

OVERVIEW OF THE JUSTICE SYSTEM AND ASSOCIATED SERVICES

WHAT IS FORENSIC PSYCHOLOGY?

- No universal definition
- Involves interaction of psychology and the legal process
- Several areas where forensic psychology informs the legal system:
 - Consultation to areas of the justice system
 - Expert psychological evidence
 - Development and delivery of clinical services to forensic populations
 - Research

History:

Several important milestones in forensic psychology:

1843	Daniel McNaughten found not guilty by reason of insanity
1906	Sigmund Freud says psychology has important applications
1908	<i>Muller v. Oregon</i> ; Hugo Munsterberg's 'On the witness stand'
1909	Legal scholar John Wigmore criticises Munsterberg's claims
1954	<i>Brown v. Board of Education</i> – the 'Social Science Brief'
1968-1969	The American Psychology-Law Society is founded
1974	First US joint-degree psychology-law program is established
1980-1981	APA's 'Psychology and law' Division is established
1984	American Psychology-Law Society merges with APA's 'Psychology and law' division
1991	Specialty guidelines are approved

- Why the resistance?
- The legal system needs to make a decision about an individual (Mr. X)
- Psychology offers nomothetic information
 - E.g., Nomothetic research can say 60% of the population with Mr. X's characteristics will re-offend, but CAN NOT identify whether Mr. X is one of the 60%

Psychology and the legal system do not speak the same language!

What Do Forensic Psychologists Do?

Influx of movies depicting forensic psychology

- Criminal Minds
- Law and Order
- CSI

Consultation to Areas of the Justice System:

- Police investigation
 - Recruitment and promotion,
 - Training,
 - Crisis management

- Trial process and preparation
 - Jury selection,
 - Witness preparation
- Correctional services
 - Workplace safety,
 - Organisational structure and practice
- Child protection

Expert Psychological Evidence:

Psychologists may be asked to offer expert evidence on a range of topics:

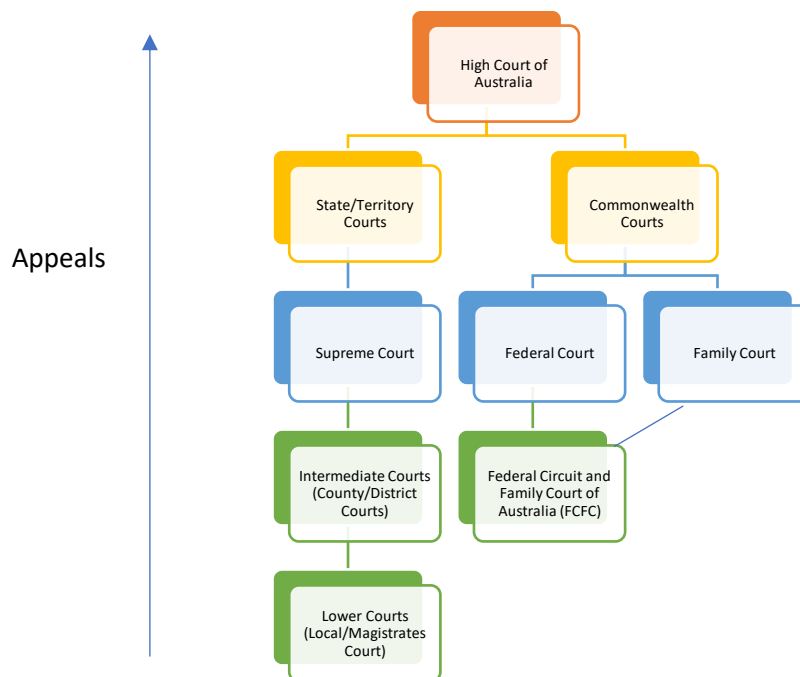
- Insanity defence
- Competence to stand trial
- Sentencing and parole
- Eyewitness identification
- Psychological damages in civil cases
- Trademark litigation
- Administrative appeals tribunals
- Guardianship boards
- Child custody issues

Research:

- Based on the scientific method
 - Generate hypotheses
 - Empirically test hypotheses
 - Conduct statistical analyses
 - Interpret and disseminate the findings
- Research in the forensic context can be challenging

THE AUSTRALIAN LEGAL SYSTEM:

The Courts follow an adversarial system and trial criminal and civil cases.



