

PSYC1027 – FORENSIC PSYCHOLOGY

LECTURE 1 – INTRODUCTORY LECTURE

Psychology: the study of the mind and behaviour. The discipline embraces all aspects of the human experience – from the functions of the brain to the actions of nations, from child development to care for the aged. To every conceivable setting from scientific research centres to mental healthcare services, “the understanding of behaviour” is the enterprise of psychologists. – American Psychological Association

Research carried out in psychology using scientific methods can be applied to psychological treatment. These treatments must be updated according to new findings in scientific research.

Basic Research doesn't have some immediate application. Some of the most important discoveries have been made due to this type of research.

Strategic/Applied Research is carried out with the clear idea of its application.

In Psychology, there are sub-professions:

- Clinical Psychology
- Clinical neuropsychology – involved in the assessment of individuals who might have brain injuries
- Developmental Psychology
- Health Psychology
- Sports psychology
- Organisational Psychology

Forensic psychology: covers all aspects of psychology that are applied or relevant to the legal process. Forensic psychologists draw upon psychological evidence (from different psychological disciplines e.g., cognitive, abnormal, and developmental psychologists) to explain and understand some of the people and processes involved in the legal system. For example, children are sometimes required to give evidence in court, an understanding of how children's memory works compared to the memory of adults would be relevant in forensic psychology.

Forensic psychologists may be involved to:

- Reduce crime
- Detect crime
- Reduce recidivism (reoffending)
- Build better prisons
- Refine sentencing policy
- Help courts- e.g. make decisions about what type of sentence should be given to people by giving a pre-sentencing report or suggest programs for offenders that will reduce their sentence and reduce recidivism
- Protect children- design the legal system so that the process isn't damaging children and reduce trauma involved in appearing in court, etc.

Forensic psychologists may work in:

- Policy and research units (within universities or government bodies e.g. BOXAR to research crime offending areas and reoffending rates)
- Academic researchers
- Designing and administering treatment programs- working with typically groups of offenders e.g. sex offenders, violent offenders, domestic violence offenders. Monitor the success of the treatment programs by observing individuals after they are released
- Forensic hospitals – legal system meets the health system. Work alongside psychiatrists and forensic nurses to provide services to the inmates.

INTRODUCTION TO THE LEGAL SYSTEM

Law: a system of rules that are enforced through social institutions to govern behaviour.

Laws can be made by governments, or by judges through binding precedent. Private individuals can create legally binding contracts. The law shapes politics, economics, history and society in various ways, and serves as a mediator relations between people.

Legal systems can be **Inquisitorial** or **Adversarial**:

- **Inquisitorial legal system:** the court is actively involved in determining the facts of a case. The court will have control over resources such as policing and will be able to direct the way in which the investigation will take place, get expert reports, etc. takes a leading role in the investigation. This is common in majority of Europe e.g. France. Napoleonic code of law
- **Adversarial system:** the courts are effectively acting as a referee. The court is not directly involved in either side. Two opposing sides e.g. prosecution and defence. In the adversarial system, everyone has the right to be defended. This system is used by Australia, UK and the US.

Criminal Law vs. Civil Law

- **Criminal law:** if found guilty, the accused can be incarcerated or fined. Concerned where the state takes a role in determining if someone has committed an offence against the state. The state takes it upon themselves to regulate criminal law. State vs citizen
- **Civil law:** if found liable, the defendant has to compensate the plaintiff. Regulating contracts and agreements between citizens/ individuals.

Criminal Law Timeline:

Forensic psychology applies to both realms of law.

Criminal law:

1. **Risk factors:** things which increase the risk that someone will commit an offence. They vary between individuals. E.g. Common risk factor may be alcohol abuse which increase the risk of certain types of behaviour.
2. **Offence:** wide ranging from offences against property, theft, offences against people, violence, murder, sexual offences.
3. **Reporting:** offences may be either reported or not. Victim or someone else reports the offence to the authority. Theft is more likely to be reported over sexual offences for insurance. Sexual offences have the highest rates of not being reported.

4. **Investigation:** police will seek to determine who is responsible for the offence. May or may not be successful. Many investigations fail to identify the offender, partly depending upon the nature of the offence, the amount of evidence left behind by the offender, whether there were witnesses, police resources, etc.
5. **Detection:** police will determine who was responsible for the offence. May or may not be right.
6. **Interviewing suspect:** good or bad interviews. Give rise to problems either legal or psychological if bad. There may be bad interview practices which are more likely to lead to a suspect giving a false confession. If the individual is vulnerable in one way or another they may falsely confess.
7. **Confession/ denial:** may be partial
8. **Charging suspect:** police will lay charges in detail
9. **Released on probation:** sometimes occurs. Allowed to go free under certain circumstances e.g. bail – amount of money which is held by the court until the person appears for their hearing. Sometimes there is no bail. Depending on seriousness of offence. Sometimes there is no probation and they are held in custody, usually when the individual poses a risk to society
10. **Fit to stand trial:** occasionally individuals are suffering from a mental illness to such a degree where they are determined by courts with the help of psychologists that they are not fit to stand trial. Court will not try someone for an offence if they are not capable of understanding what's happening. They are taken out of the legal system and into the health system as they are not fit to be tried. Assuming this is not the case there will be a court hearing.
11. **Court hearing**
12. **Plea:** guilty or not guilty
13. **Conviction/ acquittal**
14. **Pre-sentence report:** judge may ask to psychologists to interview offender and come back with recommendations with what treatment would be able to reduce the risk of reoffending. The judge will weigh that up when considering the sentence/ punishment to apply to the offender.
15. **Sentence:** may be community based (community service, restrictions will be placed) and won't need to go to prison
16. **Prison:** forensic psychology takes place here too. Working with issues and risk factors which increase the danger of the individual undertaking in the offence.
17. **Parole hearing:** may be allowed to apply for parole – early release before sentence is completed. Apply based on behaving well individuals decide whether you relapsed early and what conditions apply if you are released into the community
18. **Released**
19. **Probation officer:** if on parole. Prove you are readjusting to life in the community and not posing a threat
20. **End of sentence:** psychologist may be involved in making sure individual does not reoffend or recedeivate.