



INTRODUCTION TO
**FORENSIC
PSYCHOLOGY, 2E**

*Issues and Controversies in Law,
Law Enforcement and Corrections*

Bruce A. Arrigo Ψ Stacy L. Shipley



***Introduction
to Forensic
Psychology***

Second Edition

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Introduction to Forensic Psychology

Issues and Controversies in
Crime and Justice

Second Edition

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Amsterdam Boston Heidelberg London New York Oxford
Paris San Diego San Francisco Singapore Sydney Tokyo

The sponsoring editor for this book was Nikki Levy, the senior developmental editor was Barbara Makinster, and the senior project manager was Paul Gottehrer. The cover was designed by Eric DeCicco. Composition was done by Cepha Imaging PVT LTD, Bangalore, India and the book was printed and bound by Maple-Vail, Binghamton, NY.

Elsevier Academic Press

30 Corporate Drive, Suite 400, Burlington, MA 01803, USA

525 B Street, Suite 1900, San Diego, California 92101-4495, USA

84 Theobald's Road, London WC1X 8RR, UK

This book is printed on acid-free paper. ∞

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Library of Congress Cataloging-in-Publication Data

Application submitted

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

ISBN: 0-12-064351-0

For all information on all Elsevier Academic Press publications visit our Web site at www.books.elsevier.com

Printed in the United States of America

05 06 07 08 09 9 8 7 6 5 4 3 2 1



Dedication

For Marc: Sometimes close, often deep, always my brother

B.A.A.

*To Robert and Carol Shipley, Greg, and my family of friends
for your never ending support*

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STACEY L. SHIPLEY, Psy.D., was awarded her doctoral degree in forensic psychology from the California School of Professional Psychology in Fresno, California and her Bachelor's degree from St. Edward's University in Austin, Texas, with a major in psychology and minor in criminal justice. Dr. Shipley is a forensically trained clinician, specializing in the provision of psychological services at the crossroads of psychology and the law or those that involve psycholegal issues. She completed her Predoctoral Internship at Milwaukee County Mental Health Division in Milwaukee, Wisconsin, where she worked with the County Forensic Unit conducting competency to stand trial evaluations. Additionally, Dr. Shipley provided clinical services for child, adolescent, and adult inpatient programs and a Mobile Urgent Treatment Team for children and adolescents that responded to mental health crises in the community. Dr. Shipley's clinical and forensic training focuses both on adults and adolescents in inpatient, outpatient, and forensic settings. She is licensed by the Texas Board of Psychology Examiners and is the Chief Psychologist on the Social Learning Rehabilitation Program at North Texas State Hospital—Vernon Campus. This facility is the only maximum-security forensic hospital in the state. Dr. Shipley specializes in forensic and clinical assessment, sex offender therapy, treatment for individuals adjudicated by the courts as not guilty by reason of insanity, incompetent to stand trial, or manifestly dangerous. In addition, she provides staff training on social learning principles and procedures, conducts risk assessments, creates dangerous management plans, and is a senior member of a multidisciplinary treatment team. In addition, Dr. Shipley is licensed by the Iowa Board of Psychology Examiners. In this capacity, she works as

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Preface for the First Edition

What Is Forensic Psychology?

Forensic psychology is a growing and popular field of inquiry. Its allure, in part fueled by sensationalized and glamorized media images, features psychologists tracking down serial killers, treating sexual psychopaths, and studying the criminal mind. Indeed, as a teacher, I see many of my students expressing considerable enthusiasm for careers as “profilers” engaged in the behavioral science pursuit of crime scene analyses. While there is certainly a need for trained specialists in this domain of forensics, the field itself is considerably more vast.

The expanse of the field is rooted in its sundry models of instruction and practice. Clinical practitioners emphasize the assessment, diagnosis, and treatment of different civil and criminal forensic populations. Law/psychology practitioners emphasize the development of the legally trained specialist whose overlapping skills in courtroom processes and human behavior make for a formidable expert in the treatment and policy arenas. Law–psychology–justice practitioners emphasize the development of a cross-trained specialist whose integrative knowledge base in psychology, criminology, organizational analysis, policy studies, and law readies the person for the increasing demands of a multifaceted profession. If appropriately prepared, this specialist moves skillfully among those in the psychotherapeutic, management, and advocacy communities.

