

Forensic Psychology

Ten Years On

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In the decade since the publication of the first edition of *The Cambridge Handbook of Forensic Psychology* the world has faced austerity in the aftermath of the banking collapse, continued terrorist attacks, the worsening tragedy in Syria, and, most recently, the COVID-19 pandemic. We are beset by rising concerns about the fate of the planet and increased consciousness about disproportionality in opportunity and fair distribution of resources for all to live fully potentiated lives. The preparation of a second edition provides an opportunity for some reflection of how forensic psychology has fared in these intervening years against this background.

Phases in the Development of Forensic Psychology

Founded principally in Europe during the latter part of the nineteenth century, Wolfram (2020) suggests forensic psychology emerged in part as a response to the reform of criminal justice procedures and partly from research being conducted into suggestion which undermined confidence in witness credibility. This coalesced with the professionalisation of defence barristers/attorneys who used this new knowledge as effective means to defend their clients. Davies and Gudjonsson (2013) identify three protégées of Wilhelm Wundt (who established the first experimental psychology laboratory in Leipzig in 1879) as promoting forensic psychology: Schrenck-Notzing in Germany was the first (unsuccessful) expert witness on the accuracy of recalled memory; Cattell in the United States experimentally demonstrated the unreliability of memory for events from the recent past; and Münsterberg, invited from Germany to the United States, wrote in 1908 the first book published in English on psychology and law, entitled *On the Witness Stand*. It was the latter's acerbic and antagonist comments about the legal profession that resulted in a decline in forensic psychology in the United States for several decades. Work continued in Europe looking at jury decision-making and cases involving juveniles until the mid 1930s, when there was also a period of stagnation.

Gudjonsson and Haward (1998) noted a resurgence of interest in forensic psychology during the post-war years and the role of Lionel Haward in the

United Kingdom. Haward was involved in drawing up characteristics of high-ranking Nazi war criminals facing trial at Nuremberg and in being accepted as a psychologist expert witness in 1958, a role hitherto reserved for the medically qualified. In the United States, interest in eyewitness identification regenerated forensic psychology with the added stimulus of reform in mental health law (Blackburn, 1993). Hans Toch edited a collection entitled *Legal and Criminal Psychology* in 1961, in which he distinguished between practitioners and social scientists and argued for a legal and criminological psychology to be harnessed in the service of more rationale and humane practice in the administration of justice and treatment of offenders (Toch, 1961, p. 8). Topics of interest expanded; for example, Weiner and Hess' (1987) *Handbook of Forensic Psychology* included issues of consent, competency, predicting violence, parole board decision-making, working with the police, training, and ethical issues.

Recent new editions of several forensic psychology texts note that the field itself has expanded into areas such as nursing and accountancy (Crighton & Towl, 2015) and social work (Bartol & Bartol, 2018); research has 'exploded' (Kapardis, 2009); and as a subject of study, the field continues to attract undergraduate and graduate students (Adler & Gray, 2010). Brown et al. (2015) draw attention to the improved statistical sophistication of analyses and movement from 'what works' towards a more encompassing growth in evidence-based practice. Greene-Colozzi and Jeglic (2017) point to improvements in evaluations and administering treatment to individuals involved in the criminal justice system, placing greater reliance on constant empirical advancement of diagnostic tools, testing scales, and treatment programs in order to ensure ethical care. Work by Tony Ward and colleagues has done much to advance a human rights and humanistic agenda in interventions, assessment, treatment, and monitoring of offenders. Development of the Good Lives Model (GLM) of rehabilitation has been extended to hitherto under-researched groups such as the aging offender (Di Lorito et al., 2018). Walgrave et al. (2019) more recently have explored the amalgamation of GLM with ideas from restorative justice models to build a more constructive social approach to problems of crime and justice, thereby contributing to Toch's agenda of sixty years ago. Forensic psychologists have contributed to reversing miscarriages of justice (Poyser et al., 2018). Newer topics within the purview of forensic psychology include genocide (Jacks & Adler, 2015) and closer scrutiny of ethical practice (Vess et al., 2017). Advances are being made to extend forensic psychology beyond the Australia–United Kingdom–United States axes, e.g. its growth and application in India (Kacker & Pandya, 2020) and Latin America (Tapias, 2018). Granhag (2017) has an edited collection of Nordic scholarship in forensic psychology.

