
New Developments in Forensic Psychology

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Introduction

Forensic science involves the study of physical evidence and behaviour analysis associated with a crime scene. The study of psychology and psychiatry will be used throughout this article to define behaviour studies. This article will not differentiate the medical versus the clinical differences associated with each field and as such the terms may be used interchangeably. The forensic psychologist integrates clinical experience and mental health studies where the forensic psychiatrist includes the knowledge of medicine and the neurosciences allowing both to form an independent and objective opinion. The applications of forensic psychology/psychiatry are widespread in settings ranging from health care and the workplace to criminal justice and public safety (Bursztajn, 1999).

Over the past fifty years, psychiatry has transformed from a new medical specialty into an established doctrine in forensics. To reach this goal, psychiatry has had to progress through increasing uniformity and methodology in the search for a balance between clinical and forensic sciences. These two fields are rooted in the study of the individual and as such have become an increasing factor in the analysis of crimes and criminal behaviour. Courts and juries look to the forensic psychiatrist for an understanding of the world through the eyes of a defendant (Rosengard, 1999).

During this time period in which forensic psychiatry struggled for social acceptance, the profession worked toward scientific standards and methods to increase the reliability of the expert assessments and testimonies given by the professionals in this field. As the field became more scientific in its approach, the acceptance level increased as to the professional validity and the benefits. Today, psychiatric training and practice reflects these advancements and continues to earn its role and stature in the justice system.

There are many new applications in forensic psychiatry/psychology, from issues with the depiction of a stalker's personality to child sexual abuse. By understanding the idiosyncrasies and behaviours of various personalities society can be forewarned as to the potentially troublesome behaviour. Following are brief descriptions of several areas that are being studied by forensic psychiatry/psychology.

Stalking Behaviour

Stalking behaviour encompasses an individual's thoughts, feelings, and behaviours that can result in a pattern of repeated, unwanted intrusions or communications with another person (Silva, 1999). Traditionally stalking behaviour was associated with delusional beliefs by the stalker that the victim was "in love" with him or her. Recent research suggests that stalking behaviour is much more complex and may encompass other forms of delusions including, paranoia, grandiose and misidentification. There is also believed to be an

influence on the stalker from other factors such as obsessive thinking and hallucinations that may lead to the behaviour.

Delusional jealousy may be one of the most dangerous symptoms because it may lead to stalking as well as being an important factor in domestic violence. Delusional jealousy and its consequent domestic abuse occur within the home, but the delusionally jealous person may also physically monitor the subject outside the house.

Self Mutilation

Extreme mutilation, especially that which is centred around the genitalia is typically considered to be a sadistic homicide by the police. However, the medical examiner may draw a different conclusion due to the strange and contradictory pattern at the crime scene (Francois, 1999). In the case where the crime scene leaves such differing opinions in the minds of the police investigator and the medical examiner the autopsy and psychopathological report can be examined to determine the facts. In a noted case in Paris, the police were summoned to a woman's apartment and found a naked body. The police investigators determined that it was a homicide, but the medical examiner could not conclude the same. The diary of the woman was found and examined and through the use of a psychiatrist it was discovered that this was the result of self-mutilation. In this case, the close collaboration between the medical examiner and the forensic psychiatrist proved crucial in solving this case.

Execution Competency

The criminal is incarcerated in a small cell for punishment for an act that was determined to be against the law. Little attention is placed on the rehabilitation of the individual. Some acts are considered so heinous that many states, such as California, have approved execution of the offending criminal (Jaffe, 1999). One of the main issues in a capital punishment trial and even more so in the execution of the capital punishment is the question of the sanity of the individual. The courts want to ensure that the incarcerated guilty person has a full understanding of the crime and why they are in prison facing execution. In the case of capital punishment, the criminal justice system has determined that for the person to be executed they must not only understand the impending execution but must also know the reason for it.

The question that must be answered regarding execution is: Why is it important that someone be competent to be able to be executed? As a society, a value is placed on the fact that a criminal knows why they are being punished because we believe that they and others may be less likely to repeat their crimes. However, it is well known that the death penalty is not viewed as a deterrent to committing murder. Certainly, non-capital prisoners who become mentally ill are not re-evaluated to determine if they remain competent to be confined. The legal, social and ethical questions of execution and the role of the forensic examiner in the process will continue to be developed.

Redefining Sexual Harassment in the Workplace

The forensic psychiatrist must familiarise themselves with the most recent legislature surrounding sexual harassment cases to be able to render a valid opinion. This is one of the most highly charged areas of employment law (Peterson, 1999). A review of the current cases will illustrate that companies are being held accountable for their employees' actions whether management is aware of the behaviour or not. This can potentially lead to an overall increase in the number of sexual harassment cases that are filed.

