# Chapter 1: Introduction to Forensic Psychology

Multiple Choice Questions

1) According to Brigham (1999), the diverse definitions of forensic psychology reflect the fact that there are two distinct varieties of forensic psychologists, namely:

a. medical and nonmedical

b. clinical and nonclinical

c. Masters level and doctoral level

d. legally trained and legally untrained

Ans.: b

Type: Factual

Level of difficulty: Easy

Section reference: Defining Forensic Psychology

Learning Objective 1.1 Define forensic psychology.

2) In defining “forensic psychology”, Brigham (1999) suggests that clinical and nonclinical participants are similar in terms of:

a. education/training

b. licensing

c. orientation to the legal process/role in the courtroom

d. ethical guidelines/professional responsibilities

Ans.: d

Type: Factual

Level of difficulty: Medium

Section reference Defining Forensic Psychology

Learning Objective 1.1 Define forensic psychology.

3) The roots of modern-day psychology and law were established in:

a. Ancient Greece

b. the 19th century (i.e., 1800s)

c. the early part of the 20th century (i.e., 1900s)

d. the early part of the 21st century (i.e., 2000s)

Ans.: c

Type: Factual

Level of difficulty: Easy

Section reference: History of Forensic Psychology

Learning Objective 1.2 Outline the history of forensic psychology.

4) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was the director of Harvard’s Psychological Laboratory and a strong advocate of the application of psychological research to legal issues.

a. Hugo Munsterberg

b. John Wigmore

c. Jay Ziskin

d. Eric Dreikurs

Ans.: a

Type: Factual

Level of difficulty: Easy

Section reference: History of Forensic Psychology

Learning Objective 1.2 Outline the history of forensic psychology.

5) The term *Brandeis Brief* , coined following Louis Brandeis’ brief that summarized relevant social science research, was presented in which trial?

a. *Brown v Board of Education* (1954)

b. *Muller v. Oregon* (1908)

c. *Jenkins v. United States* (1962)

d. None of the above

Ans.: b

Type: Factual

Level of difficulty: Easy

Section reference: History of Forensic Psychology

Learning Objective 1.2 Outline the history of forensic psychology.

6) In the United States, Brandeis briefs are also referred to as:

a. *amicus curiae*

b. *stare decisis*

c. *writ of certiorari*

d. *sine qua non*

Ans.: a

Type: Factual

Level of difficulty: Easy

Section reference: History of Forensic Psychology

Learning Objective 1.2 Outline the history of forensic psychology.

7) In Canada, a Brandeis brief:

a. is used the same way as expert testimony

b. is written by an author who is not a sworn witness

c. uses evidence that is oral in nature

d. is subject to cross examination

Ans.: b

Type: Factual

Level of difficulty: Medium

Section reference: History of Forensic Psychology

Learning Objective 1.2 Outline the history of forensic psychology.

8) As described in the book, a recent use of Brandeis brief materials in the Canadian court system contained materials that pertained to:

a. whether physical conditions in the workplace (e.g., noise) adversely affects the health of employees

b. whether longer working hours has a deleterious impact on the health and well-being of women

c. whether segregation has negative side effects on the self-esteem and other personality characteristics of children who are from minority groups

d. whether polygamy harms women, children, society and the institution of monogamous marriage

Ans.: d

Type: Factual

Level of difficulty: Difficult

Section reference: History of Forensic Psychology

Learning Objective 1.2 Outline the history of forensic psychology.

9 In *Brown v. Board of Education* (1954) a brief summarized research demonstrating that:

a. physical conditions in the workplace (e.g., noise) adversely affects the health of employees

b. longer working hours has a deleterious impact on the health and well-being of women

c. segregation has negative side effects on the self-esteem and other personality characteristics of African American children

d. None of the above

Ans.: c

Type: Factual

Level of difficulty: Medium

Section reference: History of Forensic Psychology

Learning Objective 1.2 Outline the history of forensic psychology.

10) Which psychologist is now considered to have been a driving influence in the development of the modern era of forensic psychology, and in particular, had lofty aspirations for the impact of psychology and law?

a. Isidor Chein

b. Jay Ziskin

c. Kenneth Clark

d. Stuart Cook

Ans.: b

Type: Factual

Level of difficulty: Easy

Section reference: History of Forensic Psychology

Learning Objective 1.2 Outline the history of forensic psychology.