Clearly, each of these models includes a unique set of strengths and limitations. What each of these approaches shares, however, is that its collective vision of forensic psychology is not so narrowly defined or so unidimensionally depicted as is the impression created for us by the popular media. Much of what forensic experts

do is not stylish or seductive. Indeed, if anything, much of the work is often tedious and technical. This is not the same as suggesting that the contributions of forensic psychologists are insignificant or trivial to society. Nothing could be further from the truth.

Forensic psychologists are invested in crime and justice. They examine issues, controversies, social problems, psychological states, and other complex phenomena within the adult, juvenile, civil, and family domains of professional practice. They may not define the parameters of their work as such; however, they are unquestionably committed to this enterprise. What links various forensic specialists together, regardless of their particular academic orientation, is the problem of violence (e.g., physical, sexual, psychological, and symbolic) and its impact on different individuals or groups (e.g., offenders, victims, police officers, correctional guards), so that the experiences of intrapsychic pain, interpersonal conflict, and social unrest are identified, reduced, and, perhaps, altogether eliminated. Thus, it is not surprising that many people view the forensic arena as the study of psychology and law within the mental health and criminal/civil justice systems. In addition, though, forensic psychology is the study of both these disciplines and systems precisely where they intersect. Without question, at the crossroads of the field are a host of pressing general public concerns that warrant careful examination and close scrutiny by competently trained specialists.

Why Study Forensic Psychology?

The thoughtful study and effective practice of forensic psychology are compelling responses to the problems posed by crime, victimization, trauma, and other forms of violence. They are also laudable solutions to the demands placed upon us for restoring justice to society. These overlapping and interdependent aims are significant, and those interested in the field would do well to consider how these observations are integral to the successful administration of this specialty area.

Forensic psychology is not simply about reacting to crime. Yes, the discipline does address such disturbing and perplexing questions as: What do we do with kids who kill? What are the causes of prison riots? Are the mentally ill dangerous? Why do the police use (deadly) force? These matters, however, address only the violence variable. In addition, the field considers a number of related concerns that are equally critical and enduring: How do officers mediate conflict? Is the "least restrictive alternative" made available to the psychiatrically disordered? How do the legal and psychological communities promote the best interests of the child in forensic decision making? What treatment and care are available to mothers in prison? These subjects evaluate the justice variable. Forensic psychology, then, is as much about responding to crime and victimization as it is about preventing it or, better still, promoting peace and well-being whenever possible.

Organization of the Book

A textbook about the field of forensic psychology as defined above is therefore potentially quite useful, illuminating, and appealing. The organization of *Introduction to Forensic Psychology: Issues and Controversies in Crime and Justice* is distinct from that of other similar books on the market. This text is distinguishable from its competitors in four ways.

First, readers will note that the book is divided into three broad sections: (1) Police and Law Enforcement, (2) Court and the Legal System, and (3) Corrections and Prison Practices. For those more familiar with conventional psychology texts, this approach will be different and becoming acquainted with it may take some time. This strategy, however, is worthwhile. The three overarching components of the criminal justice system encompass the dimensions previously identified. Thus, as a starting point, working from within the police, court, and correctional orientations to forensic psychology makes perfect sense.

Second, each of the three broad sections to the text includes four subsections, creating a total of 12 chapters. These subsections include: (1) Adult Forensics, (2) Juvenile Forensics, (3) Civil Forensics, and (4) Family Forensics. For those comfortable with standard criminal justice textbooks, this approach will be unusual and familiarizing oneself with it may be awkward at first. Again, though, there is a justification for this strategy. The broad domains of (forensic) psychological practice emphasize these intervention areas. Thus, delineating the chapters accordingly is an appropriate and necessary way in which to define the contours of the police, court, and corrections sections.

Third, within each subsection of a given chapter, a number of selected issues or controversies are presented. Collectively, these topics do not exhaustively canvass the depth of a particular chapter's thematic possibilities. Rather, the carefully chosen entries reveal the diversity contained within the subspecialty area of forensic psychology under investigation. For example, Chapter 5 addresses several adult forensic topics in the court and legal system. The reader is introduced to where and how forensic professionals are called upon during the plea bargaining phase of a case, during the trial's unfolding, and following conviction. Traditional psychology and criminal justice textbooks tend not to adopt an issues/controversies perspective. I suggest that given the nature of the field, this approach is as logical to the introductory analysis of the forensic discipline as it is essential.