It has not all been stories of success. Crighton and Towl, (2015) lament the failures in work on Dangerous and Severe Personality Disorder despite substantial funding of research and treatment evaluation. They are also critical

of the standards of evidence by some expert witnesses and the quality of reports. They argue, too, the continued existence of power inequalities, especially with mentally disordered and learning disabled offenders. Forde (2018) has an even more trenchant critique of forensic psychologists who work in prison settings. Notwithstanding the growth in its academic base and extension into new areas, Crighton and Towl (2015) are critical of forensic psychology's increasingly restricted and narrow focus and argue it has little to say about sociopolitical violence and has been slow to accept the realities of social and economic inequalities. They are particularly scathing about the use of pseudo-scientific terminology that locates responsibility of crime solely within the individual and panders to political agendas of risk reduction and punitive approaches to offending (see also discussion in Brown et al., 2015, pp. 131–7).

Definitional Issues

Brown and Campbell (2010) observed in the first edition that there was some definitional ambiguity as to what exactly forensic psychology is and noted a degree of confusion about the extent of tasks undertaken by forensic psychologists. Bartol and Bartol (2018) argue that such deficiencies remain and that clear definitional boundaries are still in flux. In reflecting on this, we would argue that the reasons for the continuance of such confusions and ambiguities are as follows:

- confounding the academic discipline in and the application of forensic psychology in practice;
- the changing definitions of forensic psychology over time and across jurisdictions;
- the proliferation of labels and emergence of sub-specialisms;
- forensic psychology's continued status as a 'rendezvous' discipline;
- conflation of offender profiling with forensic psychology.

Howitt (2018) suggests the way out of definitional disorder is to differentiate between the field of forensic psychology and its professional practice. Likewise, Bartol and Bartol (2018) proposed differentiating between the production of knowledge and its application, in other words, distinguishing the field of forensic psychology as an academic discipline from the professional practice of forensic psychologists. Academic interest in, actively researching, or teaching the topic of forensic psychology contributes to and draws from the knowledge base but does not require formal registration or accreditation. The delivery of services to clients, i.e. becoming a forensic psychologist practitioner in the various criminal justice arenas, such as the prisons, probation, or police services or in other applied fields, such as community mental health or special hospital or educational settings, does entail additional requirements.

Davies and Beech (2008) note three prerequisites to becoming a practitioner forensic psychologist:

1. a broad grounding in psychological sciences, usually by a first degree in psychology (academic background);
2. advanced study in forensic psychology (specialist knowledge acquired through a postgraduate degree);
3. period of supervision and training (professional practice).

Most countries also require the practitioner to register with a professional body to encourage best practice and adherence to ethical codes of conduct. In the United Kingdom the title ‘forensic psychologist’ is now protected by statute and is a regulated profession. This is intended to maintain standards in practice and protect the public. Accordingly, a person practicing in the United Kingdom cannot call themselves a forensic psychologist unless they have the necessary qualifications and certification. Thus drawing on or contributing to the knowledge base in the field of forensic psychology and becoming a professional forensic psychologist may but do not necessarily coincide. In other words, academics utilising forensically relevant populations for research purposes are not always accredited forensic psychologists. By way of example, to study stress in police and/or prison officers does not require you to be a qualified forensic psychologist. Your area of specialism could be occupational, health, or clinical psychology (see e.g. Hesketh et al, 1996 for a discussion of the applications of organisational psychology to the field of forensic psychology).

The second cause of confusion remains the remit implied by definitions of forensic psychology. David Canter suggests that forensic psychology is chameleon-like, dynamic, and ever changing (Canter, 2010). This is illustrated by the British Psychological Society’s (BPS) definitional changes over time, and if compared internationally, definitions vary between broad and narrow remits. The BPS in 2017 (quoted in Howitt, 2018, p. 2) defined forensic psychology squarely and narrowly within the legal and criminal arena as that which

deals with the psychological aspects of legal processes including applying theory to criminal investigations, understanding psychological problems associated with criminal behaviour and the treatment of criminals.

