

# **Successful Biennial Opens New Doors**

We've just returned from Hilton Head, which hosted our Biennial Conference, and I'd like to take this opportunity to thank a number of people who contributed so much to making it successful. First, our co-chairs, Mark Small and Jessica Greenwald, did a superb job. As has been the case for several years now, we had more attending than we anticipated, but Mark and Jessica handled the changes

smoothly. Cathy Oslzly, as ever, handled many of the organizational tasks for this conference efficiently but with her trademark, down-home Nebraska charm. Cathy was presented with several tokens of appreciation for all her work on behalf of the Division over the years, and it couldn't be more richly deserved. Gary Melton gave an excellent, moving luncheon address (complete with Nebraska jokes, which might get him onto Letterman yet). The program was outstanding, and I was particularly pleased to see the results of the series of studies that have been conducted by the MacArthur Research Network over the last six years coming to fruition.

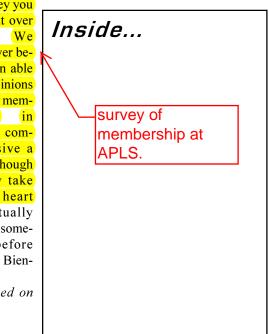
One of the things that seems to characterize our Biennial meetings often, and was particularly true of this year's, is that people seemed on the edge of their seats during the presentations - very interested in the data and wanting to hear more. Since the Biennial includes attorneys, sociologists, and criminologists to a greater extent than APA, it's always interesting to get the reactions of some of those folks to the presentation format. Invariably, several people will mention that psychologists seem inclined to "jam" as much data and content into as short a period as possible, leaving little time for questions and none for meaningful audience participation. I suppose I'm habituated to this as a psycholo-

gist (a few too many APAs, perhaps), but I would like to hear from people about whether they would be interested in varying the presentation format somewhat at our next Biennial.

For the third consecutive Biennial, we featured concurrent workshops presented by the American Academy of Forensic Psychology. Many of you know Alan Goldstein, the AAFP CE chair, in connection with his role in organizing these workshops. What you may not know is that Alan gave AP-LS a lot of consultation and help on making site arrangements at Hilton Head; this is a good time to thank him for that.

Some late-breaking, good news from our Treasurer, Jim Ogloff - it seems we actually made \$86 on the Conference (see financial summary on page 2). Another stroke of in-spiration from Jim and Rich Wiener was the distribution of

the survey you filled out over lunch. We have never before been able to get opinions from our membership in quite as comprehensive a way, although we may take this to heart and actually prepare something before our next Biennial. Continued on page 2



# **President's Column**

# **Successful Biennial Opens New Doors**

Continued from page 1 The decision to hold our next Biennial in New Orleans was made at the Business Meeting in Hilton Head. Some work has been done since then in investigating possible hotel arrangements, and the preliminary results are not encouraging. We're getting estimates of mini-

We've seen a decreasing number of submissions within our Division over the last five years at APA

mum prices around \$135 a night, or more, from 4-5 hotels with whom we've checked. We will continue to look for a good site, but my sense has been that somewhere around \$100/ night we start to risk losing attendees because of cost. What are your thoughts? Let me know (Email: heilbrun@hal.hahnemann.edu).

I need the suggestions of the membership in one other area. Are you continuing to attend APA? What about it is valuable for you? We've seen a decreasing number of submissions within our Division over the last five years at APA, and the Executive Committee is concerned about it. We need to continue to promote our Division as producing scientifically strong, cutting-edge work in the law/psychology area while meeting the needs of our members as well. Anyone with suggestions about what we might do to encourage submissions to future APAs is welcome to let me know.

Finally, I've been approached by a number of people during the course of this year - folks who want to get more involved with our Division, but aren't quite sure where to start. Some very concrete suggestions are:

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- Look at the committees within the Division (these are usually listed in the minutes of EC meetings, which are published twice-yearly and are in this issue) and volunteer for the one that interests you by contacting the chair. While the President needs to appoint you, I can assure you that this is no problem if you and the committee chair are both interested.
- Talk to EC members, and perhaps even observe part of an EC meeting or two. Generally the people who end up doing the work in our Division are those who have persisted, presented, gotten to know established Division members, done some Division work, and then tried out an idea of their own.

Give it some thought; we encourage vour involvement.

Kirk Heilbrun can be reached at: The Dept. of Psychology, MCPHU, MS 626, Broad & Vine Streets, Philadelphia, PA 19102-1192 Phone 215/762-3634, FAX 215/ 762-8625, or via the Internet at: heilbrun@hal.hahnemann.edu

# **1996 Biennial Summary**

Mark Small and Jessica Greenwald

By all measures, the 1996 AP-LS Biennial Conference at Hilton Head was a success. Total attendance topped 400. Early indicators that the conference would be well attended could be seen from over 200 proposals submitted. Thanks to the work of close to 70 reviewers, a program was constructed that consisted of close to 150 papers, and over 15 symposia including topics ranging from undergraduate and graduate education to the results of the MacArthur Project on risk assessment and mental health law. An expanded poster session allowed many more presentations than previous conferences. The content of the program accurately reflected the diversity and prominence of topics being researched within the field of psychology and law.

Of note was the success of the first ever Graduate Student Institute. Four consultants shared experiences and insights with over 70 students in the preconference workshop. Given the success of the Institute, the Executive Committee voted to keep this as part of future biennial conferences. Π

# AP-LS/Division 41 1996 Biennial Conference **Projected Income/Expense Statement**

Income	
Registration fees (427 total)	\$30,890.00
Accounts receivable	550.00
Extra luncheon guests (5 @ \$20.00)	
Book displays	

Book displays	1,220.00
Registration refunds	(1,015.00)
TOTAL INCOME\$3	1,745.00

### Expenses

	\$20.224.57
Food and refreshments	\$20,224.57
A/V, poster board rental, office expenses	
Conference coordinator travel & expenses	1,912.09
Administrative assistant (travel only)	319.50
Hotel shuttle	
Student travel awards (69 @ 75.00)	<u>5,175.00</u>
TOTAL EXPENSES	<mark>\$31,659.43</mark>
	¢ 9557

85.57

# Expert Opinion A Duty to Report?

# The Question

As a graduate student, you hear a faculty member present his/her latest research project in an informal presentation. During the course of the presentation, you realize that the methodology used in the study is incorrect, and has led to misleading results. You attempt to point out the problem, but the person doesn't (or won't) see the problem, and then indicates that this research has already been accepted for publication in its current form. The problem you see is one that reviewers would not be likely to identify unless they were very familiar with the particulars of the research project.

• Do you have an ethical obligation to pursue this issue, either with the reviewer or with the journal, even if such action might jeopardize your standing in the department?

# -The Response

The response is from Sol Fulero, J.D., Ph.D. at Sinclair College. Dr. Fulero currently chairs the AP-LS Educational Outreach Committee.

This is certainly a nightmare scenario for anyone in the academic setting. Certainly, you (meaning the graduate student) have taken the appropriate first step by attempting informally to point out the problem to the faculty member. The real issue is what you ought to do, either practically or ethically, after this attempt has failed.

The first place one ought to look for "official" guidance in such a situation is the Ethical Principles of Psychologists and Code of Conduct (see the December 1992 issue of the American Psychologist). In this situation, Ethical Standard 6.21(b) seems most applicable: "If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means." Presumably, now that you have attempted to speak to the faculty member, he/she should now be on notice that there might well be such errors.

One could interpret the faculty member's failure to acknowledge your concerns as indicating an intent to publish an article knowing that the data are misleading or in error. This would, of course, be an violation of

Ethical Standard 6.21(b). Ethical Standard 8.04 states that "when psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved." Having already done that, if you truly believed that the faculty member was doing this, you would be obligated to go further. Ethical Standard 8.05 states that "if an apparent ethical violation is not appropriate for informal resolution under Standard 8.04 or is not resolved properly in that fashion psychologists take further action appropriate to the situation, unless such action conflicts with confidentiality rights in ways that cannot be resolved. Such action might include referral to state or national committees on professional ethics or to state licensing boards."

On first reading, one might take this to mean that you would have to report the matter to the APA Ethics Committee or some similar body. However, Standard 8.05 simply says that you should "take further action appropriate to the situation." This clause leaves you with a number of options that are likely to be more consistent with the practical realities of the situation (i.e., that this faculty member is likely to have a good deal of power over your fate in various ways).

For example, I would seriously consider drafting a reaction paper or response article (I suppose it could be titled something like "Senior Psychologist's Career-Culminating, NSF Grant-Funded Project: A Methodological Comment") outlining your argument that the research results are flawed methodologically. You could in fact give it to the psychologist privately, indicating that you would hope that this paper would make him/her reconsider publication of the original paper, but also indicating that if not, you intend to submit your paper to the same journal and request its publication along with the senior psychologist's paper and any "response" that the senior psychologist wanted to make to your paper. At the very least, this openly documents your concerns and puts the argument in the public domain, where it belongs. It would also make any attempt by the senior psychologist to "sabotage" you later appear to have a motive that would be obvious to anyone. If you are truly convinced of the truth of your argument that the research is flawed and has misleading results, you should be willing to stand by your argument publicly. In similar fashion, if the senior psychologist is convinced that the research is not flawed, then he/she too should be willing to debate the matter

Continued on page 4



# **PSYLAW List Offers Worldwide Access**

The PSYLAW List began in 1993 and currently serves more than 600 participants over the Internet. The list provides subscribers easy access to professionals, researchers, and students throughout the country for the sharing of information, resources, and discussion of pertinent issues.

## How to Subscribe

To subscribe to PSYLAW-L, send the following one-line Email message to LISTSERV@utepvm.utep.edu "subscribe psylaw-l your real name". Substitute your first and last name for "your real name" above.

After subscribing, you will receive three separate messages. One notifies you that you successfully logged on to the list, the second contains information to save for future reference, and the third requests that you introduce yourself to other list members.

The LISTSERVER will accept messages only from addresses that are on the LIST; only members can post a message to the LIST. If your Email address changes you will have to sign off from your old address and re-subscribe from your new address. If you need assistance with this process, contact Roy Malpass via the Internet at: rmalpass@utep.edu.

# How PSYLAW-L Works

A computer at the University of Texas at EL Paso keeps track of all subscribers and their addresses through a program called a LISTSERVER. Any message posted to the LIST is automatically distributed to all subscribers.

 To send a message to all subscribers send your Email message to the LIST address:
 "meydaw l@utcnum uten edu"

"psylaw-l@utepvm.utep.edu"

# **PSYLAW-L** Commands

There are some commands (discussed below) that you can send to the LISTSERVER to control certain aspects of your membership in the LIST. These commands are intended for the LISTSERVER, and should never be sent to the LIST, because anything sent to the LIST will be distributed to all 600 plus subscribers. All listserver commands must be sent to the "listserv address":

- For BITNET systems use: listserv@utepa
- For INTERNET systems use: listserv@utepvm.utep.edu

To leave the LIST, send the following one-line mail message to the LISTSERVER address listed above: "signoff psylaw-l".

For more information about subscription options, send the command "query psylaw-l" in a one-line mail message addressed to the LISTSERVER address listed above.

# **PSYLAW-L** Topics

The LIST contains scholars, researchers and practitioners from many areas of the field. The content of the exchanges on the LIST is determined by the content of the messages posted to the LIST. If you want PSYLAW-L to devote more time to your interests, you may need to post a query or statement yourself, and get your friends with common interests to do so as well. It is important you identify the topic of your postings to the LIST with an accurate and informative description in the SUBJECT: field of your message. You will recognize the importance of this as you try to decide which messages from PSYLAW-L you want to delete without reading.

## **PSYLAW-L** Archives

All messages distributed by the LIST are automatically archived, weekly. To receive a list of the available archive files, send the command "index psylaw-l" as a one-line mail message addressed to the LISTSERVER address. You can then order these files with a "get psylaw-l logxxx" command, or using listserv's database search facilities. Send an "info database" command to the LISTSERVER address for more information.

# Obtaining A Member List

Anyone who is a member of the LIST may obtain the entire LIST of all persons and addresses on the LIST through the "review" command. Send a one-line mail message to the LISTSERV address saying: "review psylaw-l". If you do not want your name to appear in such a review, send the listserver the command "set psylaw-l conceal". More information on listserver commands can be found in the listserv reference card, which can be retrieved by sending the command "info refcard" to the LISTSERVER address.

