

October 2019 |

Newsletter of the Division 10 Psychology and Law

Table of Contents

Welcome to the new secretary of Division 10	p. 2
Proposal for change of the Division 10 name	p. 2
Upcoming conferences	p. 3
Psychology and Law: An international Survey	p. 6

Welcome to our new Division Secretary

We are pleased to announce the appointment of Miss Ester Doljak as the new secretary of the division 10.

Ester is a Master's student at the Faculty of Criminal Justice and Security in Ljubljana, Slovenia. Beside the post-graduate study, she is collaborating with Igor Areh (member of the Advisory Committee of Division 10) in the field of psychology in criminal justice, forensic psychology and investigative psychology.

We also would like to thank Alicia Nortje for her important commitment in the division 10 secretariat over the past years. Alicia will pursue her involvement within our division activities, notably being part of the Newsletter Committee.

Proposal for change of the Division 10 name

Division 10's executive committee looks forward to receiving comments from members regarding a proposed change of the Division's name from Psychology and Law to Psychology, Law and Ethics.

Division 10's executive committee believes that several benefits will flow from this change.

- There is currently no IAAP Division that specifically caters for members who specialise in moral psychology in general and professional ethics in particular. These members are therefore, as a group, prevented from using some of the symposia at conferences.
- The highly specialised nature of the interest of this group limits their numbers and it is therefore unlikely that they will be able to form a viable Division in the foreseeable future. Division 10 appears to be the ideal host for those interested in ethics as it is a Division with relatively few members, but nevertheless large enough to be able to maintain its identity if the ethics group joins it.
- Psychologists interested in law and ethics furthermore, at an abstract level, share a common interest in normative behaviour.
- Members who do not currently belong to the full number of divisions they can be members of, might also find membership of the renamed Division appealing because of

the universal importance ethics has to all applied psychologists.

Division 10's executive committee does not foresee that this name change will lead to any problems that the benefits and synergy thereof will not substantially outweigh and therefore requests the Board of Directors to consider this request.

The IAAP, Division 10 Executive Committee nevertheless invite you, as members of the division, to comment on this proposal by completing the following survey before **November 15, 2019 at 10:00 p.m Central European Time**. The completion should not exceed 5mn of your time. For participating, please click on the following link:

<https://iaap.createsend1.com/t/ViewEmail/t/F1B3F2E53BB3F6212540EF23F30FEDED>

Your opinion on such a proposal is important. Therefore, we would like to thank you for your time and participation.

Upcoming conferences

Centennial congress of Applied Psychology

Call for contributions

IAAP Centennial Congress will be held in Cancun, Mexico, from December 3 to 17 2020.

Each division is invited to propose to the congress organizers 6 contributions:

- One Division Invited address
- One Invited Address from a student, or young researcher, member of the division
- Four Division Invited symposia

To help the Division 10 executive board in identifying interested people for one or more of these communication supports (i.e., invited addresses and invited symposia), we invite you to send an email with a title, a brief abstract (if possible) of your proposal, as well as other contributors if any, to Ester Doljak:

ester.doljak@student.um.si



Three main challenges in the field of Psychology and Law

Executive board of Division 10 has identified 3 main challenges in the field of Psychology and Law, which might structure and/or stimulate part of the scientific exchanges during the IAAP Centennial Congress.

Challenge # 1 - The need for supplementary scientific supports to legal amendments

Legal standards, like those of Daubert (509 US 579-595, 1993), can play a gatekeeper role regarding evidence admitted to the courts. However, important issues still limit evidence-based practices (EBP) in forensic settings. One example may be the reluctance of practitioners to rely on EBP recommendations. Such reluctance might act to spread pseudo-science methods detrimental to the quality of legal decisions. An important challenge in the area of Psychology and Law is therefore to pursue research focusing upon scientific methods that can both counter pseudo-science and fulfill legal amendments.

Challenge # 2 - Promotion of open science and replication for more effective application of EBP

While efforts should be made in the choice of psychological methods and in standards regarding admissibility of evidence in the courtroom, the confidence in findings gathered by way of empirical research has been subject to an important crisis for the past couple of years (see, Open science collaboration, 2015). Psychology and Law is not exempt from what is better described as "the replicability crisis", which finds its origins in such issues as: lack of access to raw data; publication bias; valuing novelty over rigor; the existence of "questionable research practices" (see Chin, 2014), and; lack of replication. A second major challenge is therefore to address the replication crisis, notably by giving an impetus in the open science movement in the Psychology and Law area.

