



Release of Test Data and the New APA Ethics Code

Celia B. Fisher, Ph.D.

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The new APA Ethics Code, published in the December 2002 issue of the *American Psychologist*, will go into effect June 1, 2003. During the 5-year revision period, the APA Ethics Code Task Force produced 7 drafts in response to over 1,300 comments from APA members and constituencies. The most notable change from the 1992 Code, and the issue that generated most commentary and debate among the assessment community relates to Standard 9.04, Release of Test Data.

This excerpt from Fisher (2003) briefly explains what psychologists need to know to ensure that their practices are in compliance with this revised standard. As forensic psychologists read this excerpt they should keep in mind that compared to the 1992 Ethics Code, the revised Standard 9.04 allows forensic psychologists greater flexibility in judgments regarding the release of test data to clients/patients and attorneys.

1. Under Standard 9.04a, pursuant to a clients/patients release, psychologists may provide test data to attorneys without a court order.
2. Standard 9.04a also permits psychologists to withhold test data requested by a client/patient if they believe its release would be harmful to the client/patient or others or lead to misuse or misrepresentation of the test.
3. Standard 9.04b clearly supports the actions of psychologists who in the absence of a client/patient release withhold test data unless court ordered to do so.
4. The standard does not require psychologists to release test data to the testee when the client is an attorney, the court, or a government agency.
5. All psychologists are permitted by the Ethics Code to withhold release of test data when required by law.

9.04 Release of Test Data

(a) *The term test data refers to raw and scaled scores, client/patient responses to test questions or stimuli, and psychologists' notes and recordings concerning client/patient statements and behavior during an examination. Those portions of test materials that include client/patient responses are included in the definition of test data. Pursuant to a client/patient release, psychologists provide test data to the client/patient or other persons identified in the release. Psychologists may refrain from releasing test data to protect a client/patient or others from substantial harm or misuse or misrepresentation of the data or the test, recognizing that in many instances release of confidential information under these circumstances is regulated by law. (See also Standard 9.11, Maintaining Test Security.) (APA, 2002).*

cont. on p. 6

Inside...

Ethics Code Update	1
EC Minutes	2
Research Briefs	8
APA Division 41 Program	12
Expert Opinion: HIPAA Regulations	16
Psychologists & Therapeutic Jurisprudence ..	20
Nominations, Awards and Announcements ...	24
Fellowships and Positions	25
Division News	26
Call for Papers	27
Student Column	28
Funding Opportunities	29
Conference/Workshop Planner	30
Membership Application	32

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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 three times per year; February 1, June 1, and October 1. Original contributions are welcome, and will be published subject to editorial approval and space availability. A limited amount of space is also available for advertising and unsolicited manuscripts.

For information regarding editorial policies contact the Editor, Barry Rosenfeld, Ph.D., Dept. of Psychology, Fordham Univ., Dealy Hall, Bronx, NY 10458 or rosenfeld@fordham.edu. Advertising inquiries should be directed to Michele Galietta, Production Editor, via e-mail: galietta13@aol.com.

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Minutes of the Executive Committee Meeting March 1, 2003, Memphis, TN

Attending: Sol Fulero, Gail Goodman, Steve Hart, Margaret Bull Kovera, Randy Otto, Jennifer Robbennolt, Ron Roesch, Barry Rosenfeld, Mark Small, Christina Studebaker, Marchelle Thomson, Melissa Warren, Beth Wiggins, Rich Wiener

1. *Meeting was called to order at 9:35 a.m. by President Randy Otto.*

2. *Executive Committee meeting minutes from August 2002 were approved*

3. *Treasurer's Report (see budget on p. 3)*
Treasurer Margaret Bull Kovera reported that the Division is in good financial shape. As of December 31, our fund balance (i.e. our reserve fund) totaled \$303,525.58. This figure does not reflect LHB subscription royalties that we have not yet received from Kluwer, nor does it reflect payment of LHB subscriptions for members. Projections based on past data suggest that the resolution of these two issues should put our reserves at around \$273,000.