If you have any questions or comments, please contact: Roy Malpass at the Univ. of Texas at El Paso via the Internet at: rmalpass@utep.edu, Phone: 915/ 747-7943, FAX: 915/747-5751 or Douglas Narby at Florida International Univ. via the Internet at narbyd@servax.fiu.edu

# Expert Opinion A Duty to Report?

Continued from page 3 publicly. I can hardly imagine a worse situation in which to find oneself at the outset of an academic career. The dilemma certainly points out something that many learn the hard way: the problems one faces in academia are not unlike those one can expect to face in the so-called "real" world. In any case, I think that approaching this delicate matter in this way is the best way to harmonize one's ethical responsibilities with the practical realities of the academic world. For many situations, there isn't a clear answer that doesn't have a down side or a risk. There are times when, as a popular songwriter recently suggested, "No matter where you go, there you are." This certainly is one of them.  $\Box$ 

Sol Folero can be reached at Sinclair College via the Internet at: sfulero@sinclair.edu



# **Research Brief District Attorneys' Views of Legal Innovations for Child Witnesses**

Jodi A. Quas, Veronica DeCicco, Josephine Bulkley, and Gail S. Goodman

Many innovative techniques have been introduced to reduce the stress associated with children's participation in the legal system. Although decisions in landmark cases (e.g., *Maryland v. Craig*, 1990) lent support to use of certain innovations, few studies have examined the frequency with which the techniques are utilized. Nor are prosecutors' views concerning the impact of innovations on reducing children's stress well-documented.

In 1992, we conducted a study to address these issues. Specifically, we mailed 297 surveys to prosecuting attorneys' offices nationwide. One-hundred fifty-three offices (52%), representing 41 states, responded. The survey was designed to answer the following questions: 1) What innovations are being utilized in cases involving children? 2) Which innovations are no longer employed, and why not? and 3) Do prosecutors view innovations as helpful in reducing children's stress?

### **Use of Innovations**

We asked respondents to indicate how often they utilized innovations in cases involving children (see Table 1 on page 6). The most commonly used techniques included vertical prosecution, preparing the child to testify, having a support person in the courtroom, and giving the child a tour of the courtroom. These techniques focus on the child's comfort, presumably make the child a better witness, and are relatively easy and inexpensive to implement.

A large number of innovations were infrequently used by prosecutors. These included innovations involving videotaping, televisions, or special mirrors, and other techniques that prevented the child from facing the defendant. Child advocacy centers and expert testimony on the ultimate issue were also infrequently employed.

# Discontinued Use of Innovations

Prosecutors who made use of innovations in the past but then discontinued their use were asked to indicate why (see Table 2 on page 7). Interestingly, over half of the respondents indicated they no longer employed oneway mirrors in interview rooms, oneand two-way videotaped depositions, one- and two-way closed circuit televisions, screens to shield children from defendants, videotaped statements at trial as evidence, and expert testimony on the ultimate issue. Additionally, between one-third and onehalf of the respondents indicated they no longer employed child advocacy centers, special units or attorneys, special interviewing rooms, specially trained interviewers, rearranging courtrooms to shield children, criminal and juvenile case coordination, closed courtrooms for children's testimony, expert testimony on typical behaviors of sexually abused children, and expert testimony on children's memory and suggestibility.

Lack of financial resources and fear of defense challenges were commonly cited as reasons why respondents discontinued using innovations. Specifically, innovations that involved revising the investigative and legal process (i.e., special child investigators, attorneys, or units; victim advocates or child advocacy centers; vertical prosecutions; and special interviewing rooms, such as those with one-way mirrors) were abandoned because of lack of funds.

Fear of defense challenges or appeals was the most frequently cited reason for no longer employing closed courtrooms during children's testimony; one- and two-way videotaped depositions; one- and two-way closed circuit televisions; techniques that prevent children from seeing defendants; videotaped statements at trial as evidence; expert testimony on the ultimate issue, behaviors typical of sexually abused children, and children's memory and suggestibility; and the special child abuse hearsay exception. These innovations focus mainly on court proceedings specifically, rather than on the general investigative process.

Although lack of funds and fear of defense challenges were the most common reasons for abandoning many of the legal innovations, the primary reason for discontinuing the use of anatomically detailed dolls at trial and discontinuing criminal and juvenile case coordination was because respondents felt the innovations were not necessary. Additionally, some respondents indicated that various innovations actually hurt the case. In fact, "hurts case" was the main reason respondents no longer videotaped interviews.

## Innovations and Trauma

The third question we addressed was whether prosecutors believed that various innovations reduce trauma to children. Previous researchers report that testifying in court (in mock trials or real criminal proceedings) and facing the defendant can be stressful for many child witnesses (Goodman, Taub, Jones, England, Port, Rudy, & Prado, 1992; Sas, 1993; Saywitz & Nathanson, 1993). Professionals who study child sexual abuse rated testifying in criminal court, long cross examinations (i.e., longer than one hour), and the perpetrator's presence during children's testimony as stressful for children (Runyan, Hunter, Everson, Whitcomb & De Vos, 1994). These findings suggest that limiting the number of times children testify, shortening the amount of time children are Continued on page 6



# District Attorneys' Views of Legal Innovations for Child Witnesses

*Continued from page 5* involved in court proceedings, and shielding children from seeing the defendant are likely to reduce trauma.

Prosecutors whose offices employed innovations were asked to rate the usefulness of each innovation in reducing trauma to children on a scale of 1 to 4 (1 = very useful to 4 = never useful). Special units or attorneys ( $\underline{M} =$ 1.29),vertical prosecutions ( $\underline{M} =$  1.20), preparing children to testify ( $\underline{M} =$ 1.14), presence of a support person in the courtroom ( $\underline{M} =$  1.26), and giving children a tour of the courtroom ( $\underline{M} =$ 1.21) were rated as the most useful innovations in reducing children's trauma.<sup>1</sup> Victim advocates ( $\underline{M} = 1.42$ ), child advocacy centers ( $\underline{M} = 1.54$ ), specially trained interviewers ( $\underline{M} = 1.43$ ), and expedited trials ( $\underline{M} = 1.57$ ) were also rated as useful.<sup>2</sup>

Innovations reported as the least useful in reducing children's stress included expert testimony about typical behaviors of abused children during re-direct or rebuttal ( $\underline{M} = 2.38$ ), expert testimony on children's suggestibility or memory in the case-in-chief ( $\underline{M} = 2.14$ ) and in redirect or rebuttal ( $\underline{M} = 2.35$ ) videotaping interviews ( $\underline{M} = 2.34$ ), and one-way mirrors in interview rooms ( $\underline{M} = 2.26$ ).<sup>3</sup>

### Implications

In summary, our results indicate that only those innovations that were inexpensive, easy to implement, and unlikely to be challenged by the defense were employed frequently by prosecutors. Furthermore, most prosecutors felt that innovations preventing children from seeing defendants hurt the case or would be challenged by the defense.

Previous research suggests that innovations designed to limit children's involvement in legal proceedings and shield them from the defendant can *Continued on page 7* 

Table 1: Percentage of Respondents Indicating How Frequently They Use the Innovations

		Fre-	Some-			
	<u>Always</u>	quently	<u>times</u>	Rarely	<u>Never</u>	<u>N</u>
Special Unit/Special Attorney	_ 39.2	24.2	11.1	5.2	19.6	152
Vertical Prosecution	_ 60.1	25.5	6.5	4.6	2.6	152
Victim Advocate	_ 45.8	19.0	14.4	7.8	11.8	151
Special Interviewing Room		19.0	13.7	10.5	39.2	152
One-Way Mirror in Interview Room		5.9	3.3	3.3	83.7	152
Joint Interviews Across Agencies	5.9	37.3	30.7	17.6	7.8	152
Children's Advocacy Center	8.5	9.8	7.2	5.9	66.0	149
Specially Trained Interviewers	_ 20.9	19.6	14.4	6.5	36.6	150
Special Training/Guidelines/Policy			15.7	9.8	30.1	151
Videotaping of Interviews	3.9	9.8	11.8	13.1	60.8	152
Criminal/Juvenile Case Coordination		27.5	28.1	9.2	11.8	146
Preparing Child to Testify			3.9	0.0	0.7	152
Expedited Trials		31.4	28.8	22.2	9.2	151
Closed Court for Child's Testimony			15.7	26.8	40.5	152
One-Way Videotaped Deposition	0.7	1.3	6.5	14.4	75.8	151
Two-Way Videotaped Deposition		2.0	3.3	9.8	83.0	151
One-Way Closed Circuit TV	0.0	2.6	5.2	7.8	83.0	151
Two-Way Closed Circuit TV	0.0	0.7	5.2	9.8	83.0	151
Screen to Shield Child from Defendant	0.7	0.7	2.0	3.9	91.5	151
Re-Arrange Court to Shield Child	2.0	4.6	13.1	15.0	64.7	152
Presumption of Child Competency	_ 26.8	11.8	11.8	8.5	37.9	148
Videotaped Statements as Trial Evidence			17.6	20.3	50.3	151
Anatomically-Detailed Dolls at Trial			35.9	19.0	9.8	150
Expert Testimony on Typical Behavior/ Case-in-Chief			33.3	22.9	13.1	151
Expert Test. on Typical Behavior/Re-Direct or Rebuttal	0.7	7.2	40.5	34.0	14.4	148
Expert Testimony on Ultimate Issue	2.6	13.7	18.3	7.8	56.2	151
Expert Test. on Suggestibility or Memory/Case-In-Chief	2.0	10.5	31.4	22.9	30.7	149
Exp. Test. on Suggestibility or Memory/Re-Direct or Rebutta	al 0.0	6.5	28.8		32.0	148
Special Child Abuse Hearsay Exception	_ 24.2	24.8	19.6	9.2	20.3	150
Evidence of Defendant's Priors		15.0	44.4	22.2	5.9	149
Support Person in Courtroom		28.1	6.5	0.0	1.3	152
Child Given Tour of Courtroom		14.4	1.3	0.0	0.7	152

# <u>Research Brief</u> District Attorneys' Views of Legal Innovations for Child Witnesses

*Continued from page 6* reduce children's stress (Cashmore, 1992; Davies & Noon, 1993). Although respondents in our study agreed that such innovations are useful in decreasing children's trauma, most respondents indicated that these innovations were rarely employed. In contrast, the use of innovations designed to limit children's involvement and stress has become standard in some countries. For example, in Great Britain, videotaped testimony during the case-inchief and "videolinked" (i.e., closed circuit television) testimony during cross examination are now frequently employed with children. These revisions have received overwhelming support from Great Britain's child welfare organizations, the Criminal Bar Association, and the Circuit Judges Council (Davies, 1992).

Our results reveal infrequent use in American courts of many innovations designed to benefit child witnesses. If respondents are correct that a number of innovations can reduce upset to children, removal of financial as well as legal obstacles is worth considering. However, fairness to defendants must receive due emphasis as well. As field research on innovations accumulates in other countries and as laboratory research continues in the United States, perhaps the best ways to balance children's needs and defendants' rights will become evident. *Continued on page 8* 

 Table 2:
 For Offices in Which Innovations Have Been Used, Percentage of Respondents Indicating Reasons

 Why Various Innovations are Never or Rarely Useful

		Defense Challenge		Not	<u>Other</u>	<u>N</u>
	Funds	or Appeal	Case	<u>Needed</u>		
Special Unit/Special Attorney		0		11	4	_ 57
Vertical Prosecution	41	0		6	3	_ 39
Victim Advocate		4		8	2	_ 48
Special Interviewing Room		3	_ 0 _	13	4	_ 68
One-Way Mirror in Interview Room		2			5	_ 83
Joint Interviews across Agencies		6	_ 9 _	26	11 _	-
Children's Advocacy Center			_ 1 _	10	1_	_ 70
Specially Trained Interviewers		0	_ 0 _	10	2	_ 59
Special Training/Guidelines/Policy		0	0	26	12 _	
Videotaping Interviews			40	22	9	_ 90
Criminal/Juvenile Case Coordination			2		12 _	-
Preparing Child to Testify					7	-
Expedited Trials	_ 16_			24	28 _	-
Closed Court for Child Testimony		45		24	22 _	-
One-Way Videotaped Deposition		44	24		23 _	_ 84
Two-Way Videotaped Deposition			16		19 _	_ 86
One-Way Closed Circuit TV					13 _	-
Two-Way Closed Circuit TV					13 _	-
Screen to Shield Child	_ 17_				14	-
Re-Arrange Court to Shield Child	12	41	13	26	7	69
Presumption of Child Competency	_ 0 _	37	6	13	26	_ 54
Videotaped Statements as Trial Evidence			20	13	23 _	_ 77
Anatomically-Detailed Dolls at Trial	_ 2 _	22	18	31	4	_ 49
Expert Test. on Typical Behavior/Case-in-Chief	26	41	9	12	14	66
Exp. Test. on Typical Behavior/Re-Direct or Rebuttal	_ 24_	32			18	68
Expert Testimony on Ultimate Issue	_ 18_	43	7	7	32	_ 76
Expert Test. on Suggestibility or Memory/Case-In-Chief	_ 24	41	9	14	17 _	70
Exp. Test. on Suggest. or Mem. /Re-Direct or Rebut.	_ 26 _	35	9	20	15	66
Special Child Abuse Hearsay Exception	_ 4 _	33		6	19	48
Evidence of Defendant's Priors				0	30	47
Support Person in Courtroom				13	9	32
Child Given Tour of Courtroom				4	0	_ 28

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# **AP-LS Announcements & Resources**

## **Psychology and Law Teaching Materials**

The Training and Careers Committee has prepared the *Teaching Materials for Undergraduate Psychology and Law Courses* handbook which is available at no charge. The handbook includes topics such as: textbooks, syllabi, demonstration materials, videotape materials, and on-line discussion groups. To receive a copy, please contact: Edie Greene, Dept. of Psychology, Univ. of Colorado, PO Box 7150, Colorado Springs, CO 80933, Via Internet at: egreene@mail.uccs.edu or by phone: 719/593-3415, FAX 719/593-3140.