Challenge # 3 - Cultural influences on the effectiveness and relevance of judicial methods.

The questions of evidence-based practices and scholarly integrity raise other important questions which could be summarized as follows: do researchers in Psychology and Law have the research methods to develop instruments for all situations where they are required? Do practitioners have the appropriate tools for use with clients from different cultures (such as, Indigenous groups, migrants, and other minority groups)? For example, in the development of *Risk of violent and sexual re-offending assessment* tools for such groups, it is likely to be very difficult to apply current research methods. The same can be

said regarding the use of neuro-psychological measures with different indigenous and cultural groups, for which little research has been carried out. A third challenge in the Psychology and Law area is therefore to address the cultural influences on the effectiveness and relevance of judicial methods.

2019-20 Conferences of interest



2020 AP-LS conference

March 5-7, 2020, New Orleans, USA

For more information:

<http://ap-ls.wildapricot.org/APLS2020>



32nd APS Annual Convention

May 21-24, 2020, Chicago, IL, USA

For more information:

<https://www.psychologicalscience.org/conventions/annual>

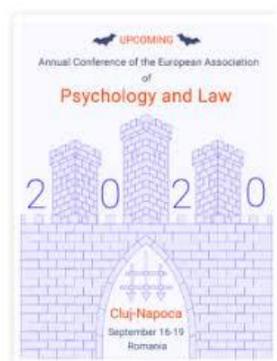


13th Annual Conference & Masterclass of the international Investigative Interview Research Group

June 22-26, 2020, Winchester, UK

For more information:

<http://conference.iiirg.org/#Conference%202020>



2020 Annual EAPL Conference

September 16-19, 2020, Cluj-Napoca, Romania

More information coming soon on:

<https://eapl.eu/conferences/>

Psychology and Law International Survey

Fanny Verkamp¹, Colin Tredoux², and Anthony Cole³

¹ CLLE, Université de Toulouse, CNRS, UT2J, France

² Department of Psychology, University of Cape Town, South Africa

³ Retired Forensic Practitioner, Fellow of the Australian Psychological Society, Australia

Introduction

Links between Psychology and Law began at the end of the 19th century and originate in criminal cases (e.g., van Puyenbroeck trial, 1910; see Varendonck, 1911) or work in various fields of psychology. Influential psychologists such as Binet, Claparède, Stern and Freud were among the first to publish studies aimed at describing and/or explaining behaviours whose consequences were of direct interest to law and judicial practices. At that time, however, Psychology and Law was not yet a unified discipline. The first writings described it as a space where coexisted forensic psychology and criminological psychology - marked at first by a clear opposition between an evolutionary approach defended by Lombroso (1876) and a sociological approach adopted by de Tarde (1896, 1890). It was not until the publication of "Psychology Applied to Legal Evidence and Other Constructions of Law" (1906) by Arnold and "On the Witness Stand" (1908) by Münsterberg that psychology applied to justice became a discipline in its own right. While French research has contributed to the emergence of the discipline, it is in Germany, Great Britain and the United States that forensic psychology has taken off. However, it was not until 2001 that the American Psychological Association (APA) recognized it as a specialized field of practice, thus promoting the development of university education programs in this field.

To understand the interest of psychology applied to law and justice, let us bear in mind that each branch of law, each legal professional and each litigant can benefit from the contributions of psychology, for three main reasons (for an overview, see Justickis, 2017): 1. Legal regulations influence behaviour through a chain of psychological processes: learning laws (perception and learning), understanding and retaining them (memory), anticipating sanctions (emotions and affects), apprehending and inhibiting behaviour (motivation). If a link in this chain was to malfunction, psychology would also be a

valuable in understanding the reasons for this. 2. Application of the law does aim to regulate individuals' behaviour, but it can also influence their experience and well-being. Research in therapeutic jurisprudence has shed light on this impact of justice on psychological health. 3. It is necessary to ensure the perceived legitimacy of laws - a factor at the heart of their acceptance and subsequent application. Here, the psychology of social legitimacy shows that for a law to be accepted, its content, scope and way of administration must meet the psychological needs of litigants.