11) *Law and Human Behavior*, published in \_\_\_\_\_\_, was the first journal devoted to forensic psychology topics.

a. 1957

b. 1967

c. 1977

d. 1987

Ans.: c

Type: Factual

Level of difficulty: Easy

Section reference: History of Forensic Psychology

Learning Objective 1.2 Outline the history of forensic psychology.

12) Place the following events in chronological order.

(a) The American Psychology-Law Society is founded.

(b) *Psychology, Public Policy, and Law* begins publication as an APA journal.

(c) American Psychological Association (APA) Division 41 is established with a merger with AP-LS.

(d) APA designates forensic psychology as a specialty area.

a. a, b, c, d

b. a, c, b, d

c. b, a, c, d

d. d, a, c, b

Ans.: b

Type: Factual

Level of difficulty: Medium

Section reference: History of Forensic Psychology

Learning Objective 1.2 Outline the history of forensic psychology.

13) Which of the following statements is correct?

a. To be a forensic psychologist, one must attain at least a PhD in Experimental Psychology, specializing in the law.

b. All forensic psychologists work in therapeutic settings.

c. Forensics psychologists vary in terms of their educational backgrounds and in terms of the setting in which they work.

d. Forensic psychologists are allowed to take on only one particular role with regard how they work with or in the legal system.

Ans.: c

Type: Factual

Level of difficulty: Medium

Section reference: Roles and Responsibilities of the Forensic Psychologist

Learning Objective 1.3 Describe the roles and responsibilities of forensic psychologists.

14) Which of the following list of activities would likely not be practiced by a psychologist engaged in the practice of forensic psychology?

a. Analysis of issues related to human performance, product liability, and safety

b. Policy and program development in the psychology-law arena

c. Consultation and training to mental health systems and practitioners on forensic issues

d. All of the above

Ans.: d

Type: Factual

Level of difficulty: Medium

Section reference: Roles and Responsibilities of the Forensic Psychologist

Learning Objective 1.3 Describe the roles and responsibilities of forensic psychologists.

15) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ work with legal professionals and can assist in case preparation, witness preparation, survey development and data collection.

a. Trial consultants

b. Expert witnesses

c. Evaluators

d. Treatment providers

Ans.: a

Type: Factual

Level of difficulty: Easy

Section reference: Roles and Responsibilities of the Forensic Psychologist

Learning Objective 1.3 Describe the roles and responsibilities of forensic psychologists.

16) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_testify in court to present information based on specialized knowledge that he or she possesses about a topic relevant to a legal case, or based on an evaluation of a person.

a. Trial consultants

b. Expert witnesses

c. Correctional psychologists

d. Treatment providers

Ans.: b

Type: Factual

Level of difficulty: Easy

Section reference: Roles and Responsibilities of the Forensic Psychologist

Learning Objective 1.3 Describe the roles and responsibilities of forensic psychologists.

17) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_assess parties involved in criminal or civil litigation, service delivery and/or treatment programs.

a. Trial consultants

b. Evaluators

c. Researchers

d. Academics

Ans.: b

Type: Factual

Level of difficulty: Easy

Section reference: Roles and Responsibilities of the Forensic Psychologist

Learning Objective 1.3 Describe the roles and responsibilities of forensic psychologists.

18) Which of the following Latin terms refers to relying on prior court decisions to establish precedence for current cases?

a. *amicus curiae*

b. *stare decisis*

c. *writ of certiorari*

d. *sine qua non*

Ans.: b

Type: Factual

Level of difficulty: Easy

Section reference: Difference between Psychology and Law

Learning Objective 1.5 Compare and contrast the fields of psychology and law.

19) Which of the following statements is correct?

a. Whether one is required to be licensed or registered to practice psychology independently depends on the province in which he or she practices.

b. To practice psychology independently, one is required to have a PhD regardless of the province in which he or she practices.

c. To be allowed to engage in the role of evaluator or treatment provider, one must be licensed.

d. As long as one is licensed, one will be allowed to conduct fitness evaluations in Canada.

Ans.: c

Type: Factual

Level of difficulty: Medium

Section reference: Professional Issues

Learning Objective 1.4 Outline some of the professional issues faced by forensic psychologists.

