

# 1010CCZ Introduction to Forensic Psychology

**Week 1: What is Forensic Psychology? / Crime in Context**

**Week 2: Theories of Crime**

**Week 3: Juvenile Delinquency and Juvenile Justice**

**Week 4: Sexual Offenders**

**Week 5: Violent Offenders**

**Week 6: Eyewitness Testimony**

**Week 8: Profiling**

**Week 9: False allegations and Confessions**

**Week 10: Mental Health Law and Offending**

**Week 11; Juries and Decision Making**

**Week 12: Assessment of Risk, Dangerousness and Recidivism**

## WEEK 1: WHAT IS FORENSIC PSYCHOLOGY? / CRIME IN CONTEXT

### ASSESSMENTS:

<b>Assessment 1 - Online Quizzes</b> Weighting: 20% total (5% each) Question Types: True/False, Multi choice Due Date: Friday 5pm weeks 2, 4, 6, 9	<b>Assessment 2 - Essay</b> Weighting: 40% Word Count: 2000 words Due date: 4 <sup>th</sup> September 8.55am Details: students are required to review and include at <i>least five articles published in academic journals</i> that relate to the essay question. The essays should be clearly argued and reflect your critical thinking on the topic. 1) Is FBI profiling effective and should it be used in the criminal justice system? Discuss. 2) Are interventions with children and adolescents who are at risk of future offending effective? Discuss. 3) Psychological research shows that eyewitness testimony is not always accurate, therefore it should not be used in the criminal justice system. Discuss
<b>Assessment 3 – Final Exam</b> Weighting: 40% Questions Types: 90 Multi choice questions (2 hrs) Due date: During exam period Details: All modules, weekly lectures, set readings	

### 1.1 What is Forensic Psychology?

#### Psychology:

- The science of human
  - Thought (cognition)
  - Emotion (Affect)
  - Behaviour
- Forensic: means ‘of the court’
- Literal definition: ‘psychology of the courts’

Forensic Psychology = AKA Criminal psychology

- Relates to the psychology of criminal behaviour as well as the social context in which it occurs.
- Forensic psychology is broader than criminal psychology. It relates to:
  - Criminal law
  - Civil law
  - Family law
- ‘The production and application of psychological knowledge to the civil and criminal justice systems’ (Bartol & Bartol, 1999, p3)
- “Providing psychological services in the justice or legislative systems, developing a specialised knowledge of legal issues as they affect the practice of psychology, and conducting research on legal questions involving psychological processes” (Hess, 1999, p36)
- 2 major approaches to defining Forensic Psychology:
  - Narrow vs Broad
  - Narrow = the application and practice of psychology in the legal system, particularly the courts
  - Broad = covers a wider application of psychology to legal matters

### **Research practitioners**

*Ground the discipline in social reality using empirical research” (Howitt, 2009, p7)*

### **Major components of forensic psychology**

- Police psychology
  - Recruitment (personality tests)
  - Stress
- Investigative psychology
  - Profiling
  - Geographical profiling
- Clinical psychology
  - Assessment
  - Prediction
- Prison Psychology
  - Treatment
  - Parole/ release
- Biological psychology
  - Criminal inheritance
  - Effects of injury
- Developmental psychology
  - Aggression
  - Delinquency
- Cognitive psychology
  - Eyewitness testimony
  - Interviewing
- Social psychology

### **1.2 History of forensic and criminal psychology**

1893	J. McKeen Cattell conducted the first experiment on the psychology of testimony
1917	Psychologists used psychological tests to screen law enforcement candidates
1921	An American psychologist testified as an expert witness in a courtroom

1970's	Term 'forensic psychology' emerged.
1971	American psychology-Law Society formed (APLS) & American Academy of Psychiatry and Law (AAPL)
1978	Australian and NZ Association of psychiatry, psychology and law (ANZPPL) formed.
2001	American Psychological Association recognises Forensic psychology as an applied speciality within the field.