While the actual or possible contributions of Psychology and Law are numerous, the aims of the current survey were 1. To identify the kind of topics IAAP division 10's members, as well as researchers and practitioners non-affiliated to our division, are working on, researching, and believe to be important; 2. to collect information about people (researchers and professionals) who would like to collaborate on research topics and services in Psychology and Law.

Method

Participants and procedure. We distributed the online survey by way of an anonymous link to scientific associations of Psychology and Law (e.g. IAAP, IIRG, EAPL) and emails to 143 professional contacts. In total, 88 persons started completing the survey, with 50 through an anonymous link and 30 through a personal invitation email. Among them, 55 persons fully completed the survey, between 2017, June 22 and 2018, January 12. All gave their consent to IAAP Division 10 to list their contact details on a database, in order to establish an internet directory that will be available worldwide. Additionally, 98 % gave their permission to use the data for publication (i.e. IAAP Division 10 Newsletter, scientific article).

Among the 55 respondents, 55.36 % were male ($n = 31$), 23 % were female ($n = 23$) and 0.02 % preferred not to say ($n = 1$). The age distribution was as follow: 4.17 % was between 18-25 years ($n = 2$); 22.92 % was between 26-35 years ($n = 11$); 14.58 % was between 36-45 years ($n = 7$); 29.17 % was between 46-55 years ($n = 14$); 12.5 % was between 56-65 years ($n = 6$); 12.5 % was between 66-75 years ($n = 6$), and; 4.17 % was between 76-85 years ($n = 2$).

More details about participants are available in the Results section.

Material. The survey was divided into four sections, that is: (1) Consent form, (2) About you, (3) Your activities in the Psychology and Law area, (4) Collaborations with other researchers and professionals. In addition to the 3 consent- and 2 identification-related questions, the survey contained a total of 30 questions, with 12 open-ended questions (e.g. “Please write a maximum of ten keywords that describe your work in Psychology and Law”), 14 closed questions (e.g. “Do you teach Psychology and Law to anybody?”), and 4 multiple choice questions (e.g. “Please specify the main research methods you use”).

Results

Results regarding 3 main questions are described: 1. the characteristics of the respondents; 2. their activities in the Psychology and Law area, and; 3. their attitude towards (national and international) collaboration with researchers and/or practitioners. Descriptive analyses are presented below.

Respondents’ characteristics

As detailed in Table 1, 58.93% of respondents were academics ($n = 33$). The remainder were either students ($n = 8$), (forensic) psychologists ($n = 4$), expert witness ($n = 1$), or psychotherapist ($n = 1$).

Table 1. Current line of work/occupation of the respondents

Work/occupation	n	%
academic	33	58.93
engineering	1	01.82
Expert witness	1	01.82
Forensic psychologist	1	01.82
Program manager (accreditation program)	1	01.82
Psychologist	3	05.45
Psychotherapist	1	01.82
Research	1	01.82
Research fellow	1	01.82
Retired	1	01.82
Semi-retired	1	01.82
Senior researcher	1	01.82
Solicitor	1	01.82
Student	8	14.55

A majority of the respondents (58.18%, $n = 32$) spoke English more often than any other language. They collaborate with colleagues in English (62.86%, $n = 44$), French (10%, $n = 7$), and Spanish (7.14%, $n = 5$) notably. Language-related data should be considered with their origin country (cf. Figure 1) and country of work.