Yet the most recent definition offered by the BPS’ Division of Forensic Psychology on their website¹ extended this as follows:

Forensic Psychology is the application of psychology within the legal system to create safer communities and to assist people to find pathways away from criminal behaviour. Forensic Psychologists work across many settings including, HM Prison and Probation Service, Hospitals, secure children’s

¹ www.bps.org.uk/member-microsites/division-forensic-psychology

homes, police forces, Courts and Universities. In practice this means Forensic Psychologists assess, formulate and intervene in those engaging in harmful behaviours, provide advice and expertise to other professionals, and develop and facilitate training and knowledge in forensic settings, all with the ultimate goal of contributing to the development of a safer society.

This is a much broader definition and includes research as well as justice professionals with a focus on harmful behaviours which may be outside the criminal, and it has a social justice emphasis. The Australian Psychological Society also has a broad definition on their website² and anchors their definition to the practitioner:

Forensic psychologists are scientist-practitioners. They apply psychological knowledge theory and skills to the understanding of legal a 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.

The American Board of Forensic Psychology on their website³ reverts to the more restrictive legal context:

Forensic Psychology is the application of the science and profession of psychology to questions and issues relating to law and the legal system. The word 'forensic' comes from the Latin word 'forensis', meaning 'of the forum', where the law courts of ancient Rome were held. Today forensic refers to the application of scientific principles and practices to the adversary process where scientists with specialised knowledge play a role.

Increasingly, the field of forensic psychology is thought of in the broader sense of being a disciplinary specialism applying methods and theories from the wider range of psychology's cognate disciplines to problems, processes, and personnel across the spectrum of criminal and civil justice systems.

The third problem lies in the use of language to label activity included within the area covered by aspects of forensic psychology. On one hand, the terminology used tends to limit areas of interest or is confined to a particular justice agency. On the other hand, areas of increasing and narrower specialisms are emerging, such as those dealing with neurological issues or the aging population. Table 0.1.1 indicates the different usages.

Forensic psychology would seem to be the broad umbrella term that might incorporate all these aspects, but as Needs (2008) argued, the increasing range of knowledge is beyond any one individual, so these labels identify narrower, specific, and limited areas of interest and expertise.

Another point of confusion is the idea that forensic psychology as an academic field is a 'rendezvous discipline' (Brown et al., 2015, p. 324).

² www.psychology.org.au/for-the-public/about-psychology/types-of-psychologists/Forensic-psychology

³ <https://abfp.com/>

Table 0.1.1 *Different terms and definitions with sources related to forensic psychology*

| Term | Definition | Source |
|--|---|---|
| Criminological psychology | Criminological psychology refers to psychological knowledge applied to the study of criminal behaviour and the various agencies charged with its | Hollin (2013, p. 22) |
| Legal psychology | Study of the effects of law on people and the effects people have on the law. Legal psychology also includes the application of the study and practices of psychology to legal institutions and people who come into contact with the law | Ogloff (2000, p. 467) |
| Criminal justice psychology | Those who work in a variety of criminal justice and forensic settings. These include corrections, law enforcement, the courts, hospitals, community mental health, and academic settings. | https://cpa.ca/sections/criminaljusticepsychology/ |
| Prison/ corrections psychology | Correctional psychology is a subfield of psychology in which basic and applied psychological science or scientifically-oriented professional practice is applied to the justice system to inform the classification, treatment, and management of offenders to reduce risk and improve public safety | Neal (2018, p. 651) |
| Police and public safety psychology | Police and public safety psychology requires, at a minimum, distinctive knowledge of the following: essential functions of police and public safety organizations and personnel, working conditions unique to their respective positions, common and unusual stressors in public safety work, normal and abnormal adaptation to occupational stress and trauma, research related to resilience and recovery in public safety personnel, and the unique aspects of confidentiality and testimonial privilege when providing services to public safety personnel and/or agencies. | American Psychological Association (2009), www.apa.org/ed/graduate/specialise/police |
| School forensic psychology | This relates to the intersection of psychology, the educational and legal systems dealing with suspensions and expulsions as well as specialist assessment services. | Bartol and Bartol (2018, p. 26) |
| Investigative psychology | Investigative psychology covers all aspects of psychology that are relevant to the conduct of criminal or civil proceedings. Its focus is on the ways in which criminal | Canter and Youngs (2009, p. 19) |

Table 0.1.1 (cont.)