20) Decisions regarding competence to practice psychology and the conduct expected of psychologists are made by a:

a. regulatory board consisting of faculty who teach at the institution that the candidate is attending

b. federally appointed regulatory board consisting of members of the profession

c. federally appointed regulatory board consisting of members of the public

d. provincial regulatory board consisting of members of the profession and members of the public

Ans.: d

Type: Factual

Level of difficulty: Medium

Section reference: Professional Issues

Learning Objective 1.4 Outline some of the professional issues faced by forensic psychologists.

21) The set of guidelines that covers the ethical and professional issues that may arise in the context of forensic psychology is published in

a. The Diagnostic and Statistical Manual for Forensic Psychology

b. The Diagnostic and Statistical Manual-5

c. The Ethical Principles of Psychologists and Code of Conduct

d. The Specialty Guidelines for Forensic Psychology

Ans.: d

Type: Factual

Level of difficulty: Medium

Section reference: Professional Issues

Learning Objective 1.4 Outline some of the professional issues faced by forensic psychologists.

22) The set of guidelines used by forensic psychologists covers the ethical course of action in all of the following areas, except:

a. conflicts in practice

b. informed consent

c. credentialing

d. confidentiality and privacy

Ans.: c

Type: Factual

Level of difficulty: Easy

Section reference: Professional Issues

Learning Objective 1.4 Outline some of the professional issues faced by forensic psychologists.

23) Which of the following statements is correct?

a. It is common for psychologists to adopt different roles when working with the same person (i.e., client, student, patient).

b. In certain circumstances, it is appropriate for a psychologist NOT to protect the confidentiality of a person with whom they are working regarding a case (e.g., defendant). c. In *no* circumstance is it appropriate for a psychologist to break the confidentiality of a person with whom they are working regarding a case (e.g., defendant).

d. In certain circumstances, it is appropriate for a psychologist NOT to protect the privacy of a person with whom they are working (e.g., defendant) and share information with those not directly involved in the case.

Ans.: b

Type: Factual

Level of difficulty: Difficult

Section reference: Professional Issues

Learning Objective 1.4 Outline some of the professional issues faced by forensic psychologists.

24) Which of the following statements is correct?

a. Psychology is empirically based and grounded in theory; new research may invalidate theories that are based on prior research.

b. The law is empirically based and grounded in theory; new research may invalidate theories that are based on prior research.

c. The law is grounded on individual cases; court decisions made in current individual cases are typically based on the new evidence rather than on decisions made in previous similar cases.

d. The law changes constantly because of evidence collected from ongoing research.

Ans.: a

Type: Factual

Level of difficulty: Medium

Section reference: Differences between Psychology and Law

Learning Objective 1.5 Compare and contrast the fields of psychology and law.

25) Canada and the United States law are based on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_ system. In this system \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

a. inquisitorial; judges act as impartial and passive fact finders

b. adversarial; judges take an active role in determining the facts of a case

c. inquisitorial; lawyers must ask unbiased questions but hired psychologists are allowed give testimony that best supports the client they evaluated

d. adversarial; lawyers may ask questions that best supports the client they represent, but psychologists must give testimony that includes unbiased and complete information regarding the client they evaluated

Ans.: d

Type: Factual

Level of difficulty: Medium

Section reference: Differences between Psychology and Law

Learning Objective 1.5 Compare and contrast the fields of psychology and law.

26) According to Haney (1980), which of the following statements is correct?

a. Psychology is descriptive in nature whereas the law is prescriptive in nature.

b. Psychology is prescriptive in nature whereas the law in descriptive in nature.

c. Psychology is idiographic in nature whereas the law in nomothetic in nature.

d. Psychology is reactive in nature whereas the law in proactive in nature.

Ans.: a

Type: Factual

Level of difficulty: Medium

Section reference: Differences between Psychology and Law

Learning Objective 1.5 Compare and contrast the fields of psychology and law.

27) According to Haney (1980), which of the following statements is correct?

a. Psychology is idiographic in nature whereas the law is nomothetic in nature.

b. Psychology operates on the principle of probability whereas the law operates on a principle of certainty.

c. The field of Psychology is operational and primarily determined by concerns to solve real life problems whereas the law is academic and primarily determined by intellectual curiosities of its practitioners.

d. Psychologists are often blatantly biased in collecting and reporting evidence in the courtroom whereas lawyers are not permitted to use courtroom procedures that are biased in favor of their client.