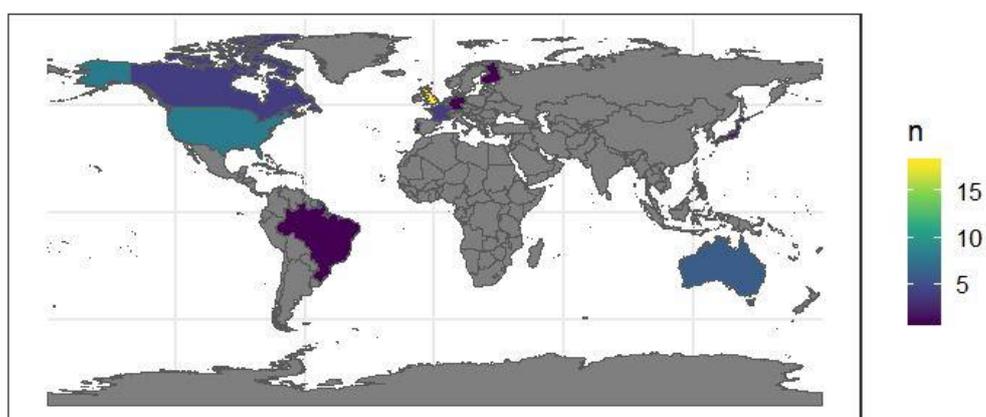


Figure 1. Countries representation

As detailed in Table 2, most of the respondents indeed work in English-speaking countries, with about 33% in the United Kingdom (or UK) of Great Britain and Northern Ireland, 15% in the USA, and 11% in Australia.

Table 2. Country of work

Country of work	n	%
United Kingdom of Great Britain and Northern Ireland	18	32.73
United States of America	8	14.55
Australia	6	10.91
Netherlands	5	09.09
Canada	4	07.27
France	4	07.27
Japan	2	03.64
Portugal	2	03.64
Russian Federation	2	03.64
Brazil	1	01.82
Finland	1	01.82
Germany	1	01.82
Slovenia	1	01.82

Regarding their activities in the Psychology and Law area, overall, it can be seen that about 82% of the respondents work at

Teaching areas indicated by the respondents, covered topics such as (investigative) interviewing ($n = 10$); forensic psychology ($n = 6$); risk assessment ($n = 6$); criminal psychology ($n = 5$); eyewitness memory ($n = 5$), testimony ($n = 3$), and identification ($n = 2$); deception detection ($n = 5$); confessions ($n = 4$) and interrogations ($n = 3$); juries ($n = 3$); correctional psychology ($n = 3$); history of legal psychology ($n = 2$); false memory ($n = 2$); credibility ($n = 2$); decision-making ($n = 2$); victimology ($n = 2$); procedural justice ($n = 2$), plea bargaining ($n = 2$); treatment ($n = 2$); stalking ($n = 2$), and; research methods ($n = 2$). Moreover, Figure 4 illustrates from the respondents' point of view, the topics that should be taught in the Psychology and Law area:

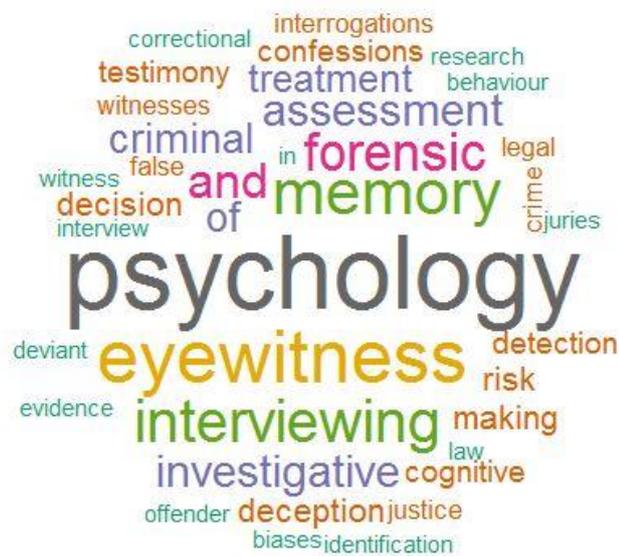


Figure 4. Topics considered necessary for inclusion in Psychology and Law courses

**Psychology & Law
Training**

Fifty-three participants provided details regarding training in Psychology and Law. 36.6% stated that they provided training mostly to police ($n = 10$); lawyers like judges and prosecutors ($n = 8$), and; social workers ($n = 4$). The remainder of the trainees are medical and mental-health professionals, charity workers, educators, mediators, private companies, or probation officers notably.

Details regarding the training course Topics are shown on Table 3.

