



## **The Job of a Forensic Psychologist: A Brief Overview**

### **History**

Forensic psychology emerged as early as the 1950s and was historically described as “the role of psychology in the criminal justice system.” Forensic psychology has been a subfield in psychology for decades but was formally recognized as a specialty area by the American Psychological Association in 2001 (APA, 2001). Forensic psychological practice has expanded drastically since then. Psychologists have always been involved in almost every aspect of the legal system. They have become more distinctly known as “forensic psychologists,” depending on the type of work that they do. The word “forensic” derives from the Latin word “forensis,” or *forum*, a place for public assembly and discussion where the law courts were held in ancient Rome. The American Psychology and Law Society (AP-LS), a division of the American Psychological Association (APA), defines forensic psychology as:

“...professional practice by any psychologist working within any sub-discipline of psychology (e.g., clinical, developmental, social, cognitive) when applying the scientific, technical, or specialized knowledge of psychology to the law to assist in addressing legal, contractual, and administrative matters....”

Thus, a forensic psychologist is a psychologist that engages in the practice of forensic psychology. Any type of psychologist can practice forensic psychology, given that they provide services in the specialty areas of psychology that they are experts in, as it pertains to the legal system. Although the practice of forensic psychology is diverse, the most common service provided by forensic psychologists is psychological assessments of individuals who are involved in the legal system.

### **Education**

Becoming a forensic psychologist requires earning a doctorate degree (Ph.D/Psy.D), usually in clinical, forensic, or counseling psychology. After completing graduate school and obtaining a doctorate, additional training is required, either during a post-doctoral training program or specialization program. These training programs can either be in a formal setting (forensic inpatient hospitals, correctional facilities, etc.) or informal setting (forensic private practice/clinic, etc.) Forensic psychologists are also required to be licensed by the Board of Psychology in the state that they are practicing in.

In order to sit for the national licensure exam, the Examination for Professional Practice in Psychology (EPPP), additional clinical and supervisory professional hours are required.



These hours are typically obtained during the first year after completing a doctoral program. Once a psychologist is licensed, they are to practice within the scope of their specialty area. To maintain licensure, Continuing Education Units (CEU) must be completed every two years.

Additionally, forensic psychologists can obtain a Specialty Board Certification in Forensic Psychology) which signifies that they met the established standards for the profession as maintained and protected by the American Board of Professional Psychology (ABPP).

### **Overview**

Typically, forensic psychologists are involved during the adjudication process and agree to provide a service that is explicitly for the purposes of informing the adjudication decision (Neal, 2018). This service is typically conducting forensic mental health evaluations, which can help facilitate better-informed legal decision-making. They can serve as third parties to the legal system and answer the psycho-legal question pertaining to the criminal or civil case. They also conduct research in their specialty area and can be called into court as expert witnesses to testify or present their research. Other capacities in which a forensic psychologist can work in:

- Federal/state prisons and county jails
- State hospitals
- Mandated treatment for individuals on probation, for instance, sex offenders
- Forensic evaluations for the courts
- Diversion programs for mentally ill defendants
- Mental health evaluations of juveniles
- Pre-employment evaluations for police and public safety officers
- Fit for duty evaluations in law enforcement settings
- Risk evaluations for conditionally released forensic patients

Forensic psychologists conduct evaluations to address issues such as, but are not limited to:

- Competency to stand trial
- Risk of violence/reoffending
- Civil matters (traumatic brain injury, emotional distress, car accidents, etc.)
- Mental health diversion
- Child custody
- Mitigation factors
- Fit-for-duty
- Sentencing recommendations
- Police and public safety pre-employment,
- Transfer for juvenile to adult court

- Insanity defense
- Diminished capacity

When conducting an evaluation, forensic psychologists generally complete a clinical interview of the individual, incorporate collateral data, administer psychological testing, review records, and integrate the findings into a detailed report. The report is then submitted to the retaining party, typically the court or the requesting attorney. These reports can also include relevant treatment recommendations.