Ans.: b

Type: Factual

Level of difficulty: Medium

Section reference: Differences between Psychology and Law

Learning Objective 1.5 Compare and contrast the fields of psychology and law.

28) The “explicit and conventional use of psychology by lawyers in the legal process” refers to which branch of Haney’s (1980) taxonomy?

a. psychology in the law

b. psychology and the law

c. psychology of the law

d. psychology with the law

Ans.: a

Type: Factual

Level of difficulty: Medium

Section reference: Haney’s Taxonomy

Learning Objective: n/a

29) According to Haney’s (1980) taxonomy, conducting court-ordered evaluations, consulting with lawyers on issues such as competency to stand trial and how to conduct a cross examination effective are examples of:

a. psychology in the law

b. psychology and the law

c. psychology of the law

d. psychology with the law

Ans.: a

Type: Factual

Level of difficulty: Medium

Section reference: Haney’s Taxonomy

Learning Objective: n/a

30) Research examining eyewitness accuracy, coerced and/or false confessions, and judicial decision making would fall under which of the following categories of Haney’s (1980) taxonomy?

a. psychology in the law

b. psychology and the law

c. psychology of the law

d. Psychology with the law

Ans.: b

Type: Factual

Level of difficulty: Medium

Section reference: Haney’s Taxonomy

Learning Objective: n/a

31) Research examining why people need the law and why people obey the law would fall under which of the following categories of Haney’s (1980) taxonomy?

a. psychology in the law

b. psychology and the law

c. psychology of the law

d. Psychology with the law

Ans.: c

Type: Factual

Level of difficulty: Medium

Section reference: Haney’s Taxonomy

Learning Objective: n/a

32) Haney (1980) notes that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_accounts for the most frequent roles of psychologists in the legal system

a. psychology in the law

b. psychology and the law

c. psychology of the law

d. psychology with the law

Ans.: a

Type: Factual

Level of difficulty: Easy

Section reference: Haney’s Taxonomy

Learning Objective: n/a

33) The first psychology and law graduate program in the United States was founded at the University of Nebraska in which year?

a. 1971

b. 1973

c. 1977

d. 1968

Ans.: b

Type: Factual

Level of difficulty: Medium

Section reference: Training in Forensic Psychology

Learning Objective 1.6 Outline the training opportunities for students in forensic psychology.

34) A \_\_\_\_\_ program places greater emphasis on the practice of psychology and less emphasis on independent research.

a. PhD

b. MA

c. PsyD

d. MD

Ans.: c

Type: Factual

Level of difficulty: Easy

Section reference: Training in Forensic Psychology

Learning Objective 1.6 Outline the training opportunities for students in forensic psychology.

35) Which of the following statements is true?

a. A doctoral degree in forensic psychology is needed to be allowed to work in the field

b. A doctoral degree in forensic psychology is not needed to be allowed to work in the field, but some formal graduate training in Forensic Psychology is needed

c. The majority of forensic psychologists have formal graduate training in traditional areas of psychology (e.g., memory) but have no formal training in forensic psychology

d. Graduate programs in forensic psychology are not yet offered by any Canadian universities

Ans.: c

Type: Factual

Level of difficulty: Medium

Section reference: Training in Forensic Psychology

Learning Objective 1.6 Outline the training opportunities for students in forensic psychology.

Essay Questions

36). List and describe three historical events that contributed to the formation of the field of forensic psychology.

Type: Factual

Level of difficulty: Medium

Section reference: History of Forensic Psychology

Learning Objective 1.1 Define forensic psychology.

Ans.:

* The roots of modern day psychology and law were not established until the early part of the 20th Century. Several historical events shaped the development of the discipline:
* Hugo Munsterberg was the director of Harvard’s Psychological Laboratory. Munsterberg was a strong advocate of the application of psychological research to legal issues. In his book *On the Witness Stand*, which was published in 1908, Munsterberg reviewed research on such topics as the reliability of eyewitness testimony, false confessions, and crime detection and prevention, and argued that the legal system should make greater use of this research.
* At the same time that Munsterberg published his book, Louis Brandeis, a lawyer who would later become a U.S. Supreme Court Justice, submitted, in the case of *Muller v. Oregon* (1908), a brief that summarized the social science research showing the impact that longer working hours had on the health and well-being of women. The Oregon court’s decision was consistent with the conclusions Brandeis reached in the brief. This marked the first time that social science research was presented in court in the form of a brief, and subsequent briefs of this nature became known as *Brandeis briefs*.
* Another early historical event was the publication, in the prestigious journal *Psychological Bulletin*, of a series of articles by Guy Whipple that in part related memory and the accounts of witnesses in the early 1900s.
* Perhaps the most cited social science brief was the one submitted in the famous desegregation case, *Brown v. Board of Education* (1954). The brief was cited as a footnote in the Supreme Court’s decision that segregation violated the Equal Protection and Due Process clauses of the Fourteenth Amendment. There is no question that it marked the potential of using psychological research to inform courts about the negative consequences of social policies and practices.