Interest income has continued to decline with interest rates. Therefore, a revised budget was submitted in which expected interest income was reduced by \$1,000 to account for this loss in income. Dues are up to \$52 for next year. Membership has been steady or slightly increasing.

The Executive Committee approved an increase in the student section budget from \$2,000 to \$3,000. It was clarified that travel expenses for the president of the student section to attend Executive Committee meetings is to come from the Executive Committee travel budget.

A motion to accept the budget as revised was passed.

4. *Newsletter*

Newsletter editor Barry Rosenfeld, who will serve for a second 3-year term as editor, reported that the newsletter is in good shape. Costs remain stable, at just over \$5,000 per issue, and the newsletter has been able to come in under-budget. Advertising for the year was relatively modest. Attempts to broaden the advertising base have been partially successful; Rosenfeld has solicited an additional con-

sistent advertiser. Margaret Bull Kovera noted that copies of any advertising bills need to be sent to her. Approximately 3,700 copies of each issue are mailed – 2,200 to APA members and 1,400 to student members, members-at-large, and APLS members who are not members of APA or Div. 41.

Oversight of the website has been transferred to the Newsletter Editor. Shannon Wheatman has done an excellent job of building and maintaining the web pages and the increased professionalism of the site has been noted by many members.

A question was raised as to whether we are mailing out more newsletters than there are members of APLS. Randy Otto will check with Cathy Oslzly and APA Division Services to investigate whether there is some overlap in the mailing lists provided.

There was discussion about whether it would make sense to transition to an e-newsletter or some combination of print and e-newsletters. It was suggested that the newsletter budget could then be invested in updating the web site to facilitate this and developing the e-newsletter. A transition strategy would have to be developed. Barry Rosenfeld, Randy Otto, and Jennifer Robbennolt will investigate this and will report back to the Executive Committee. Updating the web site was discussed; there is a desire to better utilize the web site to track membership, distribute the newsletter, and administer conferences (e.g., submissions, reviews, etc.). Steve Hart and Barry Rosenfeld will work to get proposals and estimates for this type of update.

5. *Law and Human Behavior*

Journal Editor Rich Wiener reported that 140 unsolicited, new manuscripts and 15 additional papers in response to calls for special issues were submitted to *Law and Human Behavior (LHB)* in 2002. This is a 40% increase over 2001. In January and February of 2003 there have been 16 manuscripts submitted. The rejection rate for the journal is calculated in April with the yearly APA report. The rejection rate for 2001 was about 75% and will likely be higher for 2002 because of the increase in new submissions.

In February 2003, *Law and Human Behavior* published a special edition, "Psychology in Civil Litigation" edited by Dr. Edie Greene. In February 2004, the journal will publish a special edition, which Dr. Margaret Bull Kovera is editing on the topic of "Psychology, Law, and the Workplace." Manuscripts for the workplace edition are currently being submitted to Dr. Kovera. A call for papers for the 2005 special edition (to be edited by Dr. Thomas Grisso and Dr. Gina Vincent on the topic of "Empirical Limits of Forensic Mental Health Assessment") was recently sent out to the appropriate outlets.

There are several new developments at Kluwer. First, Sharon Panulla has reported that the buyout of Kluwer will change the distribution process in some ways. There are a number of new electronic initiatives available or soon to be available for *Law and Human Behavior*. Efforts to have *Law and Human Behavior* available on Westlaw continue, however because Kluwer offers electronic access for a fee, it may not be in its best interests to allow Westlaw to carry the journal, unless it can negotiate a contract with Westlaw that would compensate the company for the revenue that it would lose by making reprints available through Westlaw.

WebJEO is up and running for *Law and Human Behavior* and is scheduled to be launched March 1, 2003. *Law and Human Behavior* will phase out hard copy submissions and instruct authors to submit papers electronically to the Kluwer website where all manuscripts will be reviewed, edited, and evaluated.

The recruitment process for the next editor of *Law and Human Behavior* was discussed. The new editor will begin taking papers in January 2006. Working back from this date, it was determined that the call for the new editor will go out in the Fall of 2003 and Spring of 2004 with a July 1, 2004 deadline. Different models of editorship were discussed. The Publications Committee will report back to the Executive Committee at the next meeting in August 2003 with one or more proposed calls.