Table 3. Training course topics

Training details	N
investigative interviewing	8
background on eyewitness	1
both legal psychology	1
communication skills	1
continuing education	2
dealing with anger (alternative to traditional anger management)	1
doctoral training	1
ethics in forensic settings	1
expertise and assessment in civil cases	2
expertise and assessment in criminal cases	2
expertise and assessment in family cases	1
forensic evidence	1
forensic psychology	1
gaining co-operation	1
identifying and handling of vulnerable persons of interest	1
intervention with offenders	1
jury research	1
legal education	1
online deception detection	1
practice supervision	1
professional development	1
psychopathy assessment	1
research applying psychology to criminal justice system problems	1
research supervision	1
risk assessment in child abuse cases	1
risk assessment in domestic violence	1
risk assessment in high conflict divorce cases	1
violence risk assessment	1
workshops and keynote speeches	1

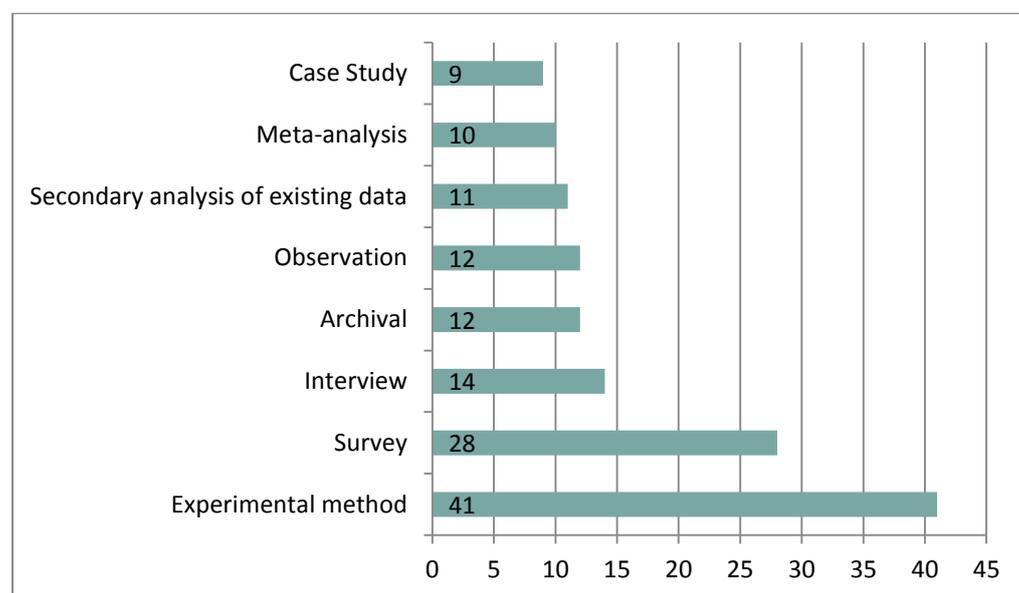
Expert witness

Among respondents, 56.6% ($n = 30$) acted as expert witnesses. They offered their expertise on eyewitness identification ($n = 4$), memory ($n = 4$) and testimony ($n = 2$); interviewing ($n = 2$); children ($n = 2$); competency ($n = 2$), and; criminal responsibility ($n = 2$).

***Psychology and Law
Research***

94.3% ($n = 50$) of Respondents conduct research in the field of psychology and Law, and 83% ($n = 44$) publish their research in Psychology and Law tagged scientific journals.

In terms of research methodology, responses provided by the respondents underlined the importance of the quantitative approach in research conducted in Psychology and Law. Indeed, experimental method and survey are the two methods mostly used by the participants in this survey (see. Figure 5).



Collaboration

Three questions concerned wishes regarding collaboration. Results are compiled in Table 4 below.

Table 4. Wishes regarding Collaborative research.

Would like to collaborate with?	In other countries	In my own country	In my own language
Other researchers	46	38	17
Psychology and Law professionals	38	37	16
NPO and NGO	36	34	16

Conclusion

This study was aimed at identifying the various topics IAAP division 10's members, as well as researchers and practitioners non-affiliated to our division, are currently working on and

believe to be important; in addition, the survey collected information about intentions regarding potential collaboration in research topics and services in the field of Psychology and Law.

Three main findings emerged.

Firstly, traditional topics like eyewitness behaviour, investigative interviewing, memory, and (risk) assessment predominate in the current activities of respondents, whatever their teaching or training background. While “detecting deception” and “confessions” are also classic in the Psychology and Law area, these two topics were less frequently reported by the current respondents to describe their work and the training they provided, than “eyewitness” (see. Description of respondents' work) and “investigative interview” (see Training course topics). One explanation might be that “detecting deception” and “confessions” were included in “investigative interview” responses.