37) Describe the controversy surrounding publication Munsterberg’s book, *On the Witness Stand*, by legal scholars?

Type: Factual

Level of difficulty: Medium

Section reference: History of Forensic Psychology

Learning Objective 1.1 Define forensic psychology.

Ans.:

In his book *On the Witness Stand*, which was published in 1908, Munsterberg reviewed research on such topics as the reliability of eyewitness testimony, false confessions, and crime detection and prevention, and argued that the legal system should make greater use of this research.

Munsterberg was a controversial figure whose claims for the contributions of psychology to law were not supported by empirical research.

Criticisms of Munsterberg were rampant. As Doyle (2005) commented, “What Munsterberg had failed to grasp was that his knowledge about the reliability of *witnesses* was not sufficient to answer the legal system’s concern for the reliability of the *verdicts*” (p. 30).

Notable among the critiques by both the legal and psychological communities was one by the legal scholar, John Wigmore. In a satirical article published in a law review in 1909, Wigmore staged a mock lawsuit in which he accused Munsterberg of libeling the legal profession and exaggerating his claim of what psychology had to offer the law. He subjected Munsterberg’s claims to a rigorous cross-examination in which he argued that psychological testimony about such issues such as eyewitness credibility should not be admissible in the courts. Of course, Munsterberg was found guilty.

It is of interest to note that, despite his scathing critique of Munsterberg, Wigmore (1940) was positive about the potential of psychology to offer assistance to the courts on a range of legal issues, noting that the courts will be ready for psychologists when psychologists are ready for the courts.

38) Define forensic psychology and describe four types of activities that professionals working in the field may be involved in carrying out.

Type: Factual

Level of difficulty: Medium

Section reference: History of Forensic Psychology

Learning Objective 1.1 Define forensic psychology.

Ans.:

* Forensic psychology can be conceptualized as encompassing both sides of the justice system (civil and criminal) as well as two broad aspects of psychology (clinical and experimental).
* *Forensic psychology* is the practice of psychology (defined to include research as well as direct and indirect service delivery and consultation) within or in conjunction with either or both sides of the legal system—criminal and civil.
  + Roles for forensic psychologists can be broadly divided into research and practice, though there is typically overlap between the two. Roles and tasks can include:
  + Psychological evaluation and expert testimony in criminal and civil settings;
  + Assessment, treatment and consultation about risk for aggressive behavior;
  + Research, testimony, and consultation on psychological issues impacting on the legal process;
  + Specialized treatment service to individuals involved with the legal system;
  + Consultation and training to lawmakers, law enforcement, criminal justice and correctional systems; mental health systems and practitioners on forensic issues;
  + Analysis of issues related to human performance, product liability, and safety;
  + Court-appointed monitoring of compliance with settlements;
  + Mediation and conflict resolution;
  + Policy and program development;
  + Teaching, training, and supervision of students.

39) With regards to the court/correctional systems in Canada, describe the roles and responsibilities of the: 1) trial consultant, 2) expert witness, 3) evaluator, 4) treatment provider, 5) researcher, 6) academic, and 7) correctional psychologist.

Type: Factual

Level of difficulty: Medium

Section reference: Roles and Responsibilities of the Forensic Psychologist

Learning Objective 1.3 Describe the roles and responsibilities of forensic psychologists.