## Lesbian and Gay Parenting Publication

*Lesbian and Gay Parenting: A Resource for Psychologists* (1995), is available from the APA's Public Interest Directorate at no charge. The 40 page publication includes a summary of research findings on lesbian mothers, gay fathers, and their children, an annotated bibliography of the published psychological literature, and additional resources relevant to lesbian and gay parenting. The publication is a practical resource for researchers, students, and those involved in legal and policy issues related to lesbian and gay parenting. To obtain a copy, contact: APA Public Interest Directorate, Phone: 202/336-6050, Email: publicinterest@apa.org.

# Graduate Training Program Brochure Updated

The Training and Careers Committee of AP-LS has recently completed the revision of its academic training brochure. This brochure, titled "Graduate Training Programs in Law and Psychology," lists academic programs that provide specialized training in psychology and the law. There are 17 programs listed that cover a range of different training options. This is the second edition of this brochure. To receive a copy, please contact: Edith Greene, Dept. of Psychology, Univ. of Colorado, PO Box 7150, Colorado Springs, CO 80933-7150 or Steven Norton, Federal Bureau of Prisons/Federal Medical Center, Dept. of Psychology, PO Box 4600, Rochester, MN 55903.

# **Diplomate Application Fee Reduced**

The initial application fee for the American Board of Forensic Psychology Diplomate application fee has been reduced to \$50 for Division 41 members. For further information, contact, ABPP/ABFP, 2100 E. Broadway, Suite 313, Columbus, MO 65201-6082, 314/875-1267.  $\Box$ 

# From the Editor

This issue of the newsletter may be the largest and most diverse yet. In addition to standard announcements/information and the Division 41/AP-LS paper schedule for APA-Toronto, readers will find an article by Gail Goodman and her colleagues on the use of innovative techniques to facilitate children's testimony in abuse cases, an article on the utility of a malingering instrument, an Expert Opinion column authored by Sol Fulero, and a review of Brian Cutler's and Steven Penrod's recent book on eyewitness identification. We have also added a three-hole punch format to the newsletter which will allow readers and libraries to store the AP-LS newsletter in binders for easy reference. A new regular column will also list deadlines for various Division events. With continued submissions from members the newsletter can continue to grow. I encourage anyone interested in submitting materials for consideration to contact via the Internet me at: otto@hal.fmhi.usf.edu.

Randy Otto

## <u>Research Brief</u> District Attorneys' Views of Legal Innovations for Child Witnesses

#### Continued from page 7 Footnotes

- 1. <u>N</u>'s ranged from 121 to 152.
- 2.  $\underline{N}$ 's ranged from 59 to 133.

3.  $\underline{N}$ 's ranged from 48 to 85. The low response rates for some of the questions were due to respondents' indication of "not applicable."

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# <u>Minutes from...</u>

# **AP-LS Executive Committee Meeting**

### AP-LS/Division 41 February, 1996

Submitted by Richard L. Wiener, Secretary

Attending Members and Committee Chairs: Jack Brigham, Pam Casey, Diane Follingstad, Sol Fulero, Gail Goodman, Jane Goodman-Delahunty, Edie Greene, Jessica Greenwald, Patty Griffin, Kirk Heilbrun, Marsha Liss, Roy Malpass, Michelle McCauley, Jim Ogloff, Randy Otto, Ira Packer, Steve Penrod, Ron Roesch, Regina Schuller, Mark Small, Barbara Watts, Rich Wiener, Beth Wiggins

#### Treasurer's Report

Jim Ogloff distributed a balance sheet and an income statement that summarized the Division accounts through December 31, 1995. As of that date the Society's income for 1995 was equal to \$112,455 and total anticipated expenditures for the year were \$90,858. This leaves a net income of \$21,597. The net income has remained stable over the last 4 years. As of December 31, the cash on deposit in our APA and Nebraska accounts equaled \$30,824 and \$6,162, respectively. On the income side for 1995, 79% came from dues and contributions, 13% from Plenum for editing Law and Human Behavior, 6% from interest on the Society's accounts, and 2% from royalties. The projected expenditures for 1995 include 68% for publications, 21% for meetings, 6% for committees and awards, and 5% for administrative costs. Because of the new contract that the Society negotiated with Plenum Press for Law and Human Behavior, Jim anticipates an additional \$9000 in income this year. This allows the opportunity to fund some new initiatives. In short, the current financial status of the treasury is sound and is likely to remain that way at least in the near future.

### <u>Report of the</u> <u>Standing Committees</u>

#### Awards and Nominations Committee

Jane Goodman-Delahunty announced the recommendations of the Awards and Nominations Committee for the slate of candidates for the 1996 Elections. After some discussion, the following final slate of candidates was agreed upon. President: Jack Brigham, Valerie Hans; APA Council Representative: Don Bersoff, Tom Grisso; Members at Large: Steve Hart, Patty Griffin; Secretary: Diane Follingstad, Mark Small.

**Motion:** Jane Goodman-Delahunty moved that the proposed slate be adopted by the Executive Committee and be forwarded to APA to construct election ballots. Marsha Liss seconded the motion. The Executive Committee passed this motion.

### Educational Outreach

Sol Fulero announced that the Educational Outreach Committee is looking into the possibility of presenting research results to local bar associations. Currently, Sol is working with the Indiana Bar association to plan this type of educational outreach program.

### Fellows Committee

Roy Malpass announced that four inquiries were made about fellow status. Two completed applications were received and reviewed by the committee. Supporting summary recommendations were sent to the APA Fellows Committee. The work of the Society's Fellows Committee was rushed this year because APA set the application deadline earlier (Feb. 15) than it had been in previous years.

### Careers & Training Committee

Edie Greene announced that the graduate training brochure has been

revised and is ready to be printed. The Committee has been actively soliciting input from AP-LS members concerning a series of videotaped lectures/ discussions for use in undergraduate courses in legal psychology. Time was set aside in the hospitality suite at the biennial conference for interested members to meet and discuss the scope, cost, and sponsorship of the project. The Committee has prepared a preliminary draft of a handbook of instructional materials for use in undergraduate legal psychology courses which includes suggestions of relevant demonstrations, films and videos, and online services. The final draft will be distributed for the cost of reproduction.

The Executive Committee engaged in a long discussion about the video tapes and their sponsorship. Some expressed concern that if the tapes involved APA or AAFP, then AP-LS may lose control of the tapes and their ultimate use. Jim Ogloff pointed out that the purpose of the production was not yet determined. Rich Wiener suggested that we explore the costs and resources available for producing educational videos and that we obtain some proposals for specific videos before proceeding.

**Motion:** Jane Goodman-Delahunty moved that AP-LS allocate \$5000 to the Careers and Training Committee to plan and produce two educational video tapes. Jim Ogloff seconded the motion. The Executive Committee passed this motion.

### Dissertation Awards Committee

A written report from Caton Roberts announced the winners of the of the 1994 and 1995 AP-LS dissertation awards.

The 1994 awardees were: <u>First Place</u>: Margaret Bull Kovera, University of *Continued on page 10* 



# <u>Minutes from...</u> AP-LS Executive Committee Meeting

#### Continued from page 9

Minnesota, Dissertation Advisor: Eugene Borgida for "The media and allegations of sexual misconduct: The effect of agenda-setting on appraisals of credibility." Second Place: Karen Leslie Steinberg, S.U.N.Y. Buffalo, Dissertation Advisor: Murray Levine for "In the service of two masters: Psychotherapists' struggle with child maltreatment mandatory reporting laws." Third Place: Nancy Schneider, Hahnemann University, Dissertation Advisor: Don Bersoff, for "How the experts compare with judges and jurors in awareness of child sex abuse facts and phenomena: Is there a role in court for the expert?"

The 1995 Awardees were: First Place: Lori Beth Frank, Pennsylvania State University, Dissertation Advisor: Michael Smyer for "Psychological and legal considerations in the assessment of decision-making capacity of older adults." Second Place: Mindy Mechanic, University of Illinois at Urbana-Champaign, Dissertation Advisor, Mark Aber for "Battered woman syndrome: Juror common understanding and expert testimony." Third Place: Maithilee Keshav Pathak, UC Irvine, Dissertation Advisor, William Thompson for "Can jurors accurately evaluate hearsay?"

#### Women in Law Committee

Patty Griffin announced that following the Biennial, she and Shari Diamond will be replaced as co-chairs of the committee by Beth Wiggins. During the APA Convention in New York, Pam Casey held a meeting of the committee during which it was decided to appoint 3 subcommittees to address specific topic areas: Children in Law (Margaret Kovera and Betty Bottoms) Feminist Jurisprudence (Anne Pratt and Karla Fischer) and Sexual Harassment (Nancy Baker). The committee held another meeting at the Biennial.

#### Grants-in-Aid Committee

Regina Schuller distributed a handout describing the committee's work. In the fall of 1995 the Grants-in-Aid Committee distributed \$1.865 to five awardees. Ten applications were received and reviewed during the Fall competition. For the winter competition, the committee reviewed 13 applications and awarded \$2,200 to seven proposers. The committee (Regina Schuller, Larry Heuer, and Wendy Heath) decided to make some minor cuts to the proposals to stretch the available funds. It was decided that research assistants for data coding and entry would not be funded.

### Scientific Review Paper Committee

Rich Wiener distributed a report which highlighted three projects that the committee is currently pursuing:

Arizona Jury Reform: Arizona State has recently amended its Jury Standards so that Civil Rule 39(f) and Criminal Rule 19.4 now include language which provides that: "Trial jurors shall be instructed that they are permitted to discuss the evidence among themselves in the jury room during recesses from trial, when all are present, as long as they reserve judgment about the outcome of the case until deliberations commence." The Scientific Review Subcommittee plans to evaluate the social scientific evidence currently available and answer the questions, "Does the available research support the change in the rule?" and "What types of additional research should be conducted to evaluate the impact of the changes?" Serving on this subcommittee are Richard Wiener, Peter Wales, and Ronald Dillehay.

Valid Identification Line-ups: Recent research by Gary Wells and his colleagues have identified specific rules that they argue are necessary for decreasing risk of false identification. The Scientific Review Subcommittee will evaluate the social scientific evidence currently available and answer the questions, "Are there empirically supported principles which, if followed, will decrease the risk of a false identification?" and "Are lineups conducted outside these rules likely to be biased in favor of the state in criminal prosecutions?" This subcommittee is being led by Gary Wells and will include several experts who specialize in eyewitness identification as well as others who study more generally psychological jurisprudence.