- Related to:
  - Changes in the law
    - E.g. Insanity and competence to stand trial
  - Links with parent discipline
    - E.g. Ebbinghaus – memory research
  - Social change
    - E.g. Greater recognition of child sex abuse in recent times
- Early work in criminology/sociology/psychiatry
  - Beccaria (late 18<sup>th</sup> C) – free will and the pleasure/pain principle
  - 1827 – publication of official crime statistics (France)
  - Lombroso – physical differences in criminals
  - Shrenk-Nortzing (late 19<sup>th</sup> C) – effect of media on witness memory

### 1.3 Tensions between psychology and law

- Why has it taken so long for Forensic Psychology to be recognised formally?
  - Forensic psychologists work within a legal system devised for the development and application of the law
  - Paradigm clash (Haney, 1980)
- Both law and psychology focus on the individual
- Both concerned with predicting, explaining and controlling behaviour; BUT
- Ecological validity of research
- Law is operational; psych is academic

### 8 sources of conflict (Haney, 1980):

1. Law stresses conservatism; psych stresses creativity
  - *stare decisis* model in law (precedent – let the decision stand)
2. Law is authoritative; psych is empirical
3. Law relies on adversarial process; psych relies on experimentation
4. Law is prescriptive; psych is descriptive
5. Law is idiographic (of the individual); psych is nomothetic
6. Law emphasises certainty; psych is probabilistic
7. Law is reactive; psych is proactive
8. Determinism versus free will

### SUMMARY

The scope of forensic psychology is very broad. The focus within this course is on the production and application of psychological knowledge as it relates to the criminal justice system and offending.

Although considered a relatively new field, foundational work within the discipline of forensic psychology can be traced back many centuries. It is now an important branch of contemporary psychology.

Despite conflicts between the disciplines of psychology and law, several factors have contributed to the greater acceptance of psychology in a legal setting. Today professional organisations and training exist to support the discipline (e.g., Australian Psychological Society's College of Forensic Psychologists, and accredited university postgraduate programs).

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## 2.1 Defining Crime

- Little consensus around the term crime
- Some crimes are obvious
- Some examples are not so clear-cut
- What factors do we use to decide that some behaviours are criminal and others are not?

Questions about crime

- How do we decide what is criminal?
- Who are the major players in making the definitions that are finally adopted and enforced by criminal justice institutions?
  - Individuals? Society? Leaders?
- How and why do these definitions vary between various places and over time?

Durkheim & the Functionality of Crime

- According to Durkheim (1895) crime performs a functional social role
  - Helps society to identify moral values and standards of behaviour
- Too much control or regulation limits this social change
  - Produces a society that is too highly regulated
  - Leads to other dysfunctions such as 'anomie'
    - Anomie is a lack of values to guide behaviour that in turn will undercut social cohesion or our ability to live together peacefully

Crime is Socially Constructed

- Crime is always socially defined and constructed
- Many diverse definitions offered as to what constitutes a crime
  - Are constantly changing ideas, perceptions and conceptions
- Dependent on world view
  - E.g. smoking weed, exceeding duty-free allowance without declaring it)
- Raises questions about whether crime should be defined by law, or moral and social conceptions
  - Nazi Law and Human Rights
  - Cases where people break law in the name of social justice (i.e. unjust systems)
- Point: What may be a crime to me, may not be a crime to you.

Understanding Crime

- How we understand crime is a result of social practices such as:
  - Legal definitions
  - Reporting practices of victims/observers of criminal conduct

- Recording practices of police
- Prosecution policy and practices
- Court room interpretations of conduct
- Mechanisms used to officially report crime (e.g., victim surveys; police records, etc)
- However, these factors unstable and subject to change
- It is the legal definition that determines how society respond to acts deemed to be wrongful (will discuss legal definition in next slide)
- But legal definitions change over time (law not static) – as law changes so too does definition of crime
  - Terrorism Laws (9/11; Bali Bombings)
  - Other examples
    - 16<sup>th</sup> Century – UK Vagrancy Act
    - 17<sup>th</sup> Century – witchcraft
    - 1920s – prohibition of alcohol in USA
- Point: Crime an offence of the time if legally defined
- One way to define crime is to use a strictly legal definition
  - Crime is what the law defines as crime
  - Tappan (1947)
    - ‘Crime is an intentional violation of the criminal law committed without excuse and penalised by the state’.