Court Diversion:

- A diversion program is a way to deal with a matter out of the court system and give the person a chance to avoid a criminal record.
- Eligibility criteria:
 - The offence can be heard in the Magistrates' Court
 - The offence does not have a minimum or fixed sentence or penalty
 - Agreement that the person was responsible for the offence.
- Service providers example, Anglicare, ACSO, Berry Street (Youth Diversion)

SEMINAR

HAS A STRONG APPLIED FOCUS:

Introduces students to practice issues that can arise when working with forensic populations.

- What is ethical practice?
- How should I communicate with forensic clients?
- How can I keep my clients and myself safe?

Focusses on the core areas of forensic work:

We will examine theory and research in the area of:

- Sexual violence
- Family violence
- Substance-related offending and victimisation, and
- Family court matters

Explores the complexities that can arise when working with:

- Clients with mental illness
- Who have an intellectual disability or acquired brain injury
- Are young, and/or
- Are Indigenous or have a cross-cultural background

HEINZ DILEMMA:

Heinz's wife was dying from a special kind of cancer.

There was a drug that the doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered.

The drug was expensive to make, but the druggist was charging ten times what the drug cost him to make. He paid \$200 for the radium and was charging \$2,000 for a small dose of the drug.

Heinz went to everyone he knew to borrow the money, but he could only get together half the money.

Heinz told the druggist that his wife was dying and asked him to sell the drug cheaper or let Heinz pay the remaining balance later. The druggist refused saying he could make no exceptions.

Heinz got desperate and broke into the man's store to steal the drug for his wife. Should the husband have done that?

Moral Stranger is an offender who is a bad person.

Fellow Traveller is a person who has done a bad thing.

UNDERSTANDING RESISTANCE:

Forensic clients often work with us because they are court-ordered to, or they experience pressure from other areas in their life.

Attendance does not equal Engagement.

Resistance (and denial) are normal defence mechanisms or coping strategies.

Both for people with offending behaviours and for those who are victims/survivors.

We need to try to understand people's resistance and find a way to develop respectful engagement with them.

NOTES FROM APS (2016) READING

WHAT IS FORENSIC PSYCHOLOGY?

Forensic psychology is a section of psychology that interfaces with the legal and justice systems. It encompasses areas such as:

- Expert psychological evidence (written reports and/or oral evidence) in courts (civil, criminal, family, coroner and others) and other tribunals (e.g., compensation tribunals, guardianship boards, parole boards, administrative appeals tribunals)
- Consultation to areas of the legal and justice system (e.g., trial process and preparation, the impact of court proceedings on witnesses and other participants, mediation, police investigations, crime prevention, correctional services, workplace safety, child protection, victims' needs)
- Development and delivery of research and clinical services to forensic populations (e.g., counselling children affected by divorce, treatment of substance use disorders, psychotherapy for victims of crime, assessment and treatment of offenders, parenting training).

AREAS OF SPECIALISATION OF FORENSIC PSYCHOLOGISTS:

Forensic psychologists are scientist-practitioners. They apply psychological knowledge, theory and skills to the understanding and functioning of legal and criminal justice systems, and to conducting research in relevant areas. They often work in criminal, civil and family legal contexts and provide services for litigants, perpetrators, victims, and personnel of government and community organisations.

FORENSIC PSYCHOLOGISTS ARE EMPLOYED IN A VARIETY OF AREAS, INCLUDING:

- Courts and other tribunals
- Mental health (both general services and forensic mental health services)
- Corrections (adult and juvenile, prisons and community)
- Child protection
- Family services (e.g., family violence counselling services, parent training programs)
- Alcohol and other drug services
- Rehabilitation services (e.g., pain clinics, head injury services)
- Police
- Academia, research and policy organisations
- Private practice.

SKILLS AND COMPETENCIES OF FORENSIC PSYCHOLOGISTS:

- Collecting and reporting (both in written reports and oral) evidence of a psychological nature for use in legal and quasi-legal proceedings
- Psychological assessment and report writing
- Psychological formulation and diagnosis

- Psychological intervention (psychoeducation; individual, group and family psychotherapies; rehabilitation)
- Program evaluation
- Consultation
- Supervision
- Education and training
- Research