

HPS206: Introduction to Forensic Psychology

Week 1: Overview of the Justice System and Associated Services

What is Forensic Psychology?

- Involves interaction of psychology and the legal process. Application of psychological theory, psychological research and psychological practice to the legal and criminal justice system.

What is the history of Forensic Psychology?

- 1843 – first 'not guilty by reason of insanity' verdict, Daniel McNaughten tried to assassinate Prime Minister but ended up killing his secretary instead. First time the state of mind of an offender was brought before a court by testimony of experts.
- 1906 – Sigmund Freud went before court and said psychology had important applications in the legal justice system
- 1908 – First publication of 'On the witness stand' by Hugo Munsterberg and research on eyewitness recounts concluded that it was not accurate
- 1909 – John Wigmore criticises Munsterberg's claims
- 1954 – 'the Social Science Brief' (negative connotation of black segregation in school environments) was the first use of psychological perspective in a legal proceeding
- 1968 to 1969 – The American Psychology-Law Society was founded
- 1974 – First joint US degree psychology-law program was established

Why was the legal system so resistant to applications of psychology?

- Difference in standards of proof
 - 95% confidence interval for psychology, 'beyond a reasonable doubt' for law
- Difference in language
 - Law speaks on the individual level while psychology speaks of populations

What do Forensic Psychologists do?

- Consultation to areas of the justice system

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- Police investigation – recruitment and promotion, training and crisis management
- Trial process and preparation – jury selection and witness preparation
- Correctional services – workplace safety, organisational structure and practices
- Child protection
- Expert Psychological Evidence
 - Either oral or written reports
 - Example: insanity defence, competence to stand trial, sentencing and parole, eyewitness identification, psychological damages in civil cases, trademark litigation, administrative appeals tribunals, guardianship boards and child custody issues
- Clinical services with forensic populations
 - Assessment, Psychotherapy, Treatment, Training or Counselling
 - Example: drug misuse, offenders, victims of crime, parents, separation and divorce, family reunification
- Research
 - Based on the scientific method
 - Research in the forensic context can be challenging (e.g. ethical concerns, confidentiality)

What are the Sources of law?

- 8 Jurisdictions plus a Federal System
- State laws include criminal law
- Commonwealth covers taxation, postal telegraphic, currency, marriage and divorce
- Statutory law: enacted by legislature, depends on each state
- Common law: precedent cases (cases without legislature)
- Criminal codes: QLD, WA, Tas, NT
- Remaining states are common law

Adversarial vs. Inquisitorial

- Adversarial or accusatory system

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- Follows the due process model, presumes sanity and innocence of crime
- Parties bear responsibility of presenting facts with each attempting to refute or discredit the other's case
- "Innocent until proven guilty"
- Equity, Uniformity and Certainty
- Individual autonomy and community welfare

Why is there contention between psychology and the law?

- They do not “speak the same language.
- The legal system requires information about an individual so that decisions can be made about him/her.
- Psychology on the other hand offers nomothetic information that can be less useful to other players in the justice system

Week 2: Ethical Issues in the Forensic Context

What is the APS Code of Ethics and what are the general principles?

- The Australian Psychology Society Code of Ethics sets the behaviour and boundaries within which a psychologist (or counsellor) is required to operate. It is a principles-based set of guidelines that professional judgement and decisions must be based upon.
- We need them because therapeutic relationships are unbalanced, complicated and it provides guidance and accountability within treatment.
- The Code is built upon three principles:
 - The respect for the rights and dignity of people and peoples – promotes equity and the protection of people’s human rights, legal rights and moral rights.
 - Propriety – ensuring that those who deliver psychological services are competent and seek to protect the interests of the people and peoples with whom they work.
 - Integrity – understanding that the professional standing places them in a position of power and trust, therefore they must act with probity and honest in their conduct.