

Introduction to the MBPA Forensic Committee & Forensic Psychology

Hello all!

My name is Elizabeth Stotler-Turner, and I am the new chair of the Forensic Committee. I have spent almost all of my career working in various capacities with incarcerated and/or forensically committed adults, and also have a private practice where I conduct forensic evaluations for the courts and attorneys. I practice solely in the criminal forensic arena, and specialize in sexual/nonsexual risk assessment and competency to stand trial evaluation. What does that mean, you may ask? Well, let me share some fun facts about forensic psychology!

What is forensic psychology? In short, forensic psychology is the intersection of law and psychology. A forensic psychologist is often tasked with assisting the trier of fact (i.e., court or other formal legal body) in understanding evidence or clarifying complicated issues involving some aspect of psychology. Psychologists who engage in forensic practice have additional training and education in forensic topics and assessment measures.

What does a forensic psychologist do? Forensic psychologists are most commonly evaluators who are tasked with answering a specific psycholegal question. A psycholegal question is a question that someone (usually the court, attorney, or other legal body) has about an individual. Common forensic questions may include clarifying some aspect of prior functioning (i.e., criminal responsibility or testamentary capacity), current functioning (i.e., competence to stand trial or current capacity to consent to mental health treatment), or future functioning (i.e., risk to the community if released from custody or anticipated ability to maintain employment in the future). Forensic psychologists often serve as expert witnesses, and must have understanding of relevant legal statutes and case law in their jurisdiction in order to work effectively within the legal system.

Although forensic psychology most often involves evaluation of a defendant or plaintiff, some therapeutic services may also be provided under the umbrella of forensic psychology. Typically, therapists working within the arena of forensic psychology would treat a specific condition or factor as ordered by the court. For example, a defendant who lacked the rational and factual ability to understand court proceedings and assist their attorney (incompetent to stand trial), would be referred for competency restoration with a forensic treatment team. Additionally, forensic psychologists may work as consultants to attorneys or aid in jury selection.

What are the areas of practice? Forensic psychology is commonly broken up into two main divisions: criminal and civil.

Forensic evaluators working within a civil context conduct evaluations for civil cases. Civil cases typically involve a dispute between two or more parties, and are heard in civil or family court. For example, these evaluators may assess whether an individual had sufficient mental ability to make sound decisions about their will, conduct a parenting

evaluation for a custody hearing, or evaluate the extent of an plaintiff's disability for compensation purposes.

Forensic evaluators working within a criminal context conduct evaluations for cases heard in criminal court. For example, they may assess whether an inmate poses a risk to the community if released from custody, if a defendant understood right from wrong at the time of their crime, or if a defendant has sufficient understanding of the proceedings against them. Criminal forensic evaluators also frequently conduct evaluations for quasi-criminal hearings, such as Sexually Violent Predator civil commitment proceedings. There is often some natural overlap among criminal and civil evaluations (e.g., capacity to consent to medication may be evaluated as part of a competence to stand trial evaluation), but an evaluator who practices in the criminal arena may have minimal knowledge of the nuances involved with civil evaluations, and vice versa.

Are there practice certifications for forensic psychology? Psychologists may be Board Certified in Forensic Psychology through the American Board of Professional Psychology (ABPP). However, this is not a requirement for a psychologist to engage in forensic practice.

Several states regulate the practice of various aspects of forensic psychology. For example, in Oregon one must become certified as a Forensic Evaluator in order to conduct certain court evaluations. In California, the broad practice of forensic psychology is not closely regulated. However, in order to provide some services in some contexts, certification may be required. For example, a psychologist must become certified through the California Sex Offender Management Board (CASOMB) in order to provide sexual offense specific treatment pursuant to PC 3008 to a person on parole. Similarly, a psychologist may need to become a Qualified Medical Evaluator (QME) to perform some disability evaluations. It is important for individuals who engage in the practice of forensic psychology to know their local practice laws and restrictions in order to avoid practicing inappropriately.

How will I know if I have stepped into a forensic role? If you have been asked by an attorney to write a letter or provide an opinion about something, no matter how seemingly benign, you may be stepping into a forensic role. A common example is being asked to write a letter about a long-term client's dangerousness for their upcoming court hearing. It is important to consult with colleagues/professional resources if you are concerned that you may be crossing into forensic practice, unless you have the training and experience to do so.

How can I get more information about forensic topics? There are some great resources available for forensic topics:

- American Academy of Forensic Psychology (AAFP) <https://aafpforensic.org>
- Association for the Treatment of Sexual Abusers (ATSA) <https://www.atsa.com>
- APA Specialty Guidelines for Forensic Psychology <https://www.apa.org/practice/guidelines/forensic-psychology>

- American Academy of Psychiatry and the Law (AAPL) <https://www.aapl.org>
- American Psychology-Law Society (AP-LS; Division 41 of APA) [https://ap-
ls.org](https://ap-
ls.org)
- Melton, G. B., Petrila, J., Poythress, N. G., Slobogin, C., Otto, R. K., Mossman, D., & Condie, L. O. (2018). *Psychological evaluations for the courts: A handbook for mental health professionals and lawyers* (4th ed.). New York, NY: Guilford Press
- The quarterly Forensic Newsletter sent out by the MBPA Forensic Committee!

Please let me know if you have any questions. I look forward to sharing more forensic psychology practice information in the upcoming Newsletter!

Best,

Elizabeth Stotler-Turner