

Forensic Psychology

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Forensic Psychology

The application of the science and profession of psychology to questions and issues relating to law and the legal system

Forensic Psychology

- The American Board of **Forensic Psychology** and the American Psychology-Law Society (1995) define forensic psychology as:
- The professional practice by psychologists within the areas of clinical psychology, counseling psychology, neuro psychology, and school psychology, when they are engaged regularly as experts and represent themselves as such, in an activity primarily intended to provide professional psychological expertise to the judicial system.

Psychology vs. Psychiatry

- Psychology is the systematic investigation of the human mind, including behavior and cognition. It thus encompasses both normal and abnormal behavior.
- On the other hand, Psychiatry is a branch of medicine dealing with mental illness.

Forensic psychology and Law

- **Forensic psychology** is the intersection between psychology and the criminal justice system. In the past decades, the collaboration between psychology and law has grown enormously.
- Psychology and law interact in 3 ways- Psychology in law, Psychology by the law, Psychology of the law.

Assessment of mental
competency
&
Psychological
Assessment Tools

Psychology and Law

- There is a dynamic relationship between the concept of mental illness, the treatment of the mentally ill and the law.
- While the psychiatrist is concerned primarily with the diagnosis of mental disorders and the welfare of the patient, the court is often mainly concerned with determination of competency, dangerousness, diminished responsibility and/or the welfare of society.
- Relationship between psychiatry and law most often comes into play at the time of treatment of persons with mental disorders.

In the Indian context..

- After the takeover of the administration of India by the British crown in 1858, a large number of laws were enacted in quick succession for controlling the care and treatment of mentally ill persons in British India. These laws were:
 - □ The Lunacy (Supreme Courts) Act, 1858
 - □ The Lunacy (District Courts) Act, 1858
 - □ The Indian Lunatic Asylum Act, 1858 (with amendments passed in 1886 and 1889)
 - □ The Military Lunatic Acts, 1877.
- These Acts gave guidelines for establishment of mental asylums and procedure to admit mental patients.
- Later the Indian Lunacy Act, 1912 was enacted. The 1912 Act guided the destiny of Psychiatry in India.
- Provisions of judicial inquisitions for mentally ill persons were also given in the Act. After the Second World War, Universal Declaration of Human Rights was adopted by the UN General Assembly.
- Indian Psychiatric Society submitted a draft Mental Health Bill in 1950 to replace the outmoded ILA-1912. Mental Health Act (MHA-87) was finally enacted in 1987 after a long and protracted course.

Criminal Liability

- The origin of Forensic Psychology in India dates back to the drafting of the Indian Penal Code (IPC) by Thomas Babington Macaulay during the mid-19th century.
- Indian Penal Code, 1860 states that “Nothing is an offence, which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.”
- During the same time, the Mc Naughten’s rules were incorporated into the IPC, Section 84, and they define the criminal responsibility of mentally ill in our courts along with being the basis for the insanity defense.
- This has not changed till date.
- It has been held by the Supreme Court that the law presumes every person of age of discretion to be sane and defense on ground of insanity needs to be proved. If defense is established on ground of insanity, such persons are committed to the Psychiatric Hospitals as per sec 471 (i) of the Cr.P.C., 1973.
- Sec 89, IPC provides protection for any action done in good faith for the benefit of a person of unsound mind by or by consent of the guardian or other person having lawful charge of that person.

Bottomline!

- The mental condition of the offender is specifically of concern to the judicial system in two scenarios,
 - 1) to ascertain mental state at the time of committing the crime
 - 2) to assess fitness to stand trial.

Competence to stand trial

- In order for a person to be prosecuted, the individual must be competent to stand trial.
- What is the legal standard for mental competence?
- What role does psychology play in furthering our understanding of competency?
- How does the "psycholegal" standard relate to one's capacity to stand trial?

- Psychology can and does impact what happens in the criminal courtroom.
- This trend necessitates that carefully trained specialists who understand the mechanics of law, the science of psychology, and the geography of human behavior be called upon to assist the legal system.