Ans.:

* A trial consultant is someone who works with attorneys in civil and/or criminal courts to assist in various aspects/levels of case preparation (e.g., development of case strategy and witness preparation), In the United States, they may also be involved in jury selection. In their work, consultants may conduct research that may involve activities such as community surveying, facilitating focus groups, and conducting community surveys, focus groups, and jury simulations.
* An expert witness is someone who testifies in court about opinions based on specialized knowledge that he or she possesses. They may be called upon to speak to issues around mental health or about general theory and research in psychology and/or law. Often, they are involved as an expert witness after they evaluate a defendant and are asked present the findings and interpretation to the court. Expert witnesses who are forensic psychologists may participate in criminal and/or civil court.
* Evaluators take on the responsibility of evaluating criminal defendants or parties to civil litigation with respect to mental health issues that relate to the legal issue at hand. They may also evaluate service delivery or treatment programs. In criminal courts, they may be asked to evaluate defendants with respect to the defendant’s fitness to stand trial, their mental state at the time of the crime, their risk to reoffend, etc. In the United States, evaluators may be asked to assess a defendant’s competency to be executed. In the civil system, they may be asked to evaluate the psychological state of someone who has been injured, evaluate families involved in custody or access disputes, etc. The role of the evaluator and expert witness go hand in hand.
* The treatment provider offers psychological treatment to individuals requiring or desiring these services. They may work in a variety of settings, including forensic hospitals, psychiatric hospitals, community mental health centers and private practice. They may work with individuals or groups and may be involved in civil or criminal courts. In the criminal realm, they may provide treatment to those deemed unfit to stand trial, NCRMD, or those deemed to be at high risk to reoffend. In civil courts, they may be called upon to provide treatment to families who are going through divorce proceedings, those who have been psychologically traumatized, etc.
* The researcher designs and implements research on various issues relevant to forensic psychology or psychology and the law. They may also conduct research on mental health law and policy or program evaluation. They may work at universities, research institutes, government or private agencies, psychiatric hospitals, or other mental health agencies.
* The academic is involved in teaching, research, and other education-related activities (e.g., supervise students).
* Correctional Psychologists are forensic psychologists who works in a correctional setting. They often engage in direct service delivery (treatment and evaluation) of those who are incarcerated, out on parole, or on probation. They may also take on the role of researcher or expert witness.

40) Describe the licensure and registration requirements of psychologists as a function of province. What roles may be adopted by those who are licensed vs not licensed?

Type: Factual

Level of difficulty: Medium

Section reference: Professional Issues

Learning Objective 1.4 Outline some of the professional issues faced by forensic psychologists.

Ans:

Every province has its own statutory provisions for the practice of psychology, but in every province, an individual must be licensed or registered as a psychologist in order to practice psychology independently. A doctoral level degree is required to become licensed in British Columbia, Manitoba, Ontario, and Quebec while the remaining provinces require a Master’s degree to practice.

Fitness to stand trial in Canada has traditionally been conducted by physicians, usually psychiatrists. Psychologists may be allowed to conduct fitness evaluations if they were so designated by the Provincial General Attorney.

It is necessary to be licensed to engage in the role of the evaluator, treatment provider, or expert witness (if the expertise pertains to treatment). One does not need to be licensed to be a trial consultant, researcher, academic, correctional psychologist or expert witness (if the expertise pertains to psychological theory and research)

41). *The Specialty Guidelines for Forensic Psychology* provides guidance and information to be considered while attempting to determine the most ethical course of action in 12 areas. List five of those areas.

Type: Factual

Level of difficulty: Easy

Section reference: Professional Issues

Learning Objective 1.4 Outline some of the professional issues faced by forensic psychologists.

Ans:

Twelve areas are outlined in *The Specialty Guidelines for Forensic Psychology* are 1) responsibilities, 2) competence, 3)diligence, 4)relationships, 5) fees, 6)notification, assent, consent, and informed consent, 7)conflicts with practice, 8) privacy, confidentiality and privilege, 9) methods and procedures, 10) assessment; 11) documentation, and 12) professional and other communications.

42) Discuss the ethical issues that psychologists need to consider when they take on the role of a) evaluators and treatment providers, b) researcher, c) trial consultant and d) employee within the correctional system.

Type: Factual

Level of difficulty: Medium

Section reference: Professional Issues

Learning Objective 1.4 Outline some of the professional issues faced by forensic psychologists.