#### Problems with Legal Definition

- Strips crime of any moral dimension
- Ignores social context
- If rely on a legal definition of crime alone, it suggests something is a crime only when it violates criminal law.
  - No crime without a criminal law
  - No crime without a state to make laws

#### Human Rights Definition

- Some criminologists have adopted the Human Rights definition
  - How can we compare crimes in different countries when different governments have created different definitions of crime?
  - Widens definition of crime by looking at all activities that violate a code of human rights
- This approach says crime occurs whenever a human right has been violated, regardless of the legality of the action.
  - Genocide, mass political killings, state terrorism, state sanctioned torture
  - But it can also be criticised

#### Social Harm Definition

- Extension to look at broader questions of social harm
  - A social harm conception of crime says that crime involves both criminal offences (e.g. Assault) and civil offences (e.g. Negligence), in that each type of action or inaction brings with it some type of harm.

#### Aims of Criminal Law

- Punitive response to social dangers;
- One means of the state guaranteeing the protection of its citizens;
- Symbolic deterrence message;
- Changing values – alcohol, smoking and gambling.

## The extent of crime

- What percentage of persons are victims of a crime in Australia each year?
- How many murders were committed in Australia in 2011?
- Victims of robbery – 15-24years
- What about sexual assault?
- Are indigenous Australians more likely to be victimised than non-indigenous Australians?
- The most common crime recorded by police in Australia (and many other societies) is property crime
- What was the most prevalent offence/ charge for which a person was imprisoned in 2010?

	2010–11		2011–12	
	n	rate	n	rate
New South Wales	77	1.1	71	1.0
Victoria	43	0.8	53	0.9
Queensland	49	1.1	47	1.0
Western Australia	32	1.4	34	1.4
South Australia	20	1.2	16	1.0
Tasmania	4	0.8	5	1.0
ACT	1	1.8	13	5.5
Australian Capital Territory	0	0.0	4	1.1
Northern Territory	236	1.1	243	1.1

## The extent of criminality

- To what extent is criminal behaviour normal?
  - General imprisonment rates
    - 215 persons per 100,000 (2017 March)
  - Some groups more likely to have recorded crime/ prison sentences
    - Aboriginal and Torres strait islanders 2,403 per 100,000
  - Some involvement in crime during lifetime is virtually common
- Farrington and Kidd (1977) 'lost envelope study'
  - Envelopes with letter but no money enclosed – 95% returned
  - Envelopes with \$1 – 75% returned
  - Envelopes with \$5 – 55% returned

## Braithwaite's 13 Powerful Associations of Crime

1. Crime committed disproportionately by men;
2. Crime committed disproportionately by 15-25-year old's;
3. Crime committed disproportionately by unmarried people;
4. Crime committed disproportionately by people living in large cities;
5. Crime committed disproportionately by people who have experienced high; residential mobility or who live in these areas;
6. Youth attached to school less likely to offend;
7. Youth with high aspirations less likely to offend;
8. Youth who do poorly at school more likely to offend;
9. Youth attached to parents less likely to offend;
10. Youth with friendships with criminals more likely to offend;
11. People with strong views about complying with the law less likely to offend;
12. Being in low SES increases rate of offending for all types of crime except white-collar crime
13. Crime rates have been increasing in most countries since WWII

## International crime rates

- How does Australia compare with other countries?
- International Crime Victimization Survey (2000)

	England and Wales (%)	United States (%)	Australia (%)
Sexual Crime	3.0	2.5	1.0
Assault and Threat	5.0	5.7	6.0
Burglary	3.5	2.6	6.6

### Sources of the extent of crime

- Crimes reported to police
- Surveys of the public's experience of crime/ victimisation
- Court statistics
- Prison statistics
- General population offender surveys
- Ability to measure crime is important:
  - How much crime is there?
  - How does it compare from one place to another?
  - How much is it changing over time?