Admissibility of Research Evidence: In a New York case, a defendant threw a bucket of cement off a building, hitting and killing a policeman standing on the ground. At issue in cases in which defendants hurl objects from high places is whether or not the defendants intended to hurt those on the ground and therefore have the proper state of mind to be criminally liable. Research from the psychological study of "intuitive physics," suggests that people are unable to accurately predict the forward distance that such objects will travel and therefore argue against higher levels of criminal intention. Bill Thompson suggested the topic of "intuitive physics" offers AP-LS the opportunity to instruct a number of jurisdictions about the criteria that should be applied to evaluate psychological research in light of the Frye and Daubert tests. A subcommittee consisting of Bill Thompson, Michael Saks, and others will develop an outline for a review paper that will ask, "Is the research in intuitive physics reliable and valid under the existing research standards of psychological science?"

Rich Wiener reported that the committee has been approached by several individuals and organizations to write amicus briefs for specific cases. The committee redirected these requests to individuals who might be of assis-

# <u>Minutes from...</u> AP-LS Executive Committee Meeting

#### Continued from page 10

tance. However, in several of these cases, COLI of APA had already been informed of the case and was preparing a response. Rich suggested that the Executive Committee may wish to consider whether the Society should respond differently to these requests.

#### Relations with Other/ International Organizations

Roy Malpass reported that the new cochairs of this committee are Barry Rosenfeld and Lisa Berman. Pam Casey recommended that the co-chairs approach and contact judicial and legislative agencies outside of academia. Steve Penrod presented a written report on the meeting of the APA's Committee on International Relations in Psychology (CIRP). Activities of CIRP carried on in conjunction with other APA boards include: sponsoring a visitor's program for representatives from recently established psychological associations, overseeing APA's programs for donating journal subscriptions to institutions outside North America, overseeing special sections in the American Psychologist devoted to psychology in an international context, and sponsoring a block travel grant program to help members attend international congresses of psychology. Two future goals of CIRP are to collaborate with Teachers of Psychology in Secondary Schools (TOPSS) and to hold a mini-convention in conjunction with the 1998 APA National Convention. Marsha Liss agreed to attend the next meeting of CIRP and will take over as the new chair of this committee.

### **1996 Biennial Conference**

Mark Small and Jessica Greenwald reported on the 1996 Biennial Conference. The program philosophy was to include as many presenters as possible and to make a special effort to reach out to students, international scholars, and law professors. Twenty-three symposia were submitted and 16 were accepted. One hundred and sixteen papers were submitted and 82 were accepted as paper presentations, 20 as poster presentations. Forty-eight posters were submitted and 41 were accepted. Mark and Jessica reported that 70 people served as reviewers for the proposals.

This year's conference included several special features. First, there was a hospitality suite which was available for individual and group use by sign up at the registration table. A special effort was extended to involve a large number of students at the conference. The Society sponsored a special student institute the morning before the conference officially began. The program dedicated one full symposium to an issue selected by the student division: research funding. The program included special attention focused on training and education at the undergraduate and graduate levels.

One issue that was not easily resolved, in part because it involved the financial outcome of the conference, was student travel awards. Jessica reported that there were 45 students with waived registration because they were first authors. The program chairs expected a total of 50 students to apply for travel awards in addition to the registration waivers. Jessica raised the question, "How much money should be given to students now and in the future for these travel awards?" Another issue of concern was the problem of students who applied for money after the conference and not before registration, but who would have been eligible for support had they applied before the conference. Jim Ogloff commented that \$75 (the amount offered at past conventions) to all eligible students, would result in a large expenditure of funds.

Randy Otto suggested that we only make awards to students who applied by the deadline so that the Society did not set a precedent for making late awards to students at future conferences. Jim Ogloff recommended that in the future we set up a finite amount of money and divide it by the number of students who apply to determine exact amounts of each student's award. Steve Penrod pointed out that the amount of money that we were discussing was not a large amount of dollars. Student Section Chair Barbara Watts agreed with Steve and spoke against any plan that would result in less than \$75 awards because that amount of money would be perceived by the students as negligible.

**Motion:** Rich Wiener moved to establish a fund for the current Biennial of \$5000 that would be divided by the number of students members of the Society who were first author presenters at the convention in 1996. Marsha Liss seconded the motion. The awards would be made regardless of whether the awardees applied for the support prior to registration or afterwards. The Executive Committee defeated the motion.

**Motion**: Jack Brigham moved that for the 1996 convention and for all future Biennial Conventions the Society establish an amount of \$75 to be awarded to each student member of the Society who is a first author presenter at the Biennial Convention. The awards would be made regardless of whether the awardees applied for the support prior to attending the Biennial Convention. Jim Ogloff seconded the motion. The Executive Committee passed this motion.

Jessica Greenwald reported that the program schedules for the 1996 Biennial were not received until very late.

**Motion:** Jim Ogloff moved that future Biennial Conferences include as a budget expense the cost of producing and a separate program schedule mailing. Marsha Liss seconded the *Continued on page 24* 



# American Psychology Law Society Division 41 Program

# 104th Convention of the American Psychological Association Toronto, Ontario, Canada • August 9-13, 1996

Note that these times are correct as of publication time. Check you APA Convention program to confirm times.

# Saturday, August 10, 1996

### 8:00-9:50 AM

Symposium: The Role of Psychologists in Sexual Misconduct Cases, Chair: Gary Schoener, Ph.D.

- Assisting the Client in Choosing and Preparing for Complaint Options, R. Schoener, Ph.D.
- The Psychological Expert From the Attorney's View, Linda Jorgenson, J.D.
- Effective Expert Psychological Involvement in the Sexual Misconduct Case, Steven Bisbing, Psy.D., J.D.
- Discussant: Janet Wohlberg, M.A.

### 10:00-10:50 AM

Paper Session Forensic Assessment Issues, Chair: Ira Packer, Ph.D.

- Evaluating Children's Testimonies with Training in Criteria Based Content Analysis, Marcus Tye, Ph.D., Charles Honts, Ph.D.
- Utility of the MMPI Pedophilia Scale with Alleged Child Molesters, *Thomas Haywood, M.A., Orest Wasyliw, Ph.D., Howard Kavitz, D.O., M.P.H.*
- Five-Year Research Update: Evaluations for Competence to Stand Trial, Deborah Cooper, Ph.D., Thomas Grisso, Ph.D.
- Rational Suicide Defined and Applied, James Werth, Ph.D.

## 11:00-11:50 AM

Symposium The History of Psychology in Law, Chair: Mark Small, J.D., Ph.D.

- The Historical Roots of Forensic Psychology, Charles Ewing, J.D., Ph.D.
- The Use of Social Science Evidence in the Courts: Historical Perspectives, Alan Tomkins, J.D., Ph.D., Steven Penrod, J.D., Ph.D.
- The Historical Role of Psychology in Jurisprudence, Mark Small, J.D., Ph.D.
- Discussant: Richard Weiner, Ph.D.

### 12:00-12:50 PM

American Academy of Forensic Psychology Distinguished Contributions Award, *Chairs: Kathleen Stafford, Ph.D., J. Reid Meloy, Ph.D., Randy Otto, Ph.D.* 

• The Acutely Mentally Disordered Prisoner, Stanley Brodsky, Ph.D.

### 1:00-1:50 PM

Symposium: Recent Developments in the Assessment of Competence to Proceed, Chair: Robert Nicholson, Ph.D.

- Incompetency to Stand Trial: The GCCT and the Dusky Standard, Richard Rogers, Ph.D.
- Assessing Defendant's Competence to Proceed: Validation of the CADCOMP, Robert Nicholson, Ph.D.
- Discussant: Kathryn LaFortune, J.D.

### 3:00-3:50 PM

**Division 41 Presidential Address** 

• Prediction or Control: Implications for Models Used in Forensic Decision-Making, Kirk Heilbrun, Ph.D.

4:00-4:50 PM Division 41 Business Meeting, Chair: Kirk Heilbrun, Ph.D.

5:00-6:50 PM Division 41 Social Hour

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# Sunday, August 11, 1996

### 8:00-9:50 AM

Symposium: Developments in the Detection of Response Distortion on Psychological Tests, *Chair: R. Michael Bagby, Ph.D.* 

- Effects of Information About Validity Scales on Underreporting Symptoms on the PAI, *Ruth Baer, Ph.D., Martha Wetter, Ph.D.*
- Detection of Feigned Mental Disorders with the PAI, Richard Rogers, Ph.D., Kenneth Sewell, Leslie Morey, Karen Ustad, M.A.
- Can Experts Successfully Feign Schizophrenia on the MMPI-2?, *R. Michael Bagby, Ph.D., Richard Rogers, Ph.D., Robert Nicholson, Ph.D., Tom Buis, M.A.*
- Can Experts Successfully Feign Schizophrenia on the MMPI-2?, *Tom Buis, M.A., R. Michael Bagby, Ph.D., Richard Rogers, Ph.D., Robert Nicholson, Ph.D., Glenn Mouton*
- Sensitivity of the Validity Scales on the MMPI-2, Martha Wetter, Ph.D., Tierre Freeman, Chris Edwards
- Discussant: Robert Nicholson, Ph.D.

### 10:00 - 11:50 AM

Symposium: Dynamic Variables in Treatment and Recidivism of Violent Juvenile Offenders, *Chair: Charles Dalton, Ph.D.* 

- Juvenile Violence: Trends, Social Response and the Efficacy of Treatment, *Linda Reyes, Ph.D.*
- Homicidal Juvenile Offenders: Demographic and Personality Characteristics, *Charles Dalton, Ph.D.*
- Theoretical Underpinnings and Innovative Treatment of Homicidal Juvenile Offenders, *Corinne Alvarez-Sanders, Ph.D.*
- Treatment Outcome for Violent Juvenile Offenders: An Empirical Investigation, *Ann Kelley, Ph.D.*

### 12:00-12:50 PM

State of the Art - Research in the Courts: Existing Opportunities and New Directions

• Research in the Courts: Existing Opportunities and New Directions, *Pamela Casey, Ph.D.* 

### 1:00 - 2:50 PM

# Symposium Training in Law and Psychology: Outcomes of the Villanova Conference, Chair: Donald Bersoff, Ph.D., J.D.

Valerie Hans, Ph.D., Ronald Roesch, Ph.D., Jane Goodman-Delahunty, J.D., Ph.D., Donald Bersoff, Ph.D., J.D., Thomas Grisso, Ph.D.

### 4:00-4:50 PM

# Symposium Marketing Yourself: Recent Graduates Discuss Their Strategies, *Chair: Barbara Watts, M.S.*

Stephen Anderer, J.D. Michelle McCauley, Ph.D. Douglas Narby, Ph.D. David Nickelson, Psy.D., Marisa Reddy, Ph.D., Margaret Kovera, Ph.D.

# Monday, August 12, 1996

### 8:00-8:50 AM

Symposium Testing Confronts the Law: Science & Politics, Chair: Dianne Brown, M.A.

- Ethical and Legal Issues in the Disclosure of Test Data, *Rodney Lowman, Ph.D.*
- New Issues in Employment Testing, Mark Tenopyr, Ph.D.
- Test User Qualifications: A Perennial Conundrum, *Kevin Moreland, Ph.D.*
- Equity Issues in Educational Testing, Margaret Wang, Ph.D., Craig Frisby, Ph.D., Maynard Reynolds, Ph.D.
- Discussant: Donald Bersoff, Ph.D., J.D.

### 9:00-10:50 AM

Symposium Assessing Violence Risk in Clinical Practice, Chair: Randy Otto, Ph.D.

- Empirically-Based Clinical Assessment of Short-Term Violence Risk, *Dale McNiel, Ph.D.*
- Psychopathy and Risk for Violence, Stephen Hart, Ph.D.
- Risk Assessment: Models and Communication, *Kirk Heilbrun, Ph.D.*
- Minimizing Liability Risk, John Petrila, J.D., LL.M.
- Discussant: Randy Otto, Ph.D.

## 11:00-11:50 AM

Paper Session: Evaluation of Offenders, *Chair: Kathleen Stafford, Ph.D.* 

- Coping Flexibility in Response to Stress: A Prison Study, Charles Negy, Ph.D., Donald Woods, Ph.D., Emily Davidson, Ph.D., Ralph Carlson, Ph.D.
- Screening Prison Inmates for Mental Disorder, Frank DiCataldo, Ph.D., Alexander Greer, J.D.
- High Risk Violent Offenders in Canada, James Bonta, Ph.D., Laurence Motiuk, Ph.D.