It was noted that *Psychology, Public Policy, and Law* is looking at strategies to increase subscriptions. The smaller issues of that journal are going to continue.

6. Book series

Ron Roesch reported on the sales of the books in the series as of 2002 and reported that Sarah Williams is taking over for Sharon Penulla at Kluwer. The future of the book series with Kluwer/Plenum was discussed.

Roesch reported that two books have already been published in 2003 as part of the Psychology and Law Book Series:

Grisso, T. (2003). *Evaluating competence: Forensic assessments and instruments*. (2nd ed.) van Koppen, P. J., & Penrod, S. D. (Eds.). (2003). *Adversarial versus inquisitorial justice: Psychological perspectives on criminal justice systems*.

A book by Lois Oberlander is in production and should be available in the spring. In addition, contracts have been signed for two additional books:

Moretti, Odgers, & Jackson, *Girls and Aggression: Contributing Factors and Intervention Principles*.

Koch, Douglas, Samra, Nicholls, & Fairbrother, *Psychological Injuries: Prevalence, Economics, Forensic Assessment, and Rehabilitation*.

Contracts are being negotiated for a book on confessions by Daniel Lassiter and a book on stalking by Paul Mullen.

Ron Roesch's term as book series editor is ending. It was decided that nominations would be sought for the book editor position with the anticipation that an editor would be named by the August meeting.

7. Council report

Council representative Mark Small reported on cuts at APA; they project a small budget surplus this year. APA is somewhat concerned about attendance at the 2004 annual meeting in Hawaii due to the higher travel costs involved. Council representative Gail Goodman reported on the amicus briefs that have been submitted by APA on a variety of topics of interest to APLS members. The Executive Committee discussed various forms in which APLS and APLS members could be involved in APA. The Nominating Committee was charged with gathering more information about the processes and deadlines involved in getting on APA boards. Mark Small and Gail Goodman will raise the issue again at the next meeting in August 2003.

2003 Revised Budget

INCOME	Budget
Dues & Contributions	\$ 120,000.00
LHB Editorial Expenses	\$ 16,250.00
Interest Income	\$ 2,500.00
Royalties	\$ 30,000.00
Advertising	\$ 3,000.00
TOTAL INCOME	\$ 171,750.00

EXPENSES

Meetings & Conferences:

APA Convention Program	\$ 14,000.00
APA EC Meeting	\$ 3,000.00
APLS EC meeting at APA	\$ 10,000.00
Biennial EC Meeting	\$ 10,000.00
Div. Leadership Conference	\$ 2,000.00
APA Program Chair Conf.	\$ 1,500.00
SUB-TOTAL	\$ 45,500.00

Publications:

Newsletter Expenses	\$ 18,000.00
Subscriptions to LHB	\$ 70,000.00
Editor Expenses for LHB	\$ 16,250.00
Web Site Expenses	\$ 1,000.00
SUB-TOTAL	\$ 105,250.00

Administrative Costs:

General Operating Exp.	\$ 10,000.00
Presidential Expenses	\$ 400.00
Treasurer Expenses	\$ 400.00
SUB-TOTAL	\$ 10,800.00

Professional Organizations:

Fed/Beh, Psych, CogSc dues	\$ 200.00
Exec. Roundtable Practice Div.	\$ 90.00
SUB-TOTAL	\$ 290.00

Awards and Committees:

Awards & Dissertations	\$ 4,000.00
Grants-in-Aid	\$ 10,000.00
Interdisciplinary Grant	\$ 3,000.00
Student Committee	\$ 3,000.00
Education Outreach Comm.	\$ 2,000.00
Cong. Briefing Series	\$ 3,000.00
Careers & Teaching Comm.	\$ 1,000.00
SUB-TOTAL	\$ 26,000.00

TOTAL EXPENSES	\$ 187,840.00
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8. APA 2003 Conference, Toronto

Program chairs Annette McGaha and Matt Huss have done a great job in setting the program for the 2003 APA Convention in Toronto. The acceptance rates for clinical and non-clinical submissions were approximately equal; the rate of non-clinical submissions was down from previous years. The program will include invited talks by Saul Kassin and Stephen Ceci. Other programming that may be of particular interest to APLS members include hours programmed by COLI and hours programmed by the ethics committee. Program schedules will be printed in the next newsletter.