Relatedly, the core organizing theme for the selection of entries deliberately focused on capturing the breadth and variety of topics within a subspecialty domain of forensic psychology. This meant that some otherwise noteworthy issues had to be dismissed because they did not advance this goal. Moreover, the process of choosing topics was based on the promotion of introductory (rather than intermediate or advanced) knowledge and practical (rather than conceptual or technical) utility. Again, several worthwhile entries had to be omitted because they did not support this end.

Fourth, over 60 individual entries (i.e., topics) are found in *Introduction to Forensic Psychology: Issues and Controversies in Crime and Justice*. Most chapters examine between four and six topics. It is easy to imagine adding more entries within each chapter. Indeed, each chapter, if appropriately developed as such, could become the basis for its own, freestanding textbook. Standard introductory textbooks in psychology or criminal justice present students with a much more limited number of topics to investigate, but considerable depth is given to those matters that are reviewed. In *Introduction to Forensic Psychology*, greater care is given to the expanse of the field. Certainly, this sacrifices depth of critical analysis. But the aim of the book is to demonstrate something about the volume of compelling or “cutting edge” controversies influencing the development of the field. This is important to readers, particularly those who are cultivating interests in the field for future career possibilities.

Each section or entry of the textbook follows a structured format. The format includes a brief introduction, a case illustration, a review of the literature, an assessment of policy implications, and suggestions for future research. Most entries are between 4 and 6 pages long. Readers expecting to learn about the details of any one issue or controversy in a given chapter may be disappointed. Again, however, the book is designed to canvass an emerging field of inquiry that continues to grow considerably.

Additionally, because the organization of the project does not permit any more systematic assessment than what a provisional analysis would yield, the sections move very quickly and easily from one to the next. Readers could just as simply start in the middle of one chapter, explore a particular section, and then start at the beginning of the chapter and read to its completion. Either approach will not detract from the learning. To explain the broader context in which each individual chapter is organized, overviews introduce the material. The case illustrations (some factual and some fictitious) demonstrate the real-world impact or application of the issue investigated. The policy implications and future research sections are indicators of what needs to be done in a given subspecialty area. Policy implications address the current impact on the field given the state of knowledge regarding the individual entry. Future research considers where and how additional investigations could improve our understanding of the examined issue in relation to other facets of society. These include programmatic, scientific, political, economic, legal, and other notable remedies.

In many ways *Introduction to Forensic Psychology: Issues and Controversies in Crime and Justice* is a primer to the field. There are competitors; however, I believe that none attempts to so dramatically and comprehensively capture the breadth of the discipline. This project, then, arguably fills this gap in the literature. Mindful always that forensic practitioners operate within the justice and mental health systems, this book endeavors to reveal something about the complexities of where and how the forensic process succeeds and fails for those individuals and collectives who are most directly impacted by it. Clearly, a book of this sort can reveal but a tiny

fraction of all that occurs in the functioning of a discipline. But it can offer us information that is useful, worthwhile, and insightful. I invite the readers, whether students or practitioners, to discover the possibilities contained in this book and to consider where and how such observations may serve them in their own educational pursuits or professional development.

Bruce A. Arrigo
Fresno, California
Spring 1999

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Preface for the Second Edition

Five years have passed since the publication of the first edition of *Introduction to Forensic Psychology*. Our basic aim in preparing this new, second edition is to provide a text on the role of psychology in the criminal justice system, written so that it is accessible to undergraduates, sophisticated so that it appeals to educators and researchers, grounded so that it is of interest to practitioners, and cogent so that it is insightful for busy administrators. This is no small undertaking to be sure!

Although the book is designed as a lead text for forensic psychology courses, it also may be of use as a supplemental text in courses such as psychology and the legal system; criminal behavior; psychology public policy and the law; and topics in criminal justice and psychology. As these titles suggest, the field remains both interdisciplinary and integrative, thus ensuring that the interpretation of human behavior and the operation of the justice system is appropriately reviewed and synthesized, representing our secondary aim. Once again, we acknowledge the demanding nature of this project.