### Police Statistics

- Police statistics the most commonly used measures of crime in Australia
- Limitations
  - Police don't cover all crime
  - Statistics rely on people reporting to police
  - Changes to police practices → level of recorded crime
  - Changes to police recording practices → recorded levels of crime
  - Biases/ Police discretion
  - Criminal justice personnel increase, more crime can be processed/ detected

### Crime Victim Surveys

- Most common alternative and usually anonymous
- Attempt at representative sample, respondents asked to recall experience of victimisation over past 12 months
- Useful in several ways:
  - Can get info directly from public
  - Can help to interpret police crime statistics
  - Useful in investigating why individuals report crime or fail to report it
  - For crimes involving identifiable victims, surveys give a more accurate picture of the true level of crime (indicate higher levels of crime) \* than police statistics

### Problems with Victim Surveys

- Recall error
  - Some may simply not remember an incident
  - 'Telescoping' – not accurately recalling when the incident occurred
  - Repeat victimisation - boundaries between each crime become blurred
- Reluctance to disclose victimisation, even if anonymous (fear, embarrassment)

- Underestimate incidents of crime where victim and offender know each other

#### Self-Report offender surveys

- An obvious alternative to asking people whether they have been victims of crime is to ask whether they have committed a crime
- Can target general population or specific sub-groups
  - E.g., youth; drug users, men, etc
- Tend to underestimate frequency of offending
- If survey youth, don't get a picture necessarily of all offences (e.g., white collar crime)
- Very few self-reports offending surveys in Australia

#### Other types of crime data

- Court statistics
- Prison stats
- Accident and emergency data
- Each type of data source provides a unique perspective on criminal activity

#### Crime and Public attitudes

- Attitudes to crime matter
- Evidence that the public appears to have a tough-minded attitude towards crime
  - E.g. Redondo et al (1996) study in Spain
- Evidence that the public's knowledge about crime rates is over-estimated

#### Moral Panics

- Stanley Cohen (1972, 1980)
  - Overreaction to an event, such as a type of crime, which is a threat to society's values
- Perceived threat of a crime is greater than the actual likelihood
- Moral panics have, at times, led to new legislation (e.g. sex offender laws/ preventative detention)

#### Fear of Crime

- Fear of crime not always (and usually not) commensurate with actual risk of victimisation
  - Fear-victimisation paradox (Clark, 2004)
- Influenced by
  - Direct knowledge
  - Mass media
  - Personality and social characteristics
- However, those most at risk are young adolescent/adult males
- Males most at risk of attack from people they don't know
- Women most likely to be physically assaulted by someone they know

#### Theories of 'Fear of Crime'

- Cultivation theory
  - Mean world syndrome - more hours spent watching television (and more violent programs) → world view of high crime levels
- Availability heuristic theory
- Cognitive theory



## SUMMARY

- The social context of crime
  - What is a crime
  - The extent of crime
  - The extent of criminality
  - International crime rates
  - Sources of crime statistics
- Crime and the public
  - Attitudes and moral panics
  - Fear of crime
  - Theories of fear of crime.

## WEEK 2: THEORIES OF CRIME

### READINGS

- Chapter 5 of text book

### 3.1 What is a theory?

“Frameworks for explain various events or processes” (Baron, 1998, p.17)

“A theory is a set of interrelated constructs (concepts), definitions, and propositions that present a systematic view of phenomena by specifying relations among variable, with the purpose of explaining and predicting phenomena” (Kerlinger & Lee, 2000, p.11)

- Attempts to classify and organise events
- Identifies various components and explains their relationship to one another
- Used to explain, predict, and understand how the world works

### 7 Key Points:

1. Attempts to classify and organise events
2. To explain causes of events, to predict direction of future events, and to understand why and how these events occur
3. Is developed using existing evidence
4. Organises existing information
5. Includes basic concepts and indicates how these concepts are related to each other
6. Makes predictions
7. Indicates how factors exert their influence and under what conditions

### Example of a Theory

Baron (1998, p17) example:

- Imagine that a psychologist has formulated a theory to explain the fact that often, people seem to become trapped into “throwing good money after bad” – once they have made a decision, they feel compelled to stick with it, even if it has turned out badly. Thus, they continue to invest time, effort and money in losing course of action.