9. APLS/EAPL conference in Scotland

Steve Penrod is the APLS representative on the planning committee for the conference. It was noted that we should make sure that some of the Kluwer brochures would be available at the conference.

10. APLS conferences 2004, 2005

The APLS 2004 conference will be held March 4-7, 2004 at the DoubleTree Paradise Valley Resort in Scottsdale, Arizona. The APLS 2005 conference will be held in LaJolla, California. Co-chairs for these conferences have not yet been determined. In an attempt to move to a system of co-chairs with staggered 2-year appointments, one person will be appointed for just the 2004 conference, a second person will be appointed for both the 2004 and 2005 conferences, a third person will be appointed for the 2005 and 2006 conferences, and so on. Names of potential co-chairs were generated and Randy Otto will contact prospective co-chairs.

11. APA 2004 Conference, Hawaii

Randy Otto will also find a prospective co-chair from the list of names generated to work with Matt Huss in planning the Division's program for the APA 2004 Conference. Submissions for the conference were encouraged and it was noted that the co-chairs should be encouraged to seek invited speakers for the conference program.

12. Nominations and Awards

Steve Hart reported on the slate of nominees for the 2003 election: President-Elect: Edie Greene and Patty Griffin; Treasurer: Margaret Bull Kovera and John Edens; Member at Large: Dale McNeil and Randy Salekin. There have been six nominations

for the book award; the Nominations and Awards committee will report back to the Executive Committee. Steve Hart will coordinate with Randy Borum about the Saleem Shah award.

13. Student Division

Student division president, Marchelle Thomson, was welcomed to the Executive Committee. There was discussion about what the Executive Committee can do to provide guidance to help the students become more active in the Division. A member-at-large, currently Christina Studebaker, has been assigned to liaison with the students and will continue to offer support to the student section. It was suggested that there be a section in the planned Operations Manual devoted to the student section that would list traditional student section activities and note the timelines and contacts for such events. It was noted that the APLS hospitality suite would be available to the students at the APA conference in Toronto and the possibilities for an event at the conference were discussed. It was suggested that the students might also want to explore being more active in APGAS, the student section of APA. It was also suggested that there might be a role for student members on some of the Division's committees.

The possibility of a student list-serv was discussed. It was thought that this might jump-start communication among the students. The Executive Committee agreed that it would be a good idea to establish such a list-serv; Christina Studebaker will explore what would be involved in creating and maintaining such a listserv and will present a plan to the Executive Committee at the August meeting.

As noted above, the budget for the student section was increased from \$2,000 to \$3,000. In addition, it was clarified that the expenses for the student representative to travel to the Executive Committee meetings should come out of the Executive Committee travel budget.

14. Dissertation Awards Committee

By e-mail Patty Zapf reported that sixteen dissertations were submitted for the 2002 APLS Dissertation Awards. This number is up from 2001 when 11 dissertations were submitted and from 2000 when 10 dissertations were submitted for consideration. The winners for 2002 are:

1st place:

Jennifer Groscup, J.D., Ph.D. (U Nebraska)

2nd place:

Tamara Haegerich, Ph.D. (U Illinois-Chicago)

3rd place (tie):

Gina Vincent, Ph.D. (Simon Fraser U)

David DeMatteo, J.D., Ph.D. (MCP/Hahnemann aka Drexel University)

15. Grants in Aid

By e-mail, Garrett Berman reported that the committee had reviewed 15 proposals for the fall 2002 funding cycle. Out of the 15 proposals, 8 (53%) received funding. Out of the 8 funded submissions, 5 (62.5%) recipients were female and 3 (37.5%) were male. A total of \$3,100 was awarded to the 8 students.