- Stone (1975) referred to Competency to Stand Trial (CST) as "the most significant mental health inquiry pursued in the system of criminal law"
- Thus, the contemporary concept of CST concerns not only the presence of mental illness, but also the individual's ability to function as a defendant in light of the effects of his or her mental illness.
- The primary concern, then, is whether the mentally ill defendant is capable of fulfilling his or her role as a defendant. The knowledge and ability to do those things required by the court before and during the trial process are of primary importance (L. Wrightsman *et al*, 1994).

Criminal responsibility

- The term **criminal responsibility** refers to a person's ability to understand his or her conduct at the time a crime is committed. In other words, what a person is thinking when he commits a crime, or what result is anticipated or expected when a crime is committed. Laws define crimes in terms of an act or omission (*actus reas*) and a mental state (*mens reas*). Criminal responsibility relates to the **mental state** element of a crime.

Evaluation of Criminal Responsibility

- A careful and diligent evaluation of the actor's criminal responsibility is an important element in every criminal trial. Remember-- if there's no proof that an actor possessed the requisite mental state at the time a crime was committed, the actor cannot be convicted of that crime.
- Often times, experts will be consulted to help determine an actor's mental state. Many psychologists, forensic investigators, therapists, and other mental health professionals are trained in the methods of evaluating criminal responsibility. These professionals may analyze a variety of factors when assessing criminal responsibility, including:
 - The actor's **narrative** of what occurred;
 - The actor's **behavior** before, during, and after the commission of the crime;
 - Any **history of mental illness or psychological conditions**; and
 - The results of **psychological tests**.

- The implications of competency issues and developments for the forensic psychologist are profound.
- Research in the area has shown that the expert opinions of psychologists on the issue of competency are highly valued.
- It is uncommon for a judge to disagree with a mental health professional's recommendation (Nicholson & Kugler, 1991).
- Thus, the role of the practicing forensic psychologist is one that assists in defining the future of the defendant whose competency is in question.

Psychological Assessment

- Assessment is a fundamental aspect of forensic psychology and serves to underpin a range of activities, including categorisation, formulation and treatment.
- Psychological assessment is characterised by attempts to apply scientific approaches ethically to human functioning both individually and in social contexts.
- Assessment methods can be understood in terms of a range of psychometric qualities, including reliability, validity, specificity, sensitivity and power.
- Forensic psychological assessment can be operationally defined as the use of scientific methods to systematically evaluate a person (or persons) in relation to specific legal purposes.
- The use of classification is extensive within science. In relation to mental health the best-known and most widely used categorical frameworks in western practice are ***Diagnostic and Statistical Manual of Mental Disorders (DSM)***; latest edition: [***DSM-5-TR***](#) (American Psychiatric Association, March 2022) and ICD-11 (WHO,2022).

Psychological Assessment Tools

- Both prosecuting and defense attorneys increasingly rely upon forensic experts with psychological assessment skills who can testify in court.
- Do forensic tests provide accurate information about the personality, intelligence, ability, and psychopathology of an offender?
- Are such instruments and their findings legally admissible?

Forensic assessment

- Forensic assessment has to be in extreme detail and follow certain uniform rules and regulations. The crime scene details need to be recorded in detail along with the primary and secondary data.
- As for the information from primary sources, a detailed personal interview is to be conducted with the person concerned.
- Information from secondary source include-
 - Crime and police reports
 - History of psychiatric illnesses and related records of the person concerned
 - Records of serving terms in the prisons for crimes committed as a juvenile or as an adult
 - Records of psychiatric treatment
 - Educational history of the individual.

Mental Status Examination (MSE)

MSE includes

Appearance- well dressed,, ill-kept, unhygienic, etc.

Speech- volume, rate, tone etc.

Motor activity- rate (agitated, retarded)

Mood- depressed, sad, great etc.

Affect- observable emotion (euthymic, neutral, euphoric, flat

Thought process- logical, circumstantial, tangential, flight of idea etc.