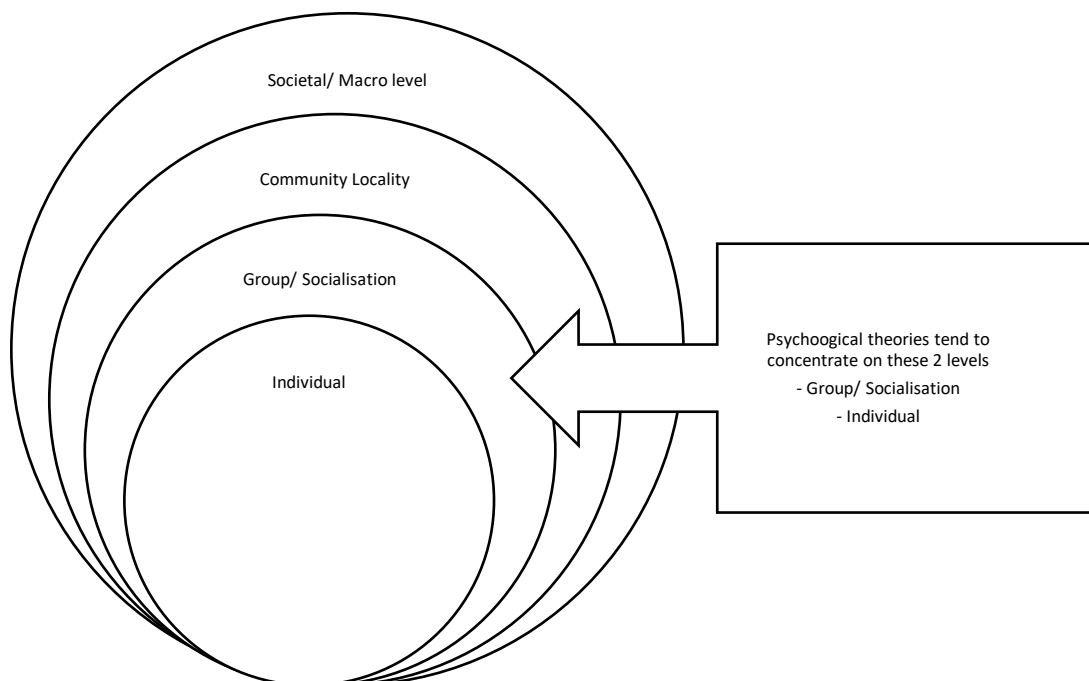
- A theory designed to explain this might go something like this: People get trapped in wrong decision because once they have made them, they feel a strong need to justify these decision to others. Since admitting hey made a mistake runs counter to this need, they find it hard to escape such situations.

Why do we need theories?

- To understand and explain ‘why’
- Once we understand ‘why’, use this to attempt to prevent crime
- After a theory is developed, researchers test the predictions in research – confidence in the theory strengthened or weakened

Why are there multiple theories?

- Enable us to understand crime from different perspectives
- Different theories can operate at various levels of analysis
  - Societal or macro-level theories
    - E.g. Merton’s strain theory
  - Community or local theories
    - E.g. the Chicago School – zones of transition
  - Group and socialization influence theories
    - E.g. Sutherland’s differential association theory
  - Individual level theories
    - E.g. personality theories or biological theories



For a complete understanding, we need to consider how these levels influence crime – mostly supplement/ complement each other (although theories can also compete)

### 3.2 Neuropsychological Theory