Forensic Psychology

Definition: The application of psychological knowledge and theories to all aspects of the criminal and civil justice systems, including the processes and the people

History:

- **1985: James Cattell:** found people's reporting's of things they see in everyday life is inaccurate
- **1990: Alfred Binet:** showed children objects e.g. buttons glued to board, and then found asking misleading questions led to inaccurate answers
- **Von Liszt (1902), Stern (1910)** conducted reality experiments for staged events and found eyewitness memory was inaccurate
- **1911: Varendonck:** eyewitness in girl's murder case + conducted staged experiments in school and suggested that children's memories are inaccurate and suggestible
- **Hugo Von Munsterberg:** found that eyewitness memory was inaccurate
- Eyewitness research disappeared for 50 years because Munsterberg's book was criticized (by Wigmore) WW2, rise of behaviourism
- Eyewitness research emerged in 60's and 70's (Robert Buckhaut-conducted study which showed that 2000 eyewitnesses can be wrong + Elizabeth Loftus-showed that can override memory by asking certain questions)

Roles of Psychologists:

    1) Clinical: Mental health issues that relate to law
    2) Experimental: Any aspect of human behaviour that relates to law

Functions of an Expert Witness

    1) Aid in understanding issues involved in case
    2) Provide opinion

Challenges of Providing an Expert Testimony

- Differences between psychology and law:
  1) Psychology=general patterns, law=individual experience
  2) Psychology=statistics, law=intuition
  3) Psychologists criticize/try to find alternate views for their findings; Lawyers try to persuade people of theirs

- The Legal Systems Criticisms of Psychology:
  1) Psychology lacks ecological validity (research doesn't relate to event)
  2) Psychologists may lose objectivity
  3) Psychology can intrude on legitimate activities of legal system
  4) It's all common sense

Admissibility Criteria

- Need to prove to judge have expert evidence beyond that of average jurors which will assist jurors
- **R v Turner 1975:** Australia/New Zealand/England/Wales=until 1995 constrained by Turner's ruling, esp. "common Knowledge" ruling→(psychologists only needed for mental disability/not used because jury may rely too much on them/common knowledge
- **R v Skaf 2006:** Psychologists allowed to give expert evidence regarding reliability of eyewitness testimonies

Expert Evidence: Fingerprints

- Evidence shows that fingerprint experts are good but not perfect and can lead to innocent people being convicted/guilty people going free

Eyewitness Memory

- Assessed in two ways:
  1) Recall Memory→reporting what saw
  2) Recognition Memory→seeing whether what one is seeing/hearing is the same as what witnessed (e.g. line up)
- Two types of factors which can influence eyewitness memory:
  1) *System Variables:* Variables which can be manipulated after the event and affect memory e.g. time between interview and event and wording of questions
     - Misinformation effect: exposure to misinformation about an event can cause witness to incorporate that into their memory
       - ❖ **Factors which influence the misinformation effect**: Age, hypnosis, suggestibility, authority, repetition, visual
     - E.g. Loftus 1975→people given misinformation about give way sign being present at car incident instead of stop sign – 40% incorporated that into memory
     - E.g. Loftus and Palmer 1974→people believed cars were going faster if asked how fast they were going if they "smashed" into each other compared to if they used the word "hit"
     - Loftus and Pickrell (1995) incorporated false memories of childhood into people's memories (4 true, 1 false) e.g. 25% believed lost in mall as small child, 50% believed went on hot air balloon ride after seeing falsified photos, 16% believed shook hands with bugs bunnie
  2) *Estimator Variables:* Variables which are there at time of crime and cannot be changed e.g. age, lighting, presence of weapon, whether witness was under the influence of alcohol
     - Perception constructed partly on what we experienced/partly on our beliefs/attitudes and values

- Difficult for people to identify those from different races e.g. El Paso asked 86 convenient store owners to identify 3 different men, more likely to correctly identify men of own race (concluded due to lack of interracial contact)
- Memory best at optimum levels of arousal
  - ❖ Easterbrook Hypothesis: Highly aroused witnesses have better memory for central details than peripheral details
  - ❖ Weapon focus effect: Presence of weapon=draws in attention and makes it harder for victim to identify culprit
  - ❖ Those who pay attention to details=less likely to pay attention to culprit
- **Interviewing methods:**
  - ➢ *Cognitive Interview*➔forms good relationship with interviewee and interviewer and tries to improve recall by mentioning the system and estimator variables of the crime
  - ➢ *Hypnosis* (problematic as can increase the amount of incorrect information) however components of hypnosis have been found to be helpful e.g. meditation, reinstatement of the context of the witnessed event etc.