16. Fellows Committee

Three names have been submitted to APA to become Fellows, and those individuals are currently under consideration. The committee has become more proactive, seeking out prospective fellows rather than relying on self-nominations.

17. Careers and Training Committee

By e-mail, Bette Bottoms reported that she will be (1) setting up a new committee consisting of a forensic/clinical person and a person from a liberal arts institution, (2) reviewing all the web site material to see if anything needs updating, (3) considering adding a "frequently asked questions" page with links to quality web sites to field those predictable questions from students considering graduate training in psychology and law, and (4) respond to suggestions the Executive Committee has for action regarding student careers and training.

Bottoms requested approval to resurrect the APLS Teaching/Mentoring Award. The budget needed for the award is \$540 (\$500 prize and \$40 for a plaque). This request was approved and Barry Rosenfeld will make sure that the call for nominations gets in to the next newsletter.

18. Interdisciplinary grants

Beth Wiggins reported that the Interdisciplinary Grants are being advertised in a variety of places.

19. Scientific Review Paper Committee

No report available.

20. Specialty Guidelines for Forensic Psychologists Revision

Randy Otto reported that a good start had been made, that not a lot had happened since, and that the process was well set. He reported on communication that he had with Lenore Walker, President of Division 42 (Independent Practice) about the guidelines.

21. Risk Assessment Guidelines Committee
A symposium will be proposed for the APLS 2004 conference in Scottsdale.

22. Women in Psychology & Law Committee
No report available.

23. Committee on Law and Psychology in Corrections
Melissa Warren reported that the committee was now 5 years old and has made efforts to make corrections more prominent. APLS now offers, jointly with the American Association of Correctional Psychology (AACP), a joint award for outstanding work in psychology and corrections. There have not been any nominations yet.

Warren noted that at one time there had been a box on the membership form for indicating interest in corrections as well as a link on the web page. She requested that these be reinstated. Warren also requested that a student member be added to the committee.

24. Educational Outreach Committee
By e-mail, Lavita Nadkarni reported that 4 forensic psychologists have contacted her wishing to be considered as speakers in the program. Their areas of expertise included both civil and criminal matters. She has also received 3 initial requests for speakers and has provided information on how to proceed in order to obtain APLS support for their speaker presentation. It was suggested that to further minority recruitment the committee chair should contact colleges and universities that serve predominantly minority populations to inform them of the program and its offerings.

25. Committee on Ethnic Minority Affairs

No report available. Names of possible candidates to chair this committee were generated. Randy Otto will solicit their interest.

26. Committee on Relations with Other Organizations
By e-mail, Wendy Heath reported that Gregory Van Rybroek presented Treatment of High Risk Violent Juveniles: A Clinical-Correctional Hybrid Program” at the XXVII International Congress on Law and Mental Health, Amsterdam, The Netherlands, in July 2002 (co-author M.F. Caldwell).

There is a symposium in conjunction with Division 43 on the program for Toronto.

27. APLS Governance/Operations Manual
The Executive Committee is in the process of compiling an Operations Manual that will eventually be posted on the web site. To this end, each member of the Executive Committee and each Committee chair has

Continued on p.