Thought content- suicidal, homicidal, paranoia, delusional, obsessions

Perpetual disturbances- hallucinations (auditory, visual, olfactory, tactile)

Cognitive- level of alertness and orientation

Insight- level of illness and need for treatment or hospitalization

Judgement/ Impulse control- how well he can judge and how much is he able to control his impulse.

Test

It is a representational technique applied by an agency to an individual with the intention of gathering information on certain aspects of an individual.

Test Types

- Psychological evaluations can be projective, objective or direct observation tests.
- Projective tests are also called self-reporting measures. They are open-ended, allowing the people being tested to give whatever responses they choose. The best example of this type is the Rorschach test, in which ink blots are shown and the participants say what they think the blots look like.
- Objective tests follow a specific format, in which participants must choose true/false or multiple choice answers.
- Direct observation tests are psychological assessments that allow a professional to observe the patient's behavior and interaction with others in the classroom, at home, or in a professional office. The observations may be done directly or they may use video recordings

Intelligence tests

Help in finding out-

- The crime that was committed by the person concerned was done at all with competence.
- Could he have planned it intelligently so that he could never get caught.
- Could he have committed the crime clearly planning and systematically laying the traps, etc.

Diagnostic Tests

- These tests are structured tools used to measure mental functioning. They are administered by a mental health professional and are designed to be objective and measurable so that an accurate psychiatric diagnosis can be determined. There are many different tests used to assess the emotional, behavioral and cognitive issues that define psychiatric disorders.

Personality Tests

- Tests designed to assess personality types rely on categorizing individual traits. They are based on innate temperament and preferred ways of thinking and behaving that develop over time.
- Measure a person's way of dealing with different aspects and experiences of his/her life.
- Measure personality traits such as extraversion, introversion, etc. in addition to providing information about the defences that an individual uses in dealing with his life's problems.
- The results from these tests assist in identifying the presence of psychological traits that relate to psychological injuries, or to abilities that bear upon important legal issues.
- **The Minnesota Multiphasic Personality Inventory (MMPI-2) and the Myers-Briggs Type Indicator (MBTI)** are two of the best known and most frequently used personality tests. The MMPI-2 was designed to test personality for the purpose of identifying different psychological disorders such as depression, paranoia and mood disorder. Another type of personality test is called the DISC assessment. It assesses qualities based on dominance, influence, steadiness, and conscientiousness.

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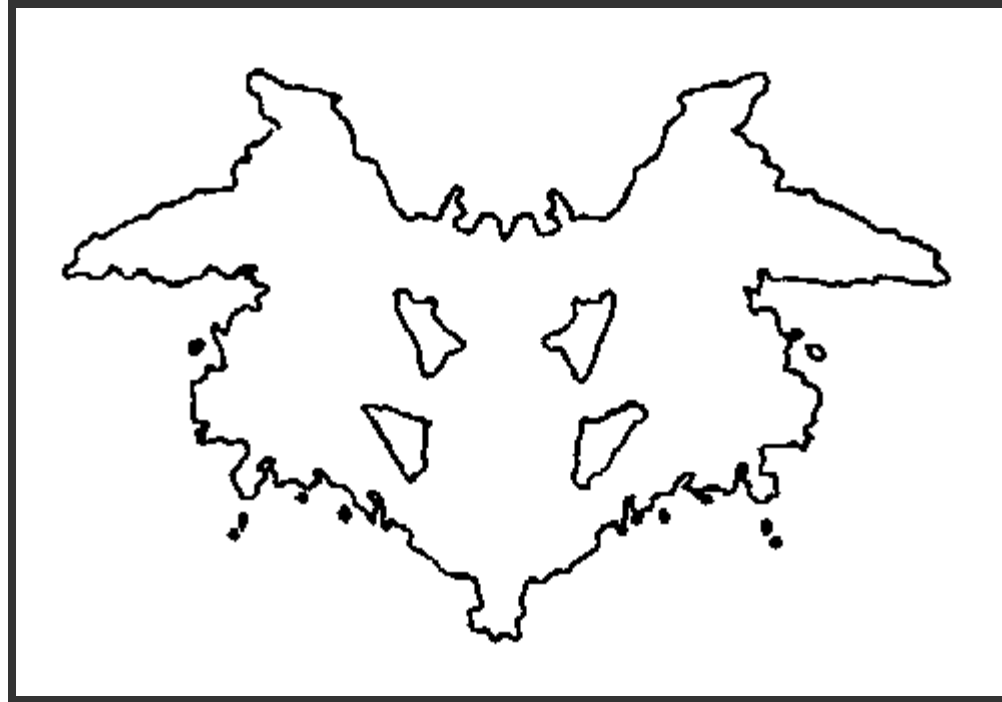
- Helps in diagnosis and used to tap the potential personality traits that may be associated with deviance.
- Can be used to assess the social and personal maladjustment, provide support to management decision in criminal justice and correctional settings
- Few revisions- one being MMPI-2™ ·Contains additional items such as the FBS Addition (Symptom Validity Scale)
- This test has been customized for a few forensic settings- child custody, personal injury, pre-trial, general corrections, competency commitment.