Four characteristics found in the previous edition—its readability, comprehension, scholarship, and practice orientation—have been retained and improved upon in this volume. Our position is that much of what is taken to epitomize the sub-field of forensic psychology is technical in nature. Demystifying this literature in thorough yet concise ways does much to facilitate student learning and general understanding. In addition, when guided by cutting-edge research that is tempered by a steadfast concern for the everyday world of the practicing forensic psychologist, a balance can be struck between the intellectual demands of the academic community and the professional needs of the forensic practitioner. Thus, we have endeavored to keep these worthwhile objectives in mind and to build upon them throughout this volume. If carefully developed and thoughtfully executed, the endproduct is a text that meaningfully satisfies the interests of all parties involved.

What's New in this Edition?

There are four features that distinguish this edition from its predecessor. Each of these additions stems from our commitment to making the world of forensic psychology relevant to a diverse (and growing) group of readers. Therefore, these new components represent our desire to link the burgeoning field of forensic psychology to those most noticeably impacted by it.

International Criminal Forensic Psychology

The development of the field extends well beyond the borders of the United States. Established and emerging periodicals such as *International Journal of Law and Psychiatry*, *International Journal of Offender Therapy and Comparative Criminology*, *International Journal of Forensic Psychology, Psychiatry, Psychology, and the Law*, and *International Journal of Forensic Mental Health* are publishing articles on a host of topics that canvass both civil and criminal aspects relevant to adult, juvenile, family, and community populations. *Introduction to Forensic Psychology, Second Edition* recognizes this growth and the need to comprehend it. Accordingly, we devote an entire chapter to the international and comparative landscape, exploring a number of contentious and enduring debates. In brief, these include the psychology of terrorism, the insanity defense and competency to stand trial, and violence risk assessment and mental disorders. The development and operation of these specific forensic psychological topics are reviewed in countries such as Japan, Australia, Brazil, the United Kingdom, and Canada.

Practice Updates

One of the more successful aspects of the first edition was the incorporation of factual and fictitious case scenarios that guided the subsequent commentary. Students, reviewers, practitioners, and educators all found this pedagogical tool useful and informative. Building upon this notion, the second edition includes a “Practice Update” at the conclusion of each chapter which identifies a key theme relevant to the chapter’s overall thrust. The theme is grounded in the everyday difficulties or ongoing dilemmas confronted by the forensic psychological specialist. The purpose of these updates is to demonstrate for the reader the practical tensions at play when working in the forensic field. Thus, for example, psychopathy and antisocial personality disorder (ASPD) must be carefully assessed if the appropriate treatment regimen is to be recommended, knowing full well the success limits of various clinical interventions (Chapter 3). Submitting child custody evaluations to a legal tribunal necessitates that the psychological practitioner understand the assorted facets of the court process (e.g., discovery phase, subpoena process), as well as the specific

matters to which the expert can accurately testify (Chapter 5). Psychologists assisting or otherwise treating offender populations entails a careful adherence to institutional regulations as well as to ethical standards of client intervention (Chapter 10). These and other identified “Practice Updates” situate the relevant literature in the complicated decision-making world of the forensic expert.

New Entries on Adult, Juvenile, Family, and Community Forensic Psychology

One way to stay abreast of the various changes impacting the forensic psychological field is to carefully evaluate the kind of issues in which academics and professionals invest their unique energies and particular resources. With this notion in mind, the second edition deliberately considers the development of new or emerging trends, as well as stagnant or faltering lines of inquiry. In both instances, we were cognizant of those contentious topics that could not be dismissed under any circumstances, given their enduring nature.

Fundamental to our efforts to review and discuss new and relevant entries in the second edition was a clear and unwavering commitment to incorporate topics germane to the areas of adult, juvenile, family, and community populations. Thus, throughout this volume, a number of themes not previously examined in the first edition now appear. Examples include malingering, mental illness, and issues of secondary gain; expert testimony; competency restoration and manifest dangerousness in maximum security facilities; termination of parental rights; evaluating psychiatric work-related disability; critical incidents debriefing; and crisis intervention in prisons. The inclusion of these entries, along with the elimination of others less central to the evolution of the field, helps to make the book more comprehensive in its coverage and more contemporary in its scope.