EXECUTIVE COMMITTEE AND COMMITTEE CHAIRS

• President	Randy Otto	otto@fmhi.usf.edu
• Past-President	Stephen Hart	shart@arts.sfu.edu
• President-Elect	Sol Fulero	sfulero@sinclair.edu
• Secretary	Jennifer Robbenalt	robbenaltj@missouri.edu
• Treasurer	Margaret Bull Kovera	koveram@fiu.edu
• Member-at-Large	Beth Wiggins	bwiggins@fjc.gov
• Member-at-Large	Christina Studebaker	cstudebaker@csopp.edu
• Member-at-Large	Melissa Warren	mgw.apa@email.apa.org
• Council Representative	Mark Small	small@clemson.edu
• Council Representative	Gail Goodman	ggoodman@ucdavis.edu
• Newsletter Editor	Barry Rosenfeld	rosenfeld@fordham.edu
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• Careers and Training Committee	Bette Bottoms	bbottoms@uic.edu
• Dissertation Awards	Patricia Zapf	pzapf@jjay.cuny.edu
• Educational Outreach Committee	Lavita Nadkarni	lnadkarn@du.edu
• Fellows Committee	Gary Wells	glwells@iastate.edu
• Grants-in-Aid	Garrett Berman	gberman@rwu.edu
• Committee on Law and Psychology in Corrections	Melissa Warren	mgw.apa@email.apa.org
• Committee on Relations with Other Organizations	Steve Norton	nortonpsych@earthlink.net
• Scientific Review Paper Committee	Wendy Heath	heath@enigma.rider.edu
• Women in Law Committee	Rich Wiener	wiener_richard@baruch.cuny.edu
• Division Administrative Secretary	Regina Schuller	schuller@yorku.ca
• 2003 APA Program Chair	Beth Schwartz-Kenney	bskenney@rmwc.edu
• 2003 APLS Conference Chair	Cathy Oslzly	coslzly@unl.edu
	Annete McGaha	mcgaha@fmhi.usf.edu
	Matt Huss	mhuss@creighton.edu
	Patricia Zapf	pzapf@jjay.cuny.edu
	Chris Meissner	meissner@fiu.edu



Ethics Code cont. from p. 1

This standard reflects perhaps the most significant shift in ethical requirements from the 1992 Ethics Code to the current version. The 1992 code included reference to the release of “raw test data” within a standard broadly prohibiting the misuse of assessment techniques, results, or interpretations by psychologists and others not qualified to use such information (Standard 2.02b, Competence and Appropriate Use of Assessments and Interventions; APA, 1992). The older standard required psychologists to refrain “from releasing raw test results or raw data to persons, other than to patients and clients as appropriate, who are not qualified to use such information.” This standard produced numerous member requests to the APA Ethics Office and the APA Committee on Legal Issues (COLI) for guidance regarding (a) the nature of test responses and materials defined as “raw test results” or “raw data”; (b) appropriate conditions for the release of such data to clients/patients; (c) how to determine whether another professional was qualified to use such information; and (d) how to respond to attorney requests, subpoenas, and court orders. Standard 9.04a of the 2002 Ethics Code was crafted to provide increased clarity of terms, reflect the evolving relationship between psychology and law, and take into account new state and federal laws governing individual rights to health records.

Definition of Test Data

In Standard 9.04a, the term “test data” refers to the client’s/patient’s actual responses to test items, the raw or scaled scores such responses receive, and a psychologist’s written notes or recordings of the client’s/patient’s specific responses or behaviors during the testing. The term “notes” in this standard is limited to the assessment context and does not include psychotherapy notes documenting or analyzing the contents of conversation during a private counseling session.

Test data and test materials. Recognizing that availability of test questions and scoring criteria may compromise the validity of a test for future use with a client/patient or other individuals exposed to the information, Standard 9.04a distinguishes “test data,” which under most circumstances must be released upon a client/patient release, from “test materials,” which under most circumstances should not (see Standard 9.11, Maintaining Test Security). The definition of “test data” does *not* include test manuals, protocols for administering or scoring responses, or test items *unless* these materials include the client’s/patient’s responses or scores or the psychologist’s contemporaneous notes on the client’s/patient’s testing responses or behaviors. If testing protocols allow, it is good practice for psychologists to record client/patient responses on a form separated from the test items themselves to ensure that upon client/patient request only the test data and not the test material itself need be released.

The Affirmative Duty to Provide Test Data to Clients/Patients and Others Identified in a Release

Release to clients/patients. Under Standard 9.04a, psychologists have an affirmative duty to provide test data as defined above to the client/patient or other persons identified in a client/patient release. The obligation set forth by Standard 9.04a to respect clients’/patients’ right to their test data is consistent with legal trends toward greater client/patient autonomy and the self-determination rights of clients/patients as set forth in Principle E: Respect for People’s Rights and Dignity. Although not explicitly stated in the standard, it is always good practice for psychologists to have a signed release or authorization from the client/patient even if the data are to be given directly to the client/patient. This standard does not preclude psychologists from discussing with a client/patient the potential for misuse of the information by individuals unqualified to interpret it.