The Rorschach test

Used to ascertain the differential diagnosis of mental disorders and certain personality factors.

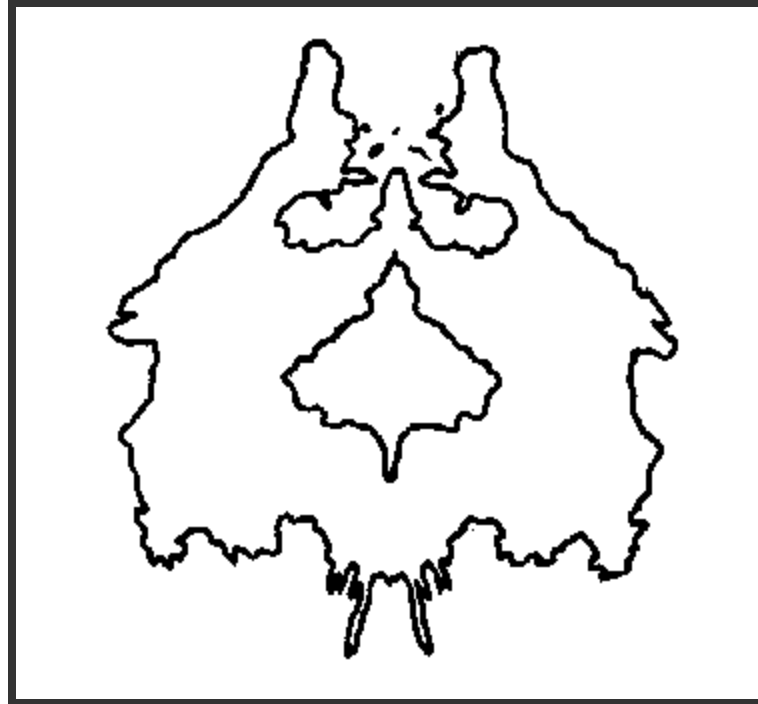
- Extensive research has been done on this test.
- Is a projective test consisting of 10 ambiguous pictures of which 5 are coloured and 5 are B&W.
- Pictures made by splashing or dropping ink on a paper and then folding it in the middle thereby making a reflection of the figure. The subject has to say whatever he perceives.
- Areas which produced a response from the subject are marked on the sheet which contains 10 figures.
- The responses are scored as per the instructions and interpretations are carried out which helps to understand the personality of a person.