(state dependent memory➔will remember more if in same environment)

Repressed Memories
- McNally and Geraerts argue that people remember repressed memories during therapy because at the time they didn't think the act was sexual abuse/forget

Line-ups

- **2 types of lineups**
  1) Target present line up➔contains culprit
  2) Target absent line up➔all innocent
- Can be dangerous because very convincing
- Evidence of inaccurate ID's:
  - ❖ Surveyed justice officials➔surveyed US justice officials who believe 1% wrongly convicted (means 75000 wrongful convictions per year in US)
  - ❖ DNA exoneration cases➔about 75% of DNA exoneration cases are due to mistaken identification
  - ❖ Empirical Studies (field/lab)
    - ➢ Field: confederates go into stores/banks and perform unusual transaction➔41.8% correct identification, 35.8% false identification
      Advantages: high ecological validity
      Limitations: lack experimental control
    - ➢ Lab: participants watch video/staged mock-crime➔rate of false ID ranged from 0%-100%
      Advantages: more control

> **Limitations:** not designed to estimate overall level of accuracy, just effect of 1 variable, manipulate task difficulty to avoid floor/ceiling effect

- Factors affecting accuracy of eyewitness lineup:
  - ➤ Estimator variables: fatigue, arousal, weapon focus etc
  - ➤ System variables: line up composition, ID procedure etc.
- **2 types of Identification Procedures**
  1) Showups: one person lineup →biased because witness knows person the police suspect
  2) Line-ups: suspect in line with several foils (can be made up of all suspects (US only) or 1 suspect and all foils (UK (7+ foils) and Aus (20+ foils))
- Composition: Foils similar in appearance/eyewitnesses description (good foil matches verbal description but differs in ways not mentioned in verbal description)
- US/AU majority are photo line-ups, UK preference is for live or video

- **Mugshot Searches**
  - Should only be used to help identify a suspect in the early stages of research→witness who sees face in Mugshot search is likely to choose person in lineup due to **unconscious transference-**when people remember a face, but mistake the circumstances in which they saw the face

- **Line-up instructions**
  - Witnesses should be told culprit may or may not be in lineup
  - Person conducting lineup should not know culprit as may give it away with verbal and non-verbal cues

- **Lineup presentation**
  - **Simultaneous lineup:** all members present at once
  - **Sequential lineup:** presented one at time (fewer false ID's and fewer correct ID's)-better though because use absolute judgements rather than relative judgements

  - Jurors more likely to believe confident witness, but confidence is poorly related to accuracy
  - Jurors often don't recognize problems with eyewitness identification evidence

- **Criminal Profiling**
  - Technique for identifying major personality and behavioural characteristics of an individual based on an analysis of the crimes he/she has committed
  - Includes info on demographics and behavioural characteristics
  - Origins:
    - ❖ **1400's** script of characteristics used to eradicate Witches
    - ❖ **1888** surgeon attempted to profile Jack the Ripper
    - ❖ **1956** profile Mad Bomber

- ❖ **1970** FBI developed criminal profiling program
- ❖ **Today** similar programs developed internationally
- Methods:
  Deductive: profiling background characteristics based on evidence left at crime scene by offender
  Inductive: profiling based on what we know about other solved cases

- **Consists of 6 main steps:**
  1) Input→acquisition/organization of crime scene assessed
  2) Decision Process→categorise evidence into patterns
  3) Crime Assessment→offender motivation
  4) Criminal Profile Formation
  5) Investigation
  6) Apprehension→always check accuracy against new evidence

- **The FBI approach**

  - 1980's Behavioural Science Unit interviewed 36 sexually motivated murderers→led to distinction between organised and disorganised crimes
    Organized crime scene:
    - ➢ Planned
    - ➢ Personalized
    - ➢ Restraint used
    - ➢ Body moved/hidden
    - ➢ Evidence/weapon removed

    Disorganized crime scene:
    - ➢ Spontaneous
    - ➢ Depersonalises victim
    - ➢ Chaotic
    - ➢ Body/evidence/weapon present

    Organised Personality
    - ➢ Intelligent, follows details of crime on news, socially competent, partner

    Disorganized Personality
    - ➢ Average IQ, lives alone, little interest in media, poor work history

    Limitations
    - ➢ Little research has examined model
    - ➢ Cannot account for offenders who show a mix or organization/disorganization

    Statistical approach
    - ➢ Data collected from solved crimes and analysed using complex statistics → group of actions occur together revealing a typography