12:00-12:50 PM Poster Session

### 2:00-2:50 PM

Paper Session: Child and Adolescent Links to Violence, *Chair: Patricia Griffin, Ph.D.* 

- Forensic Analysis of Parricide and Attempted Parricide and Psycholegal Implications, *Adam Weisman*, *Ph.D.*, *Kaushal Sharma*, *M.D*.
- The Relationship Between Adult Psychopathy and Childhood Disrupting Behavior Disorders, *Romeo Vitelli, Ph.D.*
- Male Juvenile Delinquents in Puerto Rico: MMPI-A (Spanish Version), *Debra Reuben, M.A., Michael Lyons, Ph.D., Jose Cabiya, Ph.D., Robert Harrison, Ph.D.*

### 3:00-3:50 PM

Symposium: Assessing and Predicting Offender Recidivism: Contemporary Approaches & Applications, *Chair: Robert Saltstone, Ph.D.* 

Richard Rinaldo, Ph.D., R. Karl Hanson, Ph.D.

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# Tuesday, August 13, 1996

### 8:00-9:50 AM

Symposium: Assessment Procedures in Child Custody Evaluations, Chairs: Stephen Podrygula, Ph.D., Marion Gindes, Ph.D.

- Child Custody Evaluation Practices-1986: Keilin & Bloom Revisited, *Marc Ackerman, Ph.D., Melissa Ackerman*
- Validity Data on the ACCESS, *Barry Bricklin, Ph.D., Gail Elliot, Ph.D.*
- Applying Test Data to Enhance Conflict Resolution Among Custody Litigants, *Carl Hoppe, Ph.D., Lynne Kenney, Psy.D.*
- Discussant: Stephan Podrygula, Ph.D.

### 10:00-10:50 AM

Saleem Shah Award - Early Career Achievement in Law & Psychology,

Chairs: Kirk Heilbrun, Ph.D., Randy Otto, Ph.D. Advancing the Clinical Practice of Violence Risk Assessment, Randy Borum, Psy.D.

### 11:00-11:50 AM

Discussion Issues in Psycholegal Training: Integrated Graduate Law-Psychology Programs,

Chair: Alan Tomkins, J.D., Ph.D.

Donald Bersoff, Ph.D., J.D., Amiram Elwork, Ph.D., David Nickelson, Psy.D., J.D., Roy Pardee, J.D., Maithilee Pathak, Ph.D., Steven Penrod, J.D., Ph.D., Bruce Sales, Ph.D., J.D., Natacha Blain

### 12:00-12:50 PM

Symposium: Integrating Research and Practice in Forensic Psychology, *Chair: Joseph McCann, Psy.D., J.D.* 

- Avoiding Type II Error in Forensic Consultation, *Frank Dyer, Ph.D.*
- Child Sexual Abuse Evaluations: The Need for Empirically Based Decisions, *Kathryn Kuehnle, Ph.D.*
- Discussant: Charles Ewing, Ph.D., J.D.

### 1:00-1:50 PM

# Symposium Sexual Misconduct by Psychotherapists: A Complete Legal View, *Chair: Ethan Pollack, Ph.D.*

- Plaintiff's Perspective, Pamela Sutherland, J.D.
- Licensing Board Perspective, David Monahan, J.D.
- Defendant's Perspective, Robert Larsen, J.D.

### 2:00-2:50 PM

Symposium Until Death Do Us Part: The Phenomenon of Obsessive Attachments, *Chairs: Daniel Birmingham, Ph.D., Kristine Kienlen, Psy.D.* 

Daniel Birmingham, Ph.D., Steven Mandracchia, Ph.D., E. Thomas Copeland, Jr., Ph.D., Kristine Kienlen, Psy.D.

### 3:00-3:50 PM

Paper Session: Juror Attitudes and Courtroom Experiences, *Chair: David Young, Ph.D.* 

- Stress and the Forensic Psychologist: Focus on Child Custody, *David Young*, *Ph.D.*, *Carrie Pritchard*, *B.A*.
- Effects of Alcohol Expectancies on Jurors' Decisions in a Date Rape Trial, *Patricia Hastings, M.A., Regina Schuller, Ph.D., Anne-Marie Wall, Ph.D.*
- Effectiveness of Cross-Examination and Expert Testimony: Juror Sensitivity to Lineup Suggestiveness, Jennifer Devenport, M.S., Veronica Stinson, M.S., Brian Cutler, Ph.D., David Kravitz, Ph.D.

# AP-LS Hospitality Suite Schedule

Look for the signs posted by APA or ask at the registration desk at the Sheraton Centre. The Hospitality Suite will be listed either under Division 41 or Diane Follingstad.

Thursday		<b>Saturday</b> 9:00 - 11:00 am	Women's Section Committee: Work-
6:00 pm - until	Presidential Functions & Executive Committee	11:00 am-12 pm	ing Session on Children and Law Standards for Psychological Testing &
Friday			Forensic Psychology, Bill Foote
l l	Meet the Editors, Law & Human	1:00 - 3:00 pm	Women's Section Committee: Work- ing Session on Feminism and Psychol-
10.00 uni 12 pin	Behavior, Rich Weiner		ogy and Law
12:00 - 1:00 pm	The Future of Science in Division 41,	Sunday	
Ĩ	Rich Weiner	7:30-9:00 am	Women's Section Meeting & Breakfast
1:00 - 2:00 pm	Incarcerated Women, Angela Brown	10:00 am -12 pm	Open House: Informal Interactions
3:00-5:00 pm	Women's Section Committee: Working		with EC Members & Standing Com- mittee Chairs
	Session on Proof of Damages in Sexual	4:00-5:00 pm	The Future of Psychology & Law,
	Harassment Cases, Jane Goodman-	noo onoo piii	Kirk Heilbrun
	Delahunty, Nancy Baker	5:00-7:00 pm	Student Section Business Meeting and Social

# Book Review 📿

# A Fresh Approach to the Psychological Issues **Involved in Eyewitness Testimony**

Adina Wachtel and Jack Brigham

Review of Mistaken Identification: The Eyewitness, Psychology and the Law, by Brian L. Cutler and Steven D. Penrod (Cambridge University Press, 110 Midland Ave., Port Chester, NY 10573, 1/800/ 872-7423. \$59.95 hardback, \$18.95 paperback, plus \$3.50 shipping and handling, 1995, 290 pages NCJ158272)

The study of factors affecting the accuracy of eyewitness identifications has been a vibrant area of psychologylaw research for the past 25 years. In Mistaken Identification: The Eyewitness, Psychology, and the Law (Cambridge Univ. Press, 1995), Brian Cutler and Steven Penrod, two leading researchers in this area, provide an engaging, well-written description of many of the relevant legal issues research findings. They note, however, that, "Our goal is not to provide a comprehensive summary of eyewitness identification. Rather, we focus on the specific questions that have served as the unifying themes in our collaborative research program: eyewitness identification and the effectiveness of legal safeguards in evewitness cases (p. ix)."

Reflecting this premise, the book has three major sections: up-to-date information on the admissibility of expert testimony on the psychology of eyewitness identification (2 chapters); the scientific research on sources of identification error (5 chapters); and the effectiveness of possible safeguards against mistaken identifications, including safeguards that involve the attorney, the judge, the jury, and the eyewitness expert witness (9 chapters). The authors have as their goals "informing policymakers, judges, lawvers, and police officers about policy considerations and practical aspects of eyewitness identification, and stimulating more research on these important topics (p. x)." It appears to us that it is the third set of chapters on potential safeguards that really sets this book apart from most other psychologically-oriented books regarding eyewitness identification research.

This attempt to provide useful information to a wide variety of readers is a major strength of the book, but it is a potential weakness as well, as some portions of the book may be indecipherable or seem largely irrelevant to some sets of readers. For example, the extended discussion of the various appellate court decisions in different judicial circuits may seem a bit tedious to those not legally inclined. For readers who are not methodologically sophisticated, the brief (3-page) summary of meta-analytic methods, including a distinction between the "Glassine study-wise approach" and Rosenthal's method, may be tough going. Much of the research coverage utilizes the framework from the Shapiro and Penrod (1986) metaanalysis of research on factors that influence eyewitness accuracy, so some knowledge of meta-analytic techniques would be helpful to the reader, but we are unsure whether this framework can be satisfactorily communicated in this way. The authors spend another 13 pages describing "scientific psychology", briefly defining such basic concepts as scientific assumptions, scientific goals of psychology, types of research methods, statistical significance, independent and dependent variables, validity and reliability of variables, internal and external validity of findings, random assignment of subjects, and the like. This material may seem elementary to researchers, but may prove informative and valuable to some attorneys, police, and others.

The chapter which discusses psychology as a scientific field is informative, uses many understandable examples, and does well to establish and explain the components of scientific research. Yet it seems somewhat incongruent with the remainder of the book. As the reader progresses, many more experimental studies are explained and reported, and the basic statistical concepts are assumed to be understood. This seems unrealistic if the reader. just several chapters before, has been introduced to the differences between independent and dependent variables. Although well written, the chapter regarding the science of psychology doesn't seem to blend well with the assumption of experience and comprehension the rest of the book carries.

The authors do well in explaining the history of how psychological experts came to be used in the courtroom, and the different standards to which experts have been held in presenting scientific research. The explanation of the cases which fostered the different scientific standards are very comprehensible and add depth to the reading. The authors even manage to make legal rules of evidence understandable to the lay reader.

There were many examples of specific cases included within the text of the book. While this made it very interesting to read, at times they seemed to run together. The opinions presented by the appeals courts sometimes seemed to be longer than necessary to effectively convey a point. In addition, there were issues included in the opinions which seemed relevant to the decision but, due to editing, were not clearly defined for the reader. For example, many readers may not understand what a "eureka/non-eureka" type display entails (p. 32).

The use of sub-categories to illustrate different factors affecting eyewitness

Continued on page 16



# **Book Review** A Fresh Approach to the Psychological Issues Involved in Eyewitness Testimony

#### Continued from page 15

identification creates a very organized and highly structured manuscript. It is easy to refer back to portions of the text for review of certain issues. The introduction of various studies for many of these sub-categories, such as cross-race bias, weapon focus effect, and presentation style of photoarrays, makes the reading interesting and easy to follow. On several occasions, the authors introduce several studies illustrating one topic to demonstrate the subtle effects that various experiments can produce. This is an informative approach, not only relating to the research findings, but also highlighting the process by which they were obtained. However, there were a few occasions in which the studies, edited for the text, seemed not to be described fully, so that the reader might be confused.

The authors make good use of legal opinions in providing the reader with perspectives on several sides of each issue. They illustrate how defense attorneys and prosecutors differ on their beliefs about the importance of eyewitnesses, eyewitness credibility and accuracy, and the importance of expert testimony regarding eyewitness identifications. After illustrating the various beliefs and misconceptions that potential jurors have regarding eyewitness testimony, the authors point out that even if jurors correctly hold beliefs regarding the accuracy of eyewitnesses, they may not integrate this knowledge when it comes time to deliberate to a verdict. In fact, research has shown that jurors, in the absence of expert testimony regarding eyewitness identification, do not make use of their purported knowledge of eyewitness accuracy.

The book also presents information regarding the effect of judges' instructions and cross examination techniques. The authors argue that according to research findings, the best protection against false identification is via expert testimony that explains the various factors that may affect eyewitness accuracy.

The final chapter, the postscript, includes a couple of compelling stories of mistaken identification that occurred during the book's final editing. Inclusion of these accounts enhances the timeliness of the book. Unfortunately, this final section is replete with typographical errors, presumably a consequence of the lastminute rush to include this material.

Overall, the book was very good. It presents a great deal of knowledge and information in an interesting format that should be understandable to the lav reader and the professional alike. Cutler and Penrod provide the reader with an effective summarization of the recent, and most applicable research, with commentary on the harms and benefits its application has brought to the legal arena. In understanding that psychology and law are two professional fields that operate by dramatically different guidelines, the authors have successfully illustrated the difficult process which researchers face in providing information on legally germane topics. We consider this book to be insightful, informative, and novel in its approach. We believe it to be a worthy addition to the library of information on eyewitness identification and expert testimony research.  $\Box$ 

Adina Wachtel and Jack Brigham can be reached at the Department of Psychology, Florida State Univ., Tallahassee, Florida 32306.

The AP-LS Newsletter publishes reviews of books, tests, and measures in the broad area of psychology and law. Those wishing to have their publication reviewed should contact Randy Otto <u>prior</u> to sending materials at 813/974-9296 or via the Internet/Email at: otto@hal.fmhi.usf.edu.

# <u>Funding Opportunities</u> Postdoctoral Research Grants at Radcliffe

The Henry A. Murray Research Center of Radcliffe College is pleased to announce the availability of grant funds for postdoctoral level research drawing on the Center's data resources and for doctoral dissertations. The Center is a national repository of data for the study of American women on such topics as political participation, women and work, family life, sex roles, and mental health. Over 200 studies are available for secondary analysis, replication or longitudinal follow-up.