Ans:

* Issues that must be considered by those who take on the role of evaluator and treatment provider include the issue of taking on multiple roles with a patient or client, informed consent, confidentiality and competence. Also, the psychologists must grapple with the question of who the client is (the client/patient?, the lawyer?, the court). With regards to confidentiality, it is the case that there is often no confidentiality for the person being evaluated or treated. Also regardless of the information the evaluator or treatment provider has, they are not allowed to take sides or conceal information; they must remain as objective and neutral as possible and provide the court with information that will assist it in making a legal decision.
* Those who take on the role of researcher must adhere to the ethical guidelines regarding design and implementation of research. These guidelines include reporting data honestly, obtaining informed consent from research participants, being honest about risk of harm, ensuring participation is voluntary, and ensuring that participants may withdraw at any time without penalty. If the research involves treatment for a psychological problem or condition, the researcher must consider the right of everyone to treatment when designing the research.
* In the role of trial consultants, psychologists must be sure to practice within the bounds of their competence, guard against guaranteeing the outcome of a case, ensure the research is properly and ethically conducted, be honest in the data reporting and be careful not to taint the witnesses during preparation.
* In their role working in the correctional system, psychologists deal with confidentiality, informed consent, competence and grapple with client identity on a daily basis. They also grapple with the issue of multiple roles (treat the inmates, discipline the inmates).

43) Two of the most common ethical issues that arise for forensic psychologists, regardless of the role they take on, is 1) multiple roles and 2) confidentiality and privilege. Discuss these two issues.

Type: Factual

Level of difficulty: Medium

Section reference: Professional Issues

Learning Objective 1.4 Outline some of the professional issues faced by forensic psychologists.

Ans.:

Multiple Roles: Although psychologists may take on different professional roles, it is important that they use caution when taking on multiple professional roles with the same client, student, or patient. For example, a psychologist should not provide treatment to his or her own student. The responsibility for ensuring that the psychologist does not take on multiple roles is the psychologist; they must maintain an awareness of the power differential that occurs in certain situations and be careful to not exert undue power over the actions of others with whom they interact.

Confidentiality and Privilege: Confidentiality is the ethical principle that requires psychologists not to disclose information about a client. In forensic situations, however, it is sometimes necessary to break client confidentiality. If from the treatment or evaluation session the psychologist comes to suspect that the client is at risk of hurting others or self, the psychologist must reveal their suspicions and the basis of their suspicions. One way to deal with such situations is to inform the client upfront the circumstances under which confidentiality will be broken.

When the psychologist is hired to do an evaluation that in turn will be used to help the courts make a decision, confidentiality of information provided in the evaluation is not possible. It is important that the defendant is aware before the evaluation begins that confidentiality is not possible. It is also important that the evaluator not disclose the information gathered from the evaluation to anyone not involved in the court case.

44) According to Haney (1980), what are some of the major differences or conflicts between psychology and law?

Type: Factual

Level of difficulty: Difficult

Section reference: Differences between Psychology and the Law

Learning Objective 1.5 Compare and contrast the fields of psychology and law.

Ans.:

* Academic psychology emphasizes creative, novel, and innovative approaches to research questions. The legal system is more conservative in nature, and resists innovation. It operates on the principle of *stare decisis* in which prior court decisions establish precedence for current cases. Prior decisions should not be overturned unless there are strong legal reasons to do so.
* Psychology is primarily an empirical enterprise “whose principles and propositions depend for their confirmation upon the collection of consistent and supporting data” (p. 160). The legal system in contrast is based on a hierarchical and authoritative system in which the lower courts are bound by decisions of higher courts.
* Psychology attempts to arrive at “truth” through the application of an experimental model, in which empirical research is designed to test hypotheses. Research methodologies are designed to minimize error or bias. New research can provide evidence to support or disconfirm prior research. The law uses an adversarial system to arrive at “truth.” Each side presents its version of the case and the ultimate goal is to win a case. As Haney comments, “Bias and self-interest are not only permitted, they are assumed at the outset and thought to be the very strength and motive force of the procedure” (p. 162).
* Psychology is descriptive in nature, with a goal of describing behavior as it naturally occurs. The law is prescriptive, in that laws are designed to tell people how they should behave, and what punishment will be given if they do not.
* Psychology is nomothetic (in which data are obtained through the investigation of groups) in nature, “concentrating upon general principles, relationships, and patterns that transcend the single instance. For the most part it eschews case studies and principles generated from single cases” (Haney, p. 164). The law is ideographic (in which data obtained through the investigation of one individual, usually the individual under consideration), in that it focuses on decisions in an individual case, with the facts of each case forming the basis for the decision.
* Psychology research is based on methods relying on probabilistic models. Psychologists characterize the relationship between cause and effect using statistics and the tools of probability theory. Hypotheses are tested with the express acknowledgement that there is always a chance of reaching the wrong conclusions. The law in contrast operates on a principle of certainty, in large part because the legal system demands a final definitive outcome. Criminal defendants are either guilty or not guilty.
* Psychology is a proactive discipline. Researchers decide what hypotheses to address, and then design studies to test those hypotheses. The law is reactive, in that it waits until issues (or people) are brought to it.
* Psychology is an academic enterprise, at least in terms of its research. As Haney comments, “Its ‘issues’ are commonly determined by the intellectual curiosities of psychologists and the practical reality of having to publish in order to prosper. For this reason, its concerns can and often do get far out of contact with the ‘real world’" (p. 167). The law is operational and applied in nature, “its concerns are those of the real world and its problem solving is geared to application” (Haney, p. 168).