Race, Gender, and Class Dynamics

Consistent with our interest in international and comparative forensic psychology, this edition provides more cogent and concise information on how women, minorities, and the poor are affected by psycholegal policies and practices. Two principal areas where attention to this matter is most noticeable is found in the presentation of the literature—especially for a number of individual entries—and in the assessment of policy implications, especially given the state of the research on a specified issue or controversy. As our analysis repeatedly makes evident, more studies providing some explanatory and predictive insight regarding the impact of forensic psychological decision-making for diverse populations in a multicultural society are sorely needed.

Organization of the Book

There are a few changes to the organization of *Introduction to Forensic Psychology: Issues and Controversies in Law, Law Enforcement, and Corrections, Second Edition* that are worth noting. As the subtitle of this book suggests, our focus is on those psychological concerns found within the criminal justice setting affecting the lives of adults, juveniles, families, and communities. As such, three broad areas of psychological concern (i.e., law, law enforcement, and corrections) inform the way in which this edition is structured.

In addition, there are four parts to the text. Part I canvasses the legal system and criminal forensics. Part II examines the legal system and civil forensics. Part III investigates the relationship between policing practices and forensic psychology. Part IV explores the relationship between prison practices and forensic psychology. Each part of the text includes three chapters. Generally speaking, each of these chapters reviews the adult, juvenile, or family/community dimensions of the sub-discipline as linked to the specific section (Part I, II, III, or IV) under consideration. Overall, then, given the thrust of this edition and the manner in which it is organized, there are twelve separate chapters. A series of six to eight topics or entries are examined within each chapter. This means that this edition reviews approximately 75 individual entries. Much like its predecessor, the second edition emphasizes the expanse of the field (and, thus, its overall compelling nature), rather than the depth of a select number of topics. In this way, the reader is exposed to a range of issues influencing and shaping forensic psychology, its academic development, and its practical utility.

As an engaging and thought-provoking primer, *Introduction to Forensic Psychology: Issues and Controversies in Law, Law Enforcement, and Corrections, Second Edition*, continues where its highly acclaimed predecessor left off. Designed for students, researchers, practitioners, and administrators, the text demonstrates the breadth of the field through concise prose, cogent analysis, and a user-friendly format. Committed to accessibility and comprehensiveness, as well as to a scholarly approach and a practice orientation, this second edition incorporates a number of novel and stimulating features making it both intellectually rewarding and professionally appealing. Accordingly, we invite readers to explore the possibilities contained in this book. As the sub-discipline of forensic psychology evolves so, too, does our need to better comprehend the role of psychology and psychologists in the justice system. In the final analysis, *Introduction to Forensic Psychology, Second Edition* endeavors to facilitate and deepen this much-needed understanding.

Bruce Arrigo
Charlotte, North Carolina
Stacey L. Shipley
Vernon, Texas
Fall, 2004



Courts and the Legal System: Criminal Forensics

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Adult Forensics

OVERVIEW

The role of psychology in the legal system is both diverse and expansive. In addition, new and/or emerging application areas are discovered all the time. The adult forensic field is one domain where this particular focus is appreciable. The adult forensic arena encompasses all facets of criminal adjudication, from the pretrial stage to the postconviction phase, where the role of psychology in the court process is evident, necessary, and, ultimately, impactful.

In this chapter, seven controversies are explored. These topics include (1) competency to stand trial, (2) jury selection, (3) psychological tests and forensic evaluation instruments, (4) violence risk assessment, (5) forensic verdicts for mentally ill defendants (not guilty by reason of insanity, NGRI, and guilty, but mentally ill, GBMI), (6) expert testimony, and (7) maximum-security forensic hospitals. Individually, these controversies demonstrate the breadth of specialized roles that exist for forensic psychologists in the court system. Collectively, the issues explored in this chapter explain where and how the adult forensic field routinely relies upon the psychological sciences to inform effective legal practice and sound judicial decision making.

In order for a person to be prosecuted, the individual must be competent to stand trial. What is the legal standard for competency to stand trial? What role does psychology play in furthering our understanding of competency? How does the “psycholegal” standard relate to one’s capacity to stand trial? How do symptoms of mental illness or other impairments impact relevant legal functional capacities? What role does psychiatric diagnosis play in a determination of competency to stand trial? Jurors are an indispensable component of most criminal (and civil) cases. The selection process can