In *Burlington Industries Inc vs. Ellerth* the court ruled that even if an employee rejects sexual advances from their supervisor and suffers no negative backlash, the company is still legally responsible for the supervisor's actions. In another suit by a lifeguard against the city of Boca Raton, the court ruled that the company may still be responsible to pay damages to an employee who was subjected to a "hostile work environment" even though the company did not know of the environment. In yet another case, *Oncala vs. Sundowner Offshore Services, Inc.*, the courts ruled that same sex harassment is covered under the current civil rights act of 1964. Companies are becoming increasingly liable for the actions of their employees and can use the assistance of forensic psychiatrists to determine if there are potential problems within their organisation.

Neuropsychological Testing

Forensic psychologists are increasingly using neuropsychological tests to help better understand the reasoning capacities of defendants/clients. The test was originally designed to identify focal brain deficits, but is used today to emphasise strengths and deficits in cognitive operations and their functional implications (Martell, 1999). The criminal courts are demanding more sophisticated evaluations of a defendant's competency to stand trial. Issues such as a defendant's intellectual functioning and memory capabilities significantly impact their competency to participate in the criminal proceedings. For example, the knowledge that a defendant suffers from alcoholic amnesic syndrome is critical to the court's decision as to whether the defendant is competent to stand trial and understand the crime with which they are being charged.

In civil law neuropsychological testing is often used in torts. Research has shown that through the use of this test the competency of a person can be determined in the context of making informed medical decisions and managing their financial affairs. The increasing number of aged persons who suffer from cognitive deficits secondary to neurodementing illnesses has brought the forensic psychologist with neuropsychological expertise into the courtroom. Issues such as ability to make a will and vulnerability to undue influence are greatly informed by neuropsychological assessment.

Assessment of Children in Suspected Child Sexual Abuse

Psychologists and allied health practitioners are becoming sensitised to key differences between clinical and forensic assessments of children involved in suspected sexual abuse cases. Practitioners are ill-equipped to deal effectively with the psychological-legal issues

that flow from child sexual abuse cases. Many practitioners are unaware of the extent that children's testimony may become distorted by information they receive after the incident. The forensic role has developed differently from the clinical role to be able to withstand scrutiny within the criminal justice system. The forensic psychologist has become neutral and objective to be able to meet evidentiary requirements. The forensic role has also become adversarial, where the strengths and weaknesses of the factual testimony are examined.

The courts are no longer willing to accept expert testimony under the disguise of scientific infallibility as unexamined evidence. In *Hadden vs. State of Florida*, the limitations of child sexual abuse profile evidence was highlighted as the conviction of a child sexual assault based upon child sexual abuse accommodation syndrome, a clinical diagnosis, was overturned. The admissibility of expert psychological testimony will remain debatable as long as the tests that are used in child sexual abuse cases continue to be questioned.

Hate Crimes on the Internet

The Internet serves as a channel for electronic communication. As of today there is no limitation on the information that can be advertised or sold over the Internet. This has opened the door for hate organisations to post their negative slander and promote their cause. This year, in the United States alone, the number of hate sites on the World Wide Web has doubled to two hundred and fifty, promoting genocide against selected groups or advocating hatred against ethnic minorities (Deirmenjian, 1999).

In the United States the first successful prosecution of a hate crime on the Internet was a student in Irvine California who was convicted for sending e-mail messages to Asian students and signing it "Asian Hater". Recently, criminal charges were brought against the director of the German division of Compuserve for allegedly providing subscribers with images of child pornography and neo-Nazi propaganda. The forensic psychiatrist may undertake a challenging role in the interpretation of the hateful mind at the interface of psychiatry and the law.

Psychological Autopsy

Psychological autopsies have received peripheral interest in the literature over the past few years and increasing attention in the media, Congress and at the Cabinet level. This technique, which is of questionable validity, controversial in the judicial system and utilised on a relatively infrequent basis, receives limited attention by forensic professionals (Gelles, 1999). Unfortunately, an indirect and subjective opinion regarding the personality, behaviour and motives of a deceased individual distracts attention away from the facts and evidence in a case.

Psychological autopsies are often used in cases where the circumstances and behaviour surrounding the manner of death was a result of suicide. Less frequently, psychological

autopsies are mentioned in forensic psychological literature as aids in criminal investigations. This is often the case in homicides, homicide-suicides and death cases where the circumstances surrounding the death are questionable.

A review of the legal literature and court records reveals that the psychological autopsy is used in litigation surrounding workers compensation claims and insurance claims related to death benefits (Gelles, 1999). The question as to whether the psychological autopsy is a scientific method can be logically evaluated in the courts with the rules of evidence.

Conclusion

Over the years the criminal justice system has tried to assess the mental capacity of the defendants to determine if they understood the process and whether they were capable of being rehabilitated. At the centre of this shift in the system has been the forensic psychiatrist/psychologist. To maintain the high principles required by law and to withstand scrutiny by defence attorneys, the forensic psychiatry/psychology field has defined standards by which to judge a person. The field continues to develop measurable definitions of those who possess the capability to understand and those that are lacking in the required mentality. Studies continue to help determine the personality traits that may be exhibited by a person who has performed a particular criminal act and thus enhance the criminal investigation.

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