| Term | Definition | Source |
|------------------------------|---|-------------------------------|
| | activities may be examined and understood in order for the detection of crime to be effective and legal proceedings to be appropriate prosecution and defence processes all over the world | |
| Clinical forensic psychology | Clinical forensic psychology is a specialty that has developed over the last twenty-five years [and includes] the assessment, treatment and consultations that revolves around clinical issues and occurs in legal context or with populations involved within any sphere of the legal system, criminal or civil. . . . We use forensic clinical psychology and forensic psychology interchangeably. | Douglas et al. (2003, p. 189) |
| Forensic mental health | Forensic mental health defined more broadly is an area of specialisation that, in the criminal sphere, involves the assessment and <i>treatment</i> of those who are both mentally disordered and whose behaviour has led, or could lead, to offending. In the civil sphere forensic mental health has a more complex remit, not only being involved in the assessment and treatment of those who have potentially compensatable injuries but also providing advice to courts and tribunals on competency and capacity. | Mullen (2000, p. 307) |
| Forensic geropsychology | Theory, research, and application of psychological assessment and treatment of older adults as related to forensic practice, | Bush and Heck (2018, p. 4) |
| Forensic neuropsychology | Forensic Neuropsychology is a subspecialty of clinical neuropsychology that directly applies neuropsychological principles and practices to matters that pertain to legal decision-making. Practitioners of forensic neuropsychology are trained as clinical neuropsychologists and subsequently specialise in the forensic application of their knowledge and skills. | Hom (2003, p. 827) |

Coined by David Downes as applied to criminology and meaning the meeting point between sociology, psychology, law, and philosophy, as applied to forensic psychology, it is at the crossroads of psychology and the law, but within psychology it draws on biological, developmental, social, cognitive,

clinical, occupational, and health psychologies (Brown et al., 2015; Taylor, 2019). So whilst the professional practice is recognised as a specialism within psychology, the field remains something of a hybrid discipline.

Krishan (2009) identifies six characteristics that define an autonomous discipline:

1. *a particular object of research* (though the object of research may be shared with another discipline). In the case of forensic psychology the particular object is the application of psychological knowledge to processes connected to the law (but some ambiguity remains, as in the example given above of an occupational psychologist looking at stress in police officers or a neuro-psychologist looking at brain injury in offenders). They may be ‘doing’ forensic psychology but from the knowledge base of their parent discipline and merely using a forensically relevant population as a site for their research.
2. *a body of accumulated specialist knowledge referring to their object of research, which is specific to them and not generally shared with another discipline*. Much within forensic psychology draws from other fields within psychology, as the review of topics appearing in specialist journals given below attests. As will be illustrated, coverage is uneven, and there remain gaps in knowledge, e.g. environmental protection, intellectual property, and commercial law (Justickis, 2008).
3. *theories and concepts that can organise the accumulated specialist knowledge effectively*. Theoretical formulations dealing with causation of violent, sexual, and acquisitive offending are present within forensic psychology, but again drawing from developmental, cognitive, and other cognate disciplines and applied to forensic populations.
4. *disciplines use specific terminologies or a specific technical language adjusted to their research object*. Certainly there is a technical jargon so much so that Canter (2004) presents the world of academic psychology as a distinct culture that makes communication with the world of the practitioner difficult.
5. *specific research methods according to their specific research requirements*. Forensic psychology borrows its research methods from its mainstream psychology with Howells et al. (2011) calling for less experimentation and more qualitative and mixed methods research (which the review below demonstrates are still relatively rarely used methods).
6. *institutional manifestation in the form of subjects taught at universities or colleges, respective academic departments, and professional associations connected to it*. Universities provide undergraduate and specialist post-graduate degrees, and the psychological associations and societies recognise forensic psychology as a speciality within psychology.

Against such criteria, this would suggest the field of forensic psychology does not fulfil all to recommend it as an independent discipline but retains its status as a rendezvous subject.

We asked in the introduction to the first edition, why does any of this matter? Krishan (2009) argues that an academic discipline is a crucial aspect of the overall professionalisation of science. This relates to the earlier point about who is entitled to call themselves a professionally qualified forensic psychologist. Krishan suggests that professionalisation increases the rivalry amongst disciplinary professional groups over limited resources. Without a clear identity, forensic psychology may struggle in the competition over money and influence within universities and the overall scientific community. Identity confusion and ambiguity can lead to other problems, e.g. the appropriate expertise and qualification to be an expert witness in a court case and the transferability of qualifications and accreditation (as argued by Crighton & Towl, 2015), and resonate with the earlier criticism of the quality of the evidence given (Blackburn, 1993).