Forensic psychologists administer psychological testing to better understand an individual's psychological/cognitive functioning and behavior. This process helps forensic psychologists determine the strengths and weaknesses of an individual, their present functioning in the world and their relationships, their mental health symptoms, abilities, history of trauma, etc. Forensic psychologists then analyze the results and integrate the findings into a summary in their reports. Depending on the psycho-legal question at hand, the types of psychological testing can include:

- Personality tests
- Educational/achievement tests
- Aptitude tests
- Cognitive/intelligence tests
- Adaptive behavior assessments
- Tests for malingering
- Projective/objective tests
- Neuropsychological tests
- Social/emotional/behavioral tests
- Risk assessments
- Trauma assessments

The most common tests used by forensic psychologists are neuropsychological, cognitive, and personality testing.

### **Some examples of psycho-legal issues addressed by forensic psychologists**

Is the defendant mentally competent to stand trial?

In these types of evaluations, forensic psychologists assess a defendant's current mental state (at the time of the evaluation) and determine whether or not they are mentally competent to continue with their criminal proceedings. In addition, the individual must understand the charges against them, the roles of members in the court (judge, jury, prosecutor, defense attorney, and bailiff, etc.), and have the ability to work with their attorneys.



Specifically, in California, under Penal Code (PC) 1367(a), a defendant is mentally incompetent, if due to a mental disorder, he/she does not (1) understand the nature of the criminal proceedings or (2) assist counsel in the conduct of a defense in a rational manner. Forensic psychologists either complete these evaluations with defendants in custody at a correctional facility or out-of-custody defendants in a private office setting.

Is the person suited for employment in public safety?

Forensic psychologists can conduct pre-employment psychological evaluations for public safety applicants (firefighter, police officer, highway patrol, dispatch, etc.) to determine if the applicant is psychologically capable of handling the pressures, stressors, and job demands in the occupation. These evaluations are typically part of the hiring process to ensure that applicants who are at risk of succumbing to pressures/stressors of the job are screened out.

Was the person legally insane at the time of the crime?

In insanity defense cases, forensic psychologists determine the defendant's mental state at the time of the alleged offense. This requires the forensic psychologist to assess the defendant's mental status retrospectively and not their current mental status at the time of the evaluation. There are no psychological tests that can reliably identify a defendant's mental state at the time of the offense. Still, forensic psychologists can use testing to help identify long-term psychological conditions that may be relevant to the legal situation. These evaluations can help a forensic psychologist determine whether or not a defendant:

- 1) Understands the nature and quality of his/her act
- 2) Is able to distinguish between right or wrong

What is in the best interest of the child?

Child custody evaluation requests typically come from the court or from attorneys representing one of the parents in a divorce proceeding. For example, in a custody psychological evaluation, a forensic psychologist will obtain and analyze the custodial needs of children involved, strengths and weaknesses of both parents as it pertains to the custody of the children, potential alienation of children from either parent, parental behaviors that may be detrimental to the children, etc. The summary of findings addressing these issues will be included in a report and submitted to the court.

Does the person have a mental health diagnosis?

Forensic psychologists conduct comprehensive evaluations, including reviewing mental health treatment history, identifying current mental health symptoms, collateral information, and psychological testing. They will then formulate a psychiatric diagnosis if any, as well as make treatment recommendations as needed.



Is this person at risk for reoffending in the community?

In these evaluations, forensic psychologists use structured clinical assessments of violence risk as part of their evaluations to determine the future or likely risk of an individual. Risk assessments are used for civil commitment decisions in both civil and criminal litigations. For example, in California, under The Offenders with Mental Health Disorders law, PC 2960-2981, an incarcerated individual can be paroled on the condition that he/she receives mental health treatment in the community. A forensic psychologist conducts these evaluations and determines whether or not the individual can be safely and effectively treated on an outpatient basis throughout their time on parole.

The above list contains only some examples of referral questions that may be presented to a forensic psychologist. In some cases, forensic psychologists may also work with and treat individuals who have been victims of crimes, such as child abuse cases and sexual assault victims. Some forensic psychologists can also serve as consultants, depending on their specialization, credibility, and experience.