45) According to Haney (1980), what are the three ways in which psychology and the law interact? Identify and briefly define each.

Type: Conceptual

Level of difficulty: Medium

Section reference: Haney’s Taxonomy

Learning Objective: n/a

Ans.:

* *Psychology in the law* refers to the “explicit and conventional use of psychology by lawyers in the legal process” (p. 153).
  + This relationship accounts for the most common role of psychologists involved in legal issues, since it encompasses the activities of psychologists who conduct court-ordered evaluations or who consult with lawyers on legal issues.
  + Examples include psychological testimony on legal issues such as the insanity defense or competency to stand trial. It might also address questions such as whether a particular offender is at risk for reoffending. For this type of involvement, psychologists must adapt their knowledge and expertise to the legal questions that the courts or law define.
  + To be admissible in court, psychologists must demonstrate that their evidence is relevant to the legal question.
  + *Psychology in the law* also refers to the roles that psychologists can provide as expert consultants in various aspects of legal proceedings. Lawyers employ psychologists to consult about the selection of jurors or how jurors might react to certain defense strategies.
* *Psychology and law* involves the use of “psychological principles to analyze and examine the legal system” (p. 154).
  + Unlike *psychology in the law*, the relationship of the two disciplines of law and psychology is one that involves “coequal and conjoint use of psychological principles to analyze and examine the legal system” (p. 154).
  + Research that follows from this relationship examines the assumptions that the law makes about behavior. Examples include research on eyewitness accuracy, coerced and/or false confessions, and judicial decision making.
  + This type of involvement can result in changes in the way in which the legal system operates. The extensive research on police lineups in the past two decades, which demonstrated biases in how suspects were identified by witnesses, formed the basis for recommendations by an APLS subcommittee for changes in lineup and photo spread procedures, many of which have been adopted by police throughout the United States (Wells et al., 1998).
* *Psychology of law*, in which psychologists study issues such as why people need the law and why people obey the law, is the third relationship Haney suggested. Two major categories fall into this approach to examining psychology’s role.
  + One, psychologists can study the origins and existence of law, in terms of the psychological functions that law serves.
  + Two, psychologists can study how laws operate as a determinant of behavior.

46) Describe the approaches to training forensic psychologists using Heilbrun’s model (2001) whereby training is conceptualized such that scholarship and applied activities can be taught within major interest areas.

Type: Conceptual

Level of difficulty: Medium

Section reference: Training in Forensic Psychology

Learning Objective: Learning Objective 1.6 Outline the training opportunities for students in forensic psychology.

Ans.:

This model distinguishes basic research scholarship from applied activities whereby scholarship is dedicated to answering questions by conducting research and applied activities include evaluation and treatment. Three interest areas outlined by Heilbrun (2001) were clinical, experimental, and legal.

Students in clinical programs learn basic research in areas such as assessment tools, intervention effectiveness and epidemiology of relevant behaviors and disorders. They also learn how to conduct a forensic assessment and provide treatment in the legal context.

Students in experimental programs study basic research in memory, perception, child development, and other areas of experimental psychology. They also learn how to apply that research to consultation activities in the legal system (e.g., jury selection and expert testimony).

Students in law school receive some training in behavioral science and also learn about mental health law, other laws relevant to health and science, and legal movements. They also learn how to apply this knowledge to develop new policies and laws, or consult about policy and legislative change.