Applications are being accepted for the Radcliffe Research Support Program which offers small grants of up to \$5,000 to post-doctoral investigators. Funds are provided for travel to the center, duplicating, computer time, assistance in coding data, and other research expenses. The **next deadline is October 15**. For more information, contact The Murray Research Center, Radcliffe College, 10 Garden St., Cambridge, MA 02138, Phone: 617/ 495-8140.

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# <u>Behavioral Sciences and the Law</u> Calls for Manuscripts for Upcoming Special Issues

# International Perspectives on the Relationship Between Law & the Behavioral Sciences

Behavioral Sciences and the Law will devote a special issue to International Perspectives on the Relationship Between Law and the Behavioral Sciences. Potential contributions can focus on any relevant topic; however, it is hoped that submissions will examine the nature of interdisciplinary, international developments and consider possible implications and the future of such developments. Comparative analyses are preferred, but not required.

The deadline for receipt of manuscripts is January 3, 1997. Two of the three 20-30 page, double spaced manuscript copies submitted should be prepared so that they can be "blindreviewed." Style should conform to either the newest APA Publication Manual or the 15th edition of a *Uniform System of Citation*. Send manuscripts to either of the two editors:

Alan Tomkins University of Nebraska-Lincoln Law/Psychology Program 209 Burnett Hall Lincoln, NE 68588-0308 Phone: 402/472-3743 FAX: 402/472-4637 Email: atomkins@unlinfo.unl.edu.

David Carson University of Southampton Faculty of Law SO17 1BJ UK Phone: (01703) 593433 or 593447 FAX: (01703) 593024 Email: d.c.carson@soton.ac.uk.

# Integrating Research and Practice in Forensic Psychology & Psychiatry

A forthcoming issue of *Behavioral* Sciences and the Law will be devoted to the integration of research and practice in forensic psychology and psychiatry. Possible topics include but are not limited to: using research findings to guide forensic decision-making; development and implementation of research-based standards for practice; education and training of scientistpractitioners in forensic psychology and psychiatry; practical legal research strategies for mental health professionals; research and/or reviews of research dealing with the reliability/validity of tests in forensic contexts. Research manuscripts presenting findings with immediate application to forensic practice are also invited.

The deadline for all submissions is July 1, 1997. Manuscripts should adhere to APA Publications Manual or the *Harvard Law Review* and be sent to:

Joseph T. McCann 151 Leroy Street Binghampton, NY 13905 Phone/FAX: 607/797-2315 Email: fycl02a@prodigy.com

## Juvenile Justice Issues

A forthcoming issue of *Behavioral Sciences and the Law* will be devoted to juvenile justice issues. Possible topics include but are not limited to: juvenile crime and delinquency; juvenile violence; juvenile gun possession and use; assessment and treatment of juvenile offenders; trial of juveniles as adults; status offenders; juvenile death penalty; juvenile homicide; juvenile sex offenses; property crimes by juveniles; juvenile gangs; juvenile involvement with drugs; history of juvenile justice; and juvenile justice reform.

The deadline for all submissions is October 1, 1996. Manuscripts should adhere to APA Publications Manual or the *Harvard Law Review* and be sent to:

#### Mark Small

Center for the Study of Crime, Delinquency and Corrections Southern Illinois University Carbondale, IL 62901

# Behavioral Sciences and the Law Manuscript Submission Specifications

Manuscripts should:

- be 25-35 double-spaced pages (except International Perspectives issue)
- contain a 150 word abstract
- be submitted in triplicate
- comply with the newest Publication Manual of the APA or the standard referenced in the special issue description above

#### For further information, contact:

Charles Patrick Ewing, Co-Editor, *Behavioral Sciences and the Law* 723 O'Brian Hall, State University of New York Buffalo, New York 14260 Phone: 716/645-2770, Fax: 716/ 645-2064 Email: cewing@acsu.buffalo.edu



# **Calls for Papers and Manuscripts**

# Facing Up to the Complexities of Family Violence: No Simple Solutions

The Northeast Regional Conference of the Association of Family and Conciliation Courts (AFCC) is accepting proposals on topics including:

- Family violence
- Maintaining safe parent-child relationships
- Ethical dilemmas of working with violent persons
- Innovative programs and processes for victims, abusers, and children
- Domestic violence: A public safety issue?

The conference is scheduled for September 19-21, 1996 at the Swissotel in Boston, Massachusetts. There is also a pre-conference institute on Mediating Child Protection Cases on September 19th.

### How to Submit

Send a brief abstract and a one page outline with your vita to:

### AFCC

329 W. Wilson St. Madison, WI 53703 Phone: 608/251-4001 FAX: 608/251-2231 □

If you would like to include your announcement for continuing education activities, calls for papers, fellowship or position vacancies in the next AP-LS Newsletter, contact Randy Otto at 813/974-9296 or via the Internet at: otto@hal.fmhi.usf.edu.

# <u>Journal of Credibility</u> <u>Assessment and</u> <u>Witness Psychology</u> Premier Issue

The Journal of Credibility Assessment and Witness Psychology (JCAAWP) is issuing its initial call for contributions. JCAAWP is a new international, multidisciplinary, multimedia journal that will be published on the World Wide Web. JCAAWP will publish original empirical, review, and theoretical work in all areas of the scientific study of credibility assessment and witness psychology. Topics of interest include: psychophysiological credibility assessment, statement analysis, malingering, interviewing techniques and processes, eyewitness memory, traumatic memory, child witness issues, confession phenomena and interrogation. The editorial board encourages the submission of integrative theoretical papers, although papers with a purely applied focus will also be considered.

*JCAAWP*'s electronic format offers several advantages including:

- quick dissemination of findings
- immediate and world wide free distribution to anyone with WWW access
- a relatively unconstrained manuscript format which can easily include color graphics, audio, video, or data matrices
- an Internet list (CAAWP) has also been established as a forum for discussion of issues in this area

For more information contact: Charles Honts, Editor, Dept. of Psychology, Boise State Univ., 1910 University Dr., Boise, Idaho 83725, Phone: 208/385-3695, FAX: 208/385-4386, chonts@sspafac.idbsu.edu

### <u>Journal of Mental</u> <u>Health Administration</u> Special Section on Mental Health Policy & Managed Care

The Journal of Mental Health Administration (JMHA) is soliciting manuscripts for a special section on Mental Health Policy and Managed Care. Contributions are invited on topics including managed care and its impact on various components of the mental health and substance abuse services delivery system including quality/outcomes, financing, access, ethics, service delivery, confidentiality and legal issues. Other topics are welcome as they relate to mental health policy and managed care.

Manuscripts should be approximately 20-25 pages long and contain an abstract preceding the text. The **deadline for submission is October 1, 1996**.

Send manuscripts to:

Bruce Levin, Editor Florida Mental Health Institute University of South Florida 13301 Bruce B. Downs Blvd. Tampa, FL 33612-3899 Phone: 813/974-6400 Fax 813/974-4406 Internet: levin@hal.fmhi.usf.edu

For subscription information contact: Sage Publications, Inc. 2455 Teller Road Thousand Oaks, CA 91320 805/499-0721 Fax: 805/499-0871

# **Research Brief Dementia and Mental Retardation Markers** on the Rey 15-Item Visual Memory Test

J. Ray Hays, Judith Emmons, and Garland Stallings

A sample of 500 psychiatric patients was divided into three groups : [1] those with IQ scores less than 70, (2) a diagnosis of dementia, and (3) other psychiatric patients. These groups were compared on the presence of those with confabulated figures and repetitions on the Rey 15-item Visual Memory Test. The patients with low IQ had the highest rate for both confabulations (48.2%) and repetitions [43.6%]. Patients with dementia had the next highest rate of confabulations [39.8%] and repetitions (39.8%). The general psychiatric patients had the lowest rates on confabulations (16.2%) and repetitions (26.8%). Chi square analysis showed that both confabulations and repetitions significantly differentiated these patients with low IQ and those with dementia from general psychiatric patients. These results suggest that clinicians in forensic practice who use the Rey 15-item Visual Memory Test and find either confabulated figures or repeated figures should further explore the possibility of low intellectual functioning by the patient and the possibility that the patient might have dementia.

The Rey 15-item Visual Memory Test was proposed by Rey (1964) as a measure of visual memory malingering. Since its publication this test has taken a life of its own as a measure for other types of malingering. The task appears to be, at least, a test of immediate visual memory much as a digit span task is a measure of immediate auditory memory. However, studies of psychiatric patients suggest that this task is a measure of intellectual ability in the lower ranges and that evaluation of performance on the task without correcting for overall intellectual ability may lead to misclassification (Hays, Emmons, & Lawson, 1993). Morgan (1991) studied, qualitative errors among 60 referred patients for neuropsychological evaluation. He noted that repetitions or perseverative responses were relatively common. Five of the participants repeated rows and three participants overelaborated series (failed to break set). It appears from these data that the base rate for repetitions in this sample was about 8% and about 5% for confabulations.

Clinical experience with psychiatric patients on this task has revealed several types of frequently occurring errors, including confabulation of figures and repetition of figures. Confabulations are generally related

to a failure to break set, such as continuing the "A, B, C" letter series with "D, E, F," and the "1, 2, 3" number series with "4, 5, 6," and so on, what Morgan (1991) called "series overelaboration." Repetitions included most often capitalizing the lowercase "a, b, c" and repeating the numbers "1, 2, 3." Based on this clinical experience, it seemed that confabulation and repetition errors were most often seen in patients who were diagnosed as having dementia or mental retardation. This study was devised to investigate whether the presence of confabulations and repetitions were markers of these diagnostic groups.

### Method

Procedure: The Rey 15-item Visual Memory Test was administered as part of a clinical assessment battery by psychometricians at a publicly funded psychiatric hospital in the southeastern United States. A convenience sample of 500 inpatients referred for evaluation was divided into three groups: (1) those with IQ scores below 70 using either a WAIS-R IO or Shipley Institute of Living Scale WAIS-R equivalent score (N =110), (2) those with a diagnosis of dementia (N = 83), and (3) all remaining patients (N = 329), re-

ferred to as general psychiatric patients. Twenty-two participants were in both the low IQ group and the dementia group as they met both inclusion criteria. The sample had a mean education of 11.6 years ( SD = 2.9), mean age of 39.9 years (SD = 14.3) and consisted of 47.8% men and 52.2% women. These demographic results are comparable to earlier studies in this hospital population (Hays, 1995).

## **Results and Discussion**

Base rates for the presence of confabulated responses for the three groups were as follows: general psychiatric patients 16.2%, patients with dementia 39.8%, and patients with low IQ 48.2%. The base rate for repetitions were as follows: general psychiatric patients 26.8%, patients with dementia 39.8% and patient with low IQ 43.6%.

Chi square analysis on two way contingency tables was used to compare the general psychiatric patients to those with dementia and those with low IQ on confabulations and repetitions. The patients with low IO and the general psychiatric patients were significantly different for the presence of confabulations (X  $^2$  = 46.3, df = 1, p <

Continued on page 20



# **Dissertation Awards Announced**

The 1994 and 1995 winners of Division 41's dissertation award competition were honored at a symposium during the Hilton Head conference.

# The 1994 Awardees

First Place: Margaret Bull Kovera, University of Minnesota for her dissertation "The media and allegations of sexual misconduct: The effect of agenda-setting on appraisals of credibility."

Second Place: Karen Leslie Steinberg from S.U.N.Y Buffalo for her dissertation "In the Service of Two Masters: Psychotherapists" Struggle with Child Maltreatment Mandatory Reporting Laws."

Third Place: Nancy Schneider, Hahnemann University for her thesis "How the Experts Compare with Judges and Jurors in an Awareness of Child Sex Abuse Facts and Phenomena: Is There a Role in Court for the Expert?"

# The 1995 Awardees

First Place: Lori Beth Frank, Pennsylvania State University for "Psychological and Legal Considerations in the Assessment of Decision-Making Capacity of Older Adults."

Second Place: Mindy Mechanic, University of Illinois at Urbana-Champaign for "Battered Woman Syndrome: Jurors' Common Understanding and Expert Testimony."

Third Place: Maithilee Keshav Pathak, University of California at Irvine for her dissertation, "Can Jurors Accurately Evaluate Hearsay?"