The four most frequently reported topics associated with forensic/criminal psychology described above are also those considered as topics important to be included in Psychology and Law courses. Surprisingly, other classical topics in the field of Psychology and Law, such as decision-making, were not reported by the respondents. One cannot thus rule out the possibility that an intended bias in the recruitment of participants may have influenced the survey's results (see limits and perspectives, pp. 15-16).

Secondly, while 95 % of respondents conducted research in the field of Psychology and Law, we noticed that the weight of the quantitative approach is extremely important (e.g., about eight out of ten respondents stated using the experimental method). We also observed that respondents employed more than one research method (e.g., case study, observation, experimental method). However, our results did not allow us to determine the relationship between these different qualitative and quantitative methods. Consequently, it is not possible to determine the importance of multi-method approaches in the overall studies conducted by the respondents. Yet such an approach could be encouraged in order to overcome the potential limitations connected with any single research method. By doing so, it could contribute to the improvement of (situational-, personal-, techniques-related) diagnostic methods, as well as the recommendations that could be drawn upon research findings.

Thirdly, many respondents stated that they were positively interested in building collaborations with other researchers, as well as with professionals and NGOs. This positive attitude applies to both national and international collaborations. Finally, less than a third of the respondents would favour collaborations that would not require the use of a foreign language. Therefore, in order to support the emergence of such collaborations, and as explained in the introduction of the survey, we will work on the creation of a database enabling Division 10 IAAP members, as well as researchers and professionals non-affiliated to our division, to identify potential new collaborators. Such a database might include affiliations, contacts, research or work interests, as well as searches by those wishing to obtain potential collaborative details from like-minded researchers.

One limitation of our survey may have been the recruitment of participants. Indeed, we observed 59.83 % of respondents were academics. The fact that IAAP being predominantly an organization of academics, rather than forensic psychology practitioners, may explain why our results reflect less opinions and activities of practicing psychologists (vs. researchers) who are employed in the Psychology and Law area. Yet, in most Western countries (e.g., UK, Australia, France, Germany, USA), there are far more forensic practitioners than psycho-legal academics. For example, in Australia, the Australia Psychological Society's College of Forensic Psychologists currently has just over 600 members. One could estimate that only about 30 at most would be academic members of the College (i.e., 5 %). Now, one cannot exclude that responses by practitioners to the survey would have been significantly different to academics' ones. Another limit to our survey is that many respondents with English as first language completed it. This result could reflect the fact that the survey was in English. Finally, one should also point out the answers provided to the "Expert witness" questions could have been influenced by the definition of an expert witness, which depends on a number of factors, such as: the country of residence; the Court preference for psychiatrists vs psychologists; the level of the Court (Local Court vs. Supreme court).

As a consequence, in order to increase the variety of responses, and thus bypass the limitations we observed, one possibility could be to give the responders the option of completing the survey in the language of their choice. This could enable us to collect information opinions and activities

from a range of non-English-speaking participants, who may be looking into topics outside the mainstream.

References

- Arnold, G.F. (1906). *Psychology applied to legal evidence and other constructions of law*. Whitefish MT: Kessinger Publishing.
- De Tarde, G. (1890). *Les Lois de l'Imitation : Etude Sociologique*. [The Laws of Imitation: Sociological Study]. Paris: Felix Alcan.
- Justickis, V. (2017). Does the Law use even a small proportion of what legal psychology has to offer? In D. Canter, and Rita Zukauskiene (Eds.), *Psychology and Law: Bridging the Gap* (pp. 223-237). Routledge.
- Lombroso, C. (1876). *L'Homme Criminel : Etude anthropologique et psychiatrique*. [The criminal man: Anthropological and Psychiatric study]. Paris: Felix Alcan.
- Münsterberg, H. (1908). *On the witness stand: Essays on Psychology and Crime*. New York : The McClure company.
- Varendonck, J. (1911). Les témoignages d'enfants dans un procès retentissant. [Children's testimonies in a landmark trial]. *Archives de Psychologie*, 11, 129-171.