaviour as a result of the interaction of *mental states* and immediate social *situations*. In *Kurt Lewin's* famous heuristic formula, behaviour can be viewed as a function of the person and the environment, $B = f(P, E)$. In general, social psychologists have a preference for *laboratory based, empirical findings*. *Social Psychology Theories* tend to be specific and focused, rather than global and general.

Social Psychology is an interdisciplinary domain that bridges the gap between *psychology* and *sociology*. During the years immediately following World War II, there was frequent collaboration between psychologists and sociologists. However, the two disciplines have become increasingly specialised and isolated from each other in recent years, with sociologists focusing on "macro variables" (e.g. social structure) to a much greater extent. Nevertheless, *sociological approaches* to social psychology remain an important counterpart to psychological research in this area.

In addition to the split between psychology and sociology, there has been a somewhat less pronounced difference in emphasis between *American Social Psychologists* and *European Social Psychologists*. As a broad generalisation,

American researchers traditionally have focused more on individual, whereas Europeans have paid more attention to group level phenomena.

A psychology degree in Social Psychology will enable you to study how society influences the way people behave. You may advise lawyers and courts on matters of witness credibility, jury selection and how external factors can affect eyewitness memory. Periodically, social psychologists act as trial consultants or offer counsel regarding legal policy.

Social psychologists have learned that persons who confess or who provide information as a result of being subjected to abuse do not necessarily provide reliable information. The psychology of the false confessions has attracted considerable research interest in recent years, with the realisation that a surprising number of suspects confess to crimes they did not commit. Forensic Psychologists consulting with law enforcement may be able to offer interrogation strategies that will protect the rights of suspects and minimise the likelihood that a false confession will occur.

Self Assessment Questions 3

Read the following statements and mark right (✓) or wrong (×)

- 1) Developmental Psychology is also known as human development. ()
- 2) Developmental Psychology informs several applied fields, including Educational Psychology, Child Psychology and Forensic Psychology. ()
- 3) Recent developments in the field of Forensic Developmental Psychology do not challenge traditional conceptions about reliability of children's reports. ()
- 4) Social Psychologists have learned that persons who confess or who provide information as a result of being subjected to abuse do not necessarily provide reliable information. ()

3.6 LET US SUM UP

Clinical Psychology: As a *clinical psychologist*, you generally focus on assessing and treating individuals with mental disorders. In the context of law, *clinical forensic psychologists* study a wide range of issues and often work with those convicted of a crime within the criminal justice system. You may be involved in evaluating jury selections, the mental health of persons in a criminal or civil case, or the validity of an insanity defense, police confession or eyewitness testimony. Like many who work in one of the subfields of forensic psychology, you would likely serve often as an expert witness in court.

Cognitive Psychology: If you enjoy studying how the mind works, then you might consider a *cognitive psychology* degree. Within the legal system, you would examine the mental processes of criminals, witnesses, as well as the judge and jury. Cognitive psychologists analyse what motivates criminal behaviour, the most effective methods of detecting deception, and how perception and memory is influenced in eyewitness testimony.

Developmental Psychology: In the legal realm, *developmental psychologists* regularly assess the competency of children and the elderly in decision-making ability, understanding legal proceedings and the validity of testimony. They may also help in custody cases by appraising the needs of children and families due to divorce or separation. Like clinical psychologists, developmental psychologists typically teach and conduct research in academic and medical schools.

Social Psychology: A psychology degree in *social psychology* will enable you to study how society influences the way people behave. You may advise lawyers and courts on matters of witness credibility, jury selection, and how external factors can affect eyewitness memory. Periodically, social psychologists act as trial consultants or offer counsel regarding legal policy.

3.7 UNIT END QUESTIONS

- 1) Define Developmental Psychology.
- 2) What is Forensic Developmental Psychology?
- 3) Define Social Psychology.
- 4) State the Kurt Lewin's famous heuristics formula.

3.8 GLOSSARY

Behaviour therapy	:	It is an approach to psychotherapy based on learning theory which aims to treat psychopathology, through techniques designed to reinforce desired and extinguished undesired behaviours.
Cognitive behaviour therapy	:	It is a psychotherapeutic approach that aims to solve problems concerning dysfunctional emotions, behaviours and cognitions through a goal-oriented, systematic procedure.
Dissociative identity disorder:		Commonly known as multiple personality disorder. Persons with dissociative identity disorder has two or more distinct personalities, each of which determines behaviour and attitudes during any period when it is the dominant personality.
Family therapy	:	Also referred to as couple and family therapy and family systems therapy, is a branch of psychotherapy that works with families and couples in intimate relationships to nurture change and development.
Humanistic therapy	:	It is a method therapist use to focus on client's subjective, conscious experiences.
Jury	:	A body of usually twelve persons sworn to render a verdict on the basis of evidence submitted to them in a court of justice.

Litigation	:	A suit at law.
Psychodynamic therapy	:	It is a form of depth psychology, the primary focus of which is to reveal the unconscious contents of a client's psyche in an effort to alleviate psychic tension.
Self-concept	:	It is a multidimensional construct that refers to an individual's perception of "self" in relation to any number of characteristics, such as academics (and non-academics), gender role and sexuality, racial identity, and many others.
Tort	:	A tort is an act that injures someone in some way, and for which the injured person may sue the wrongdoer for damages.
Jurisprudence	:	The philosophy or science of law.

3.9 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.

3.10 ANSWERS TO SELF ASSESSMENT QUESTIONS

- 1) a) Lightner Witmer, b) courtroom, c) expert witness, d) to see
- 2) (i) ✓ (ii) ✓ (iii) × (iv) ✓
- 3) (i) ✓ (ii) ✓ (iii) × (iv) ✓