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# <u>Research Brief</u>

# Dementia and Mental Retardation Markers on the Rey 15-item Visual Memory Test

Continued from page 19 .001) and for repetitions (X  $^2$  = 11.0, df = 1, p < .001). Comparing the patients with dementia with the general psychiatric patients also showed a significant difference on confabulations (X  $^2$  = 23.1, df = 1, p < .001) as well as repetitions (X  $^2$  = 5.4, df = 1, p < .02).

It appears that confabulated figures are a better marker than repetitions for both patients with dementia and those with low IQ. However, both markers significantly differentiate these two groups from general psychiatric patients. Comparing these findings with those of Morgan (1991) suggests that psychiatric patients have a much higher incidence of confabulated responses and repetitions than neuropsychological patients. However, it should be noted that Morgan's sample was intellectually brighter (mean IQ score = 98.7), older (mean age = 51.6), and better educated (mean years of education = 14.0) than the sample used in the present study. Again, this comparison indicates that overall intellectual functioning, age, and education may be important covariates to consider in interpreting test results.

In forensic settings, presence of confabulated figures and repetitions on this task may not necessarily indicate malingering and should alert the clinician that the individual may have dementia or be functioning at a low intellectual level. The presence of either marker in a patient's testing protocol should lead the clinician to explore the other cognitive abilities of the patient, including obtaining a broad measure of overall intellectual ability to rule out a low intellect and to explore any differential cognitive functioning which might be present, including visual memory deficits. Also, exploration of the possibility of dementia might indicate some central cognitive dysfunction and account for the patient's distorted performance.

# References

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The authors can be reached at Harris County Psychiatric Center, University of Texas at Houston, Phone: 713/741-5000.

# **Student Column**

Mike Baldwin

### **Biennial Conference**

From all reports, the biennial conference was a success both in its content and in that a good time was had by all. There were approximately 132 students at this years conference. Highlights of the student program include the inaugural graduate student workshop which attracted a full house, and the Second Biennial Teaching and Mentoring Award which went to Gail Goodman - Congratulations Gail. Also, Congratulations to the 1994 and 1995 dissertation research award winners (see the related article on page 20). Major acknowledgment and thanks go to all, especially Barbara Watts, who helped to make the student program at the conference a success.

# Student Section Elections

With the passing of the biennial conference, our efforts are turning toward electing the next group of student section officers and getting ready for APA in August. You should have already received and turned in your election ballots. The election results will be announced in August at APA. If for some reason you won't be able to attend, the fall issue of the student newsletter will have the results.

## **APA** Convention

For those who are attending APA, the Student Section is sponsoring a symposium entitled, "Marketing Yourself: Recent Graduates Discuss Their Strategies." This should prove a valuable event for both recent graduates and those about to graduate.

# Student Section Directory

The student section is growing fast. Our membership has grown to just over 400 students. Wondering about how to get a hold of other student members, or just want to get a feel for the diversity of students in AP-LS? For the cost of copying and postage you can get a copy of the student directory from Jacqueline Klosek (Secretary-Treasurer at: nyhc661@aol.com). The directory is the process of being updated so some of our more recent members may not be listed yet.

One last reminder to read about the next round of deadlines for the AP-LS Grants-in-Aid program listed on page 22. This is a good time to start working on a proposal.  $\Box$ 

# American Psychology - Law Society News

The American Psychology-Law Society News is a publication devoted to dissemination of information, news, and commentary about psychology, mental health, and the law. The newsletter is published spring/summer, fall, and winter. Please submit materials in both written format and on either an IBM-PC compatible or Macintosh disk. Files may be written with any major word processing application and saved in both that format and in ASCII (DOS) or Text (Macintosh) formats. Indicate the application and version used on the disk.

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		<u>,                                    </u>



# Death Penalty Representation Recruitment Project

The Washington Council of Lawyers is a small voluntary bar association in Washington D.C., devoted to ensuring that the legal system works for the poor as well as the powerful. Congress recently cut off funding for the death penalty resource centers and their expert lawyers, leaving hundreds of indigent death row inmates across the country without lawyers. Most are members of minority groups, and many have mental health or developmental problems.

To help fill the void, the Council is recruiting lawyers in Washington D.C. to represent death row inmates, primarily in Pennsylvania and Virginia, where the need is particularly great. The Council is also recruiting mental health experts, who are often important in capital cases. The Council needs mental health experts to do one or more of the following:

- critique mental health evaluations conducted by either the state's or the defendant's expert
- advise on what kind of testing and follow-up evaluation is needed
- help locate other competent professionals who might be willing to assist in specialized areas
- prepare or assist in preparation of psychological evaluations to be used in post-conviction proceedings
- testify in post-conviction hearings

In cases involving death-row inmates, some compensation for experts is available by statute, particularly when cases reach the federal courts. No matter where your are located, if you'd like more information, please send your curriculum vita and a brief description of your area of expertise to: The Washington Council of Lawyers, 555 12th Street NW, Washington, D.C. 20004, 202/942-5063.

# APA Division 37 Section on Child Maltreatment Announces Projects

The Section on Child Maltreatment of the Division of Child, Youth, and Family Services (Div. 37) promotes scientific inquiry, training, professional practice, and advocacy in the area of child maltreatment. This new Section provides, for the first time, a permanent organization within APA focused on understanding and preventing child maltreatment, and on intervening with children, adults, and families.

Initial projects of the Section include:

- developing a newsletter
- developing "The Alert" timely information on funding for research and innovative treatment programs
- publishing and distributing materials in the area of child maltreatment to undergraduate and graduate psychology programs
- facilitating student involvement in all Section activities

Although membership in Division 37 is not required for membership in the Section, membership in both is encouraged. Annual dues for the Section are \$15 (\$10 for students); yearly dues for both the Division and the Section are \$40 (\$25 for students). To join the Section, send dues, your name, address, phone, institutional affiliation, and whether you are a member of APA to: Shertina J. Mack Div. 37 Administrative Office 750 First Street NE Washington, DC 20002-4242

For additional information about the Section, contact Sandy Wurtele, Section Secretary at the Dept. of Psychology, Univ. of Colorado, Colorado Springs, CO 80933-7150.

# <u>AP-LS Deadlines</u> Mark Your Calendar

Please note the following important deadlines for various AP-LS/ Division 41 activities. Deadlines and contact persons for more information are listed below.

# Submissions for Next AP-LS Newsletter

Deadline: September 10, 1996 Contact: Randy Otto via Email at: otto@hal.fmhi.usf.edu. See page 21 for more information on how to submit AP-LS newsletter items.

# Early Career Excellence in Law & Policy Award Nominations

Deadline: November 1, 1996 Contact: Kirk Heilbrun via Email at: heilbrun@hal.hahnemann.edu

## Grants-in-Aid Award

The next two funding cycles have deadlines of: September 30, 1996 and January 31, 1997.

This year's panel members are: Margaret Bull Kovera, Florida International University; Wendy Heath, Rider University; and Larry Heuer, Barnard College, Columbia University.

Inquiries and proposals (hard copy or on floppy disk) should be sent to:

Larry Heuer Dept. of Psychology Barnard College 3009 Broadway New York, NY 10027-6598 Phone: 212/854-3601.

Electronic submissions or Email messages may be submitted to: lbh3@Columbia.edu

# **Committee on Law & Psychology in Corrections Established**

At the biennial meeting, the AP-LS Executive Committee established the Committee on Law & Psychology in Corrections in response to the need for a recognized vehicle to bring the collective expertise of AP-LS members to bear on correctional issues.

AP-LS members have already contributed to corrections by means of research, practice, technical assistance, and administrative leadership

# The Problem

There have been unprecedented increases in the number of individuals incarcerated throughout the United States:

- currently there are 10 million jail admissions annually
- over 1.5 million people are incarcerated on any given day, not including jail or federal inmates
- the number of persons in custody has doubled over the past ten years

Even with these statistics, corrections typically does not get its fair share of attention from psychologists, lawyers, and social policy analysts.

# **AP-LS** Contributions

AP-LS members have already contributed to corrections by means of research, practice, technical assistance, and administrative leadership aimed at improving direct services, systems change and development, program evaluation, and policy analysis. Examples of these contributions include:

- Steadman's concept of "boundary spanners" and his examination of U.S. jails
- Repucci's methodological critique of prison research
- Griffin's model for jail and community mental health linkages
- Roesch's and Ogloff's jail mental health service delivery model
- Dvoskin's work in jail and prison mental health services

# AP-LS Committee's Role

Establishment of the Law & Psychology in Corrections Committee makes it possible for AP-LS to become a leader in formulating psychology's response to increased rates of incarceration. Along with Psychologists in Public Service (Division 18, which has a section on corrections) the Committee seeks to develop and advocate for sound policy at institutional, municipal, state, and federal levels. The AP-LS resolution on offenders with mental disorders (co-sponsored by Division 18) was introduced in APA's Council of Representatives in August 1995 and is presently being reviewed by the requisite APA boards and committees. The resolution is intended to bring the application of psychology to corrections to the attention of all psychologists.

If you would like more information or to contribute to developing the Committee's mission statement, contact the committee members listed below. The first step will be to establish a list of AP-LS members associated with corrections. In the meantime, the committee recommends these activities:

- tell your correctional colleagues about AP-LS and encourage them to join
- prepare your corrections papers for submission to the 1997 convention and the next biennial meeting.

## Committee on Law & Psychology in Corrections Members

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# <u>Minutes from...</u> AP-LS Executive Committee Meeting

*Continued from page 11* motion. The Executive Committee passed this motion.

#### APA 1996 Program Committee

Diane Follingstad and Ira Packer presented a written and oral report for the 1996 Division 41 program at the APA Convention in Toronto. The number of Division 41 submissions to the program was 63, down slightly from last year. Twenty-three proposals had students as primary authors and 19 of these (83%) were accepted. Submitted (and accepted) were: 15

...membership in all membership categories has grown steadily over the past 5 years...the Society currently has 1,919 members

symposia (13 accepted, 86%); 20 papers (13 accepted, 65%); 28 posters (25 accepted, 89%). Two of the papers were accepted as posters bringing the total acceptance rate for proposals submitted as papers up to 79%. The program will include invited symposia on a number of topics including training in law and psychology, assessing violence, and marketing graduate degrees. As of March, 1996 there were 4 invited presentations to be given by Kirk Heilbrun, Pam Casey, Stan Brodsky, and Randy Borum. There will be a hospitality suite open from Thursday through Sunday night. Some conversation hours and other events, including an open social hour, have already been scheduled for the suite. Time is still available for use of the hospitality suite. The APA program office has assigned Division 41 no hours on Friday of the convention. The Division 41 program will be scheduled between Saturday and Tuesday.

Diane and Ira suggested several issues for the Executive Committee to discuss concerning future APA programs: 1) Should the Division establish as an informal policy having one academic and one practitioner as program co-chairs? 2) Should the Division choose themes for APA conventions well in advance of the conference (i.e., June of the previous year)? 3) Should the information in the call for papers be more explicit regarding the format for entries? 4) Should the Society be concerned about the falling number of program proposals?

These issues produced a short brainstorming discussion. As a result of this discussion the Executive Committee passed two motions:

**Motion:** Jim Ogloff moved that we survey the membership about their views of the Biennial and APA Conferences. It was decided that the survey would include reasons why people do and do not submit papers and attend both meetings. Jack Brigham seconded the motion. The Executive Committee passed this motion.

Jim Ogloff and Rich Wiener agreed to write the survey and distribute to Hilton Head conference attendees. The results of the survey will be available for the August executive meeting.

**Motion:** Randy Otto moved that the Society's Members-at-Large be appointed to oversee and coordinate the APA and Biennial Program Committees so that they are able to meet scheduling deadlines and implement policy decisions. Jim Ogloff seconded the motion. The Executive Committee passed this motion.

#### Membership Committee

Rich Wiener presented a written and oral report from the Membership Committee. Rich presented data which showed that membership in all membership categories has grown steadily over the past 5 years. The Society currently has 1919 members (1768 APA members and 151 non-APA members) and 411 student members. With the increase in student members from 119 in 1990 (245%), it is likely that the society will continue to grow into the new millennium. Rich presented three questions that the Executive Committee should consider: 1) Is there a membership size beyond which the society does not wish to grow? 2) Does the Society wish to recruit more members-at-large (non-APA members) from other associations (e.g., SPSSI, APS, Law and Society, International Organizations)? and 3) Should more be done to meet the needs of student members?