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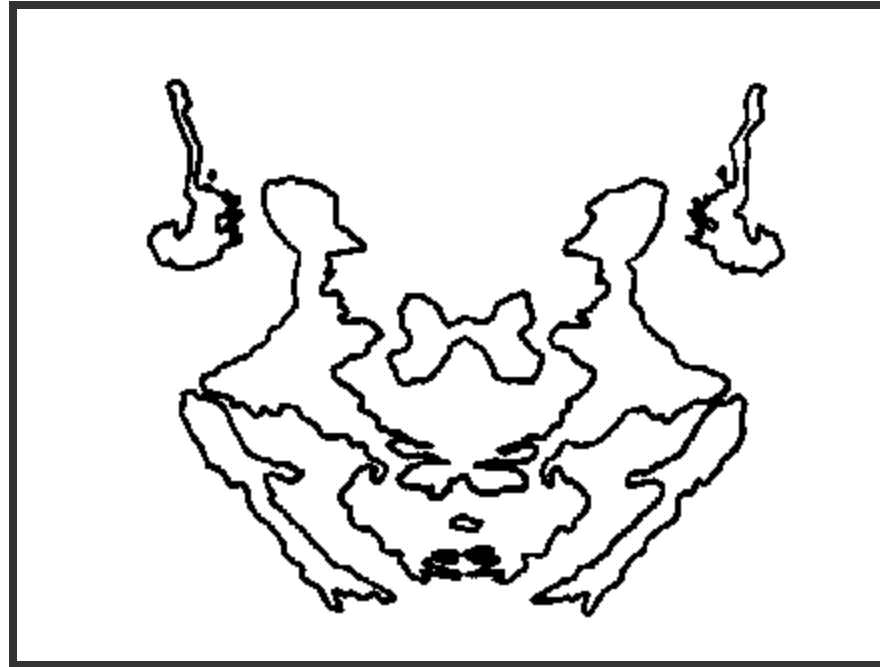
Rorschach test (inkblot test)

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Rorschach test (inkblot test)

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Rorschach test (inkblot test)

Thematic Apperception Test

- Used to unravel the psychic conflicts and to understand the needs of the individual, its gratification and the obstacles in gratifying.
- Consists of 20 cards depicting different situations in which men, women, children, scenery and structures are seen in different pictures and a blank card.
- Can be used on all. Some cards are specific for boys and some for girls and some for both. Men and women have different cards and some cards are for all irrespective of age and gender.
- The subject is given a card-one by one and then asked to narrate a story verbally or by writing. The story must have the present , past and the future.
- The reaction time and the total time taken for each card is noted on a special form.
- The TAT is useful in knowing the repressed wishes, desires and the unconscious conflicts that is individual is undergoing.

Psychological Testing (Other Tests)

Other personality tests assign a general personality or address a specific disorder.

Forensic Applications:

- Competence to stand trial
- Competence to waive Miranda rights
- Legal insanity

Other Personality Tests

- **House, Tree Person Test**

It helps to understand the conflicts and self image that a person has which is not revealed in the interviews since the person may be reluctant to talk and express himself. The subject is given a blank sheet, a pencil and colours and is asked to draw initially a house, and after completion a tree, then again after completion a person. The subject is allowed to draw as he likes and later he is asked for clarification. The drawing is then scored, analyzed and interpreted according to a manual for this test. This is a good test to assess the mental state of a person along with his conflicts.

- **Kinetic Family Drawing**

This test may follow the HTP test or may be given separately. Here the individual is asked to draw his family and the family members doing something. He is then asked questions regarding the same so as to understand the problems of interpersonal relationships the subject has with his family members.

Statistics of Psychological tests

- Hoiub (1992) found that in two-thirds of the cases in which clinicians used tests, the Minnesota Multiphasic Personality Inventory (MMPI), the Wechsler Adult Intelligence Scale-Revised (WAIS-R), the Rorschach Psychodiagnostic Inkblots (Rorschach), or the Bender Visual Motor Gestalt tests were used.
- In a study conducted by Borum and Grisso (1995), 68% of forensic psychologists rated psychological testing as essential or recommended in evaluations for criminal responsibility, with 32% rating it as optional. Of the 94% of forensic psychologists mentioning specific tests, 96% indicated that they used objective personality inventories (typically the MMPI or MMPI-2).
- Intelligence tests were utilized by 80% of the psychologists followed by neuropsychological instruments at 50% and finally projective tests at 42%. In competence to stand trial evaluations, 51% of the forensic psychologists surveyed viewed psychological testing as essential or recommended and 49% considered it optional.

Thank you