Our final point is the conflation of forensic psychology with offender profiling. This is the one topic within forensic psychology that perhaps is particularly misunderstood. For decades, offender profiling has captured the public imagination through shows like *Cracker*, *Waking the Dead*, *Hannibal*, *Mindhunter*, and a plethora of true-crime books, podcasts, and autobiographies of profilers. As Smith (2020) says, ‘like many things in popular culture, there is/was a misperception about forensic psychology: that it is synonymous with criminal profiling’. Canter (2010) notes that forensic psychology is much more than profiling; indeed, profiling represents a fraction of the kinds of work undertaken by a forensic psychologist, but it is often the way in for students. In reality, there is relatively little scope for a career as a full-time criminal profiler, and it remains something of a controversial topic (Alison & Rainbow, 2011).

Scope of Forensic Psychology

The Brown and Campbell introductory chapter to the first edition noted that eyewitness testimony, interviewing, and research into juries dominated the research literature. We wanted to see if the coverage of topics had changed in the intervening years, so we conducted a review⁴ of issues covered in the main journals publishing forensic psychology research (*Behavioural Science & the Law*; *Law & Human Behaviour*; *Psychiatry, Psychology & Law*; *Psychology, Crime and Law*; *Legal & Criminological Psychology*).

The review (2015–20) showed that coverage has shifted towards prisoner management, service needs and treatment, and measurement evaluation, although research on eyewitness testimony and investigative interviewing remain significant features of published output (see Figure 0.1.1). This greater

⁴ With the assistance of our intern Monica Dos Santos Figueiredo, to whom we are very grateful.

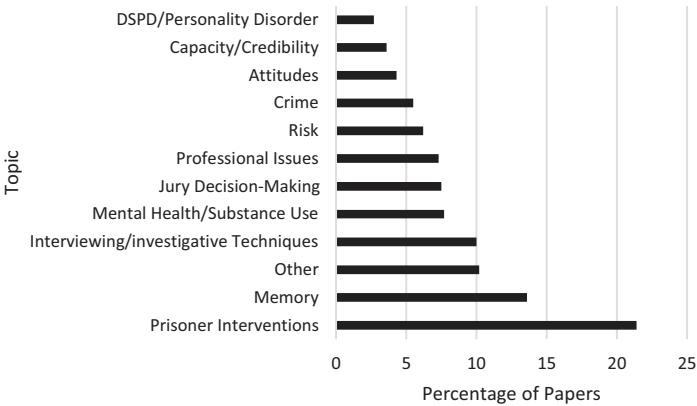


Figure 0.1.1 Topic coverage in key forensic journals, 2015–20.

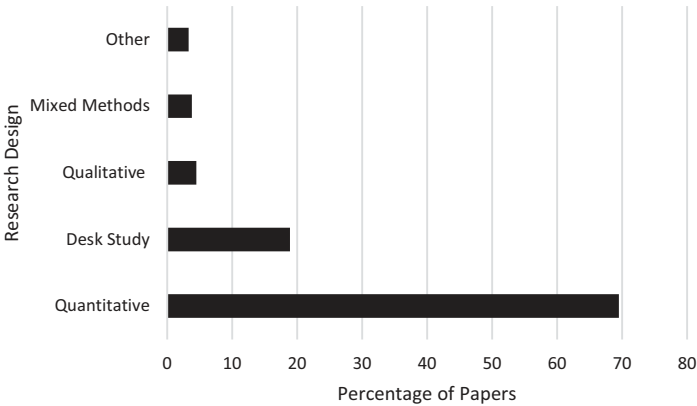


Figure 0.1.2 Research designs in key forensic journals, 2015–20.

prisoner/offender focus may be a feature of the convergence of what works with evidence-based practice movements. More striking are the omissions; that is, there is very little on victims, and only about one-third of papers specifically mention any aspect of diversity.

The other striking feature is the dominance of quantitative methods and the low rate of qualitative studies (see Figure 0.1.2). Quantitative research focused on measurement and assessment. Where research used qualitative methods was largely with criminal justice professional participants. There is little indication here of more policy-relevant victim focus or the broader social justice agenda called for by Belknap (2015) and Brown et al. (2015).

The Second Edition

This new, second edition will keep the same basic structure of the first edition, namely sections on theory, behaviours, assessments, interventions,