A new AP-LS membership directory with members' names, addresses, phone numbers, degrees, affiliations, and e-mail addresses will be ready shortly. The directory will be available at the 1996 APA Convention in Toronto, if not before. Although it has not been decided how the new directory will be distributed (i.e., will it be made available to new and/or old members?), in the interim the directory will be available for the cost of production and mailing to all AP-LS members.

Rich discussed some of the Internet issues that the Society needs to resolve. The membership committee will approach APA to set up a new mailing list using Majordomo list server software to serve members of AP-LS. The membership committee will also explore establishing an AP-LS Home Page on the Internet World Wide Web.

### Committee for Forensic Psychology as a Specialty

Kirk Heilbrun announced that the specialty petition form has been distributed to members of the Specialty Committee for review and suggestions. Anyone receiving these materials should return any input to Kirk

# <u>Minutes from...</u> AP-LS Executive Committee Meeting

#### Continued from page 26

Heilbrun. AP-LS and ABFP/AAFP specialty committee members are Tom Grisso, William Foote, Steve Golding, Kirk Heilbrun, and Kathleen Stafford. Anyone interested in this committee is encouraged to contact one of the above members.

#### Student Section Report

Barbara Watts, student section chair, presented a written and oral report. The student section worked hard at improving its organizational process over the first half of the year. The student section sponsored the first workshop to supplement graduate student education and training in psychology and law at the 1996 Biennial Conference. The student section enlisted student representatives at 12 universities to facilitate communication between the officers and members of the organization. The minority subcommittee of the student section has increased the participation of minority students in AP-LS. Using \$500 from the AP-LS Minority Committee, the student section created a minority student membership committee which identified 5 minority students and awarded them support to help offset the expenses of attending the Biennial Conference. The subcommittee is working on identifying other minority students in psychology and law. The student survey committee presented the results of the graduate education and training survey in the poster session at the 1996 Biennial Conference. The student section also presented Gail Goodman with the Teaching and Mentoring Award at the Conference Business Meeting. There were twice as many nominations for this year's award than for the first award. The student section facilitated record student participation at the 1996 Biennial.

Randy Otto commented that the student workshop was very well received and suggested that it be included at future Biennial meetings. **Motion:** Mark Small moved that the Careers and Training Committee work closely with the student section in the future to plan, schedule, and organize additional workshops for future Biennial meetings. Randy Otto seconded the motion. The Executive Committee passed this motion.

### Villanova Conference Update

Don Bersoff reported on progress in several projects that were begun at the May, 1995 conference on education and training in psychology and law. First, he has summarized some of the results of the conference in a chapter that will appear in the volume being edited by Roesch and Hart titled Law and Psychology: The State of the Discipline. Several of the conference attendees are collaborating on an article which will shortly be submitted to the American Psychologist. At the same time drafts for chapters in a larger edited book reporting on the conference proceedings are in progress. At the APA Convention in Toronto there will be an invited symposium summarizing the results of the conference.

### Newsletter Report

Randy Otto, newsletter editor, reported that he has produced two newsletter editions, one in the fall and one in the winter. The costs for the two editions were \$1632 and \$1900, respectively. Randy believes costs will continue to rise because of interest in expanding the content of the newsletter and the plan to offer it quarterly.

**Motion:** Randy Otto moved that the newsletter budget be increased from \$5700 to \$8000. Sol Fulero seconded the motion. The Executive Committee passed this motion.

### *Law and Human Behavior* Report

The fact that the full text of *Law and Human Behavior* is not available on West Law was raised by Steve Penrod. Current editor Ron Roesch stated that *Law and Human Behavior* should be available on West Law and that the responsibility for accomplishing this belonged to Plenum. Ron agreed to look into the reasons why this has not yet been done. Assuming that Plenum has no valid objections, *Law and Human Behavior* should soon be available in full text on West law. Incoming editor, Rich Wiener announced that there was a call for papers for a special edition of *Law and Human Behavior* on the topic of Gender and the Law. Interested parties should contact Pat Frazier at the University of Minnesota for more details.

### **Book Series Report**

New book series editor, Ron Roesch, commented that there are currently two books in progress. He will soon put out a call for papers for additional monographs.

### Saleem Shah Award

The recipient of the 1996 AP-LS and AAFP Saleem Shah Award for early career achievement in the practice of psychology is Randy Borum. Randy will present his work at the 1996 APA Convention.

### APA Council Representative Report

Jack Brigham replaced Murray Levine as APA Council Representative. Jack reported that APA council voted to reduce dues for members of APA who are also members of other professional organizations such as APS. The dues reduction will be \$25. This purpose of the reduction is to encourage psychological scientists to remain in APA. The repressed memory report from APA's task force will be publishing two positions, one endorsed by the practice members of the task force and one by the scientist members. Finally, overruling the concerns of some APA council members that guidelines for empirically validated therapy approaches would benefit managed care groups, Council invited divisions to forward recommendations for constructing these new guidelines.  $\Box$ 



# **AP-LS Financial Update**

James Ogloff, AP-LS Treasurer

As the AP-LS income and expense statement and balance sheet below demonstrate, AP-LS continues to be in sound financial shape. The picture is considerably more healthy than just five years ago when the Division faced a budget deficit. The majority of our income is derived from members' dues and the majority of expenses are the cost of *Law and Human Behavior*. As a result of our strong financial position, we have been able to fund new initiatives and increase the budgets of other AP-LS programs and projects such as the expanded newsletter. For further information about the cost of new initiatives, please see the minutes of the Executive Committee meeting from the biennial conference on page 2. Based on our current financial status, there is no need to consider any increase in membership fees. If you have any particular questions about the AP-LS finances, please contact the AP-LS Treasurer, James Ogloff via the Internet at: james\_ogloff@sfu.ca.

# AP-L/Division 41 Balance Sheet As of December 31, 1995

#### Assets

Total Assets	
Nebraska account	, , ,
Advances/prepaid expenses	
Cash on deposit at APA	\$ 130,824.14

### Liabilities & Fund Balance

Liabilities

Other revenue collected in advance Accounts payable	,
Total Liabilities	

Fund balance ("net equity"):
Fund balance, beginning of year 48,547.71 <sup>3</sup>
Net annual income
Current fund balance 70,144.46

#### Total Liabilities &

Fund Balance	\$136,346.27
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### <u>Footnotes</u>

- <sup>1</sup> Dues collected in advance represents funds received in 1995 for 1996 dues year. This money will be recorded as income for 1996.
- <sup>2</sup> Represents funds received in advance for 1996, including advance AP-LS registration.
- <sup>3</sup> The fund balance represents the accumulated funds on reserve from the date of inception to December 31, 1995.

# AP-L/Division 41 Income/Expense Statement for the year ending Dec. 31, 1995

## 1995 Income

Dues and contributions	. ,
LHB editorial expenses (Plent	um) 14,000.00
Interest income	6,227.60
Royalties	
Biennial AP-LS Conference	0.00
Voluntary LHB payments	
Advertising income	
Miscellaneous	
Total Income	\$112,455.33

#### Expenses

Total Meetings & Conferences ..... 19,532.19

Publications

Newsletter expenses	1,642.06
Subscriptions to LHB	45,827.57
Editor expenses for LHB	14,000.00
Total Publications	61,469.63

Administrative Costs	
General operating expenses	1,852.37
Mailing labels	1,453.91
Presidential expenses	<u>159.77</u>
Total Administrative Costs	3,466.05

Awards and Committees

Awards & dissertation prizes	1,310.00
Grants-in-aid	2,010.00
Student committee	426.15
Education outreach committee	400.00
Congressional briefing series	<u>1,200.00</u>
Total Awards & Committees	5,346.77

Miscellaneous	1,043.94
Total Expenses	\$90,858.58
Net Income	

# Forensic Psychology in the Federal Prison System

#### Steven C. Norton

The Federal Bureau of Prisons currently conducts over 800 forensic psychological evaluations each year nationwide. The Bureau of Prisons serves as the primary forensic evaluation site for the federal court system. Federal courts refer pretrial defendants to the Bureau of Prisons, for both evaluations of competence to stand trial, and for evaluations of criminal responsibility. These evaluations are conducted on defendants who have been charged with a wide variety of crimes, ranging from murder to tax fraud. Crimes that fall under federal jurisdiction also can include very sophisticated white collar crimes, as well as threats to the President and other federal officials. These evaluations are often quite complex, both for the psycholegal questions involved and for diagnosing, at times, very subtle forms of mental illness.

The Bureau of Prisons conducts these evaluations at four medical centers, that function conjointly as inpatient hospital units and correctional institutions: and at ten forensic study sites housed within correctional institutions. The medical centers provide a full range of psychological, psychiatric, and medical evaluation capabilities. The bulk of the forensic evaluations conducted within the Bureau of Prisons are completed solely by psychologists. Federal law provides parity for psychologists and psychiatrists in terms of expert testimony and assessment.

The Bureau of Prisons also serves as the mental health commitment system for the federal courts. Analogous to a state mental health system, individuals who are charged with a federal crime and found to be in need of mental health treatment, are sent to one of the Bureau of Prisons four medical centers. These defendants may have been found not guilty by reason of insanity, or not competent for trial and not apt to regain competency. Such individuals are then evaluated to determine if they are dangerous due to their mental illness, and if so, they may be then committed for treatment and custody to the Bureau of Prisons. Evaluations are frequently conducted for this group to determine if they continue to present a danger to others. These assessments of dangerousness can also be very complex and difficult to conduct. A significant number of pretrial defendants are committed to the Bureau of Prisons for restoration to competency, which includes treatment and evaluation. Psychologists are an integral part of this treatment and evaluation system within the Bureau of Prisons.

There are currently over 90,000 inmates housed in the federal prison system, and the number is growing rapidly. (Approximately 25% of the population are non-U.S. citizens, from a number of different nations and, approximately 35% are members of ethnic minorities). Many of these individuals require mental health treatment that is provided at the regular institutions and, an expanding number require treatment at one of four inpatient mental health facilities. Treatment is provided for inmates with chronic mental illness or drug abuse disorders: those with criminal personality; and sex offenders. With the number of inmates from different cultures, cross-cultural issues are a major focus. A number of psychological evaluations and treatment strategies are conducted for this population.

# Monahan Receives American Psychiatric Association Award

John Monahan, Doherty Professor of Law and Professor of Psychology and Legal Medicine at the University of Virginia School of Law, is the 1996 recipient of the American Psychiatric Association's Isaac Ray Award.

Monahan was selected for this career award for his longtime contributions to mental health law and outstanding contributions to forensic psychiatric aspects of jurisprudence. The award, established in honor of Dr. Isaac Ray, one of the founders of APA, was presented to Monahan in at the association's May convention in New York. As a recipient of the award, he will deliver and publish a series of lectures on mental health law.

Often, within mental health law, precedence is established by the federal courts. This places Bureau of Prisons forensic psychologists at the leading edge of psycholegal issues and mental health treatment. The complexity and challenges involved in working with this population, and within the federal system can be both rewarding and, at times, humbling. Further information related to forensic psychology in the Bureau of Prisons, can be obtained by contacting the author or Curt Toler, Psychology Services Administrator, Federal Bureau of Prisons, 320 First Street N.W., Washington, D.C. 20534.

The opinions expressed are those of the author, and are not official policy statements of the Federal Bureau of Prisons.  $\Box$ 

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# A M E R I C A N PSYCHOLOGY LAW SOCIETY

# **AP-LS Membership Information**

American Psychology-Law Society is a division of the American Psychological Association and is comprised of individuals interested in psychology and law issues. AP-LS encourages APA members, graduate and undergraduate students, and persons in related fields to consider membership in the Division. APA membership is not required for membership in the American Psychology-Law Society. **Student memberships are encouraged.** If you would like more information on joining AP-LS, mail the form below or Email this information to:

#### Cathleen Oslzly, Department of Psychology 209 Burnett Hall, University of Nebraska-Lincoln Lincoln, NE 68588-0308 Internet: coslzly@unlinfo.unl.edu

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Please send information of	n joining AP-L	S to me at the addre	ess below
Name			
Address			
City	State	Zip Code	

#### Address changes

- APA members: send changes to APA Membership Dept., 750 First St. NE, Washington, DC 20002-4242
- AP-LS members: send changes to Cathleen Oslzly at the address above or notify her via Email.

American Psychology-Law Society Division 41 of the American Psychological Association 13301 Bruce B Downs Blvd MHH-115 Tampa FL 33612-3899

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