Release to others. The requirement to provide test data to any person identified in a client/patient release is also in sharp contrast to the 1992 Ethics Code’s prohibition against release to persons unqualified to use such information. The rationale for eliminating this prohibition was influenced by several factors. First, whether a person is qualified to use test data is determined by the context of the proposed use. For example, restricting release of test data to individuals with advanced degrees or licensure in professional psychology would preclude other qualified health care professionals from using the information. Broadening the definition of “qualified” person to health professionals might jeopardize appropriate judicial scrutiny of psychological tests and a client’s/patient’s right to the discovery process to challenge their use in court. Second, even if a consensus of “qualified” person could be achieved, requiring a psychologist to confirm the education, training, degrees, or certifications of other professionals would pose burdens that might not be possible or feasible to meet. Third, as described below, HIPAA regulations require that covered entities provide clients/patients and their personal representatives access to PHI.

Withholding Test Data

Standard 9.04a permits psychologists to withhold test data to protect the client/patient or another individual from substantial harm. The standard also permits withholding test data to protect misuse or misrepresentation of the data or the test. Before refusing to release test data under this clause, psychologists should carefully consider the proviso that such decisions may be regulated by law.

Organizations, courts, and government agencies. The use of the term “client/patient” in this standard refers to the individual testee and not to an organizational client. This standard does not require industrial-organizational or consulting psychologists to release test data to either an organizational client

or an employee when testing is conducted to evaluate job candidacy or employee or organization effectiveness and does not assess factors directly related to medical or mental health conditions or services. Psychologists working in these contexts would not be required to provide the test data to the employees themselves under this standard, because the organization, not the employee, is the client (see also Standard 3.07, Third-Party Requests for Services; 3.11, Psychological Services Delivered To or Through Organizations; and 9.03, Informed Consent in Assessments). Similarly, it does not require forensic psychologists, military psychologists, or others working under governing legal authority to release test data to the testee when the client is an attorney, court or a government agency. Finally, all psychologists are permitted by the Ethics Code to withhold release of test data when required by law (Standard 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority).

Implications of HIPAA. Requiring psychologists to release test data to the client/patient or others pursuant to a client/patient release reflects a sea change in the legal landscape from paternalistic to autonomy-based rules governing access to health records. In particular, HIPAA establishes the right of access of individuals to inspect and receive copies of medical and billing records maintained and used by the provider for decisions about the client/patient (45 CFR 524). This requirement does not include psychotherapy notes or information compiled in reasonable anticipation of or use in civil, criminal, or administrative actions or proceedings. In addition, psychologists who are covered entities under HIPAA must also provide such access to a client's/patient's personal representative (45 CFR 164.502[g][1]).

HIPAA severely limits the ability of covered entities to use professional judgment to determine the appropriateness of release of test data to clients/

patients and their personal representatives. For example, the right of clients/patients to obtain their own test data under HIPAA regulations means in practice that they can pass it on to other individuals of their choice. Thus, requiring psychologists to deny a request from a client/patient to release information to other persons in essence becomes an ineffective and burdensome obligation.

HIPAA and withholding test data. Standard 9.04a permits psychologists to withhold test data to protect the client/patient or another individual from substantial harm or to protect misuse or misrepresentation of the data or the test, with the proviso that in many instances these decisions may be constrained by law. Under HIPAA, psychologists who are covered entities can deny client/patient access to test data only if it is reasonably likely to endanger the life or physical safety of the individual or another person or in some cases likely to cause equally substantial harm. In addition, psychologists must allow clients/patients the right to have the denial reviewed by a designated licensed health care professional. HIPAA regulations thus severely limit psychologists' ability to exercise their professional judgment as to what constitutes substantial harm to clients/patients.

In addition, HIPAA does not recognize the protection of test materials (e.g., test security) as a legitimate reason to withhold test data that meets the HIPAA definition of PHI and is appropriately requested by a client/patient. There are instances, however, where HIPAA constraints are not at issue. For example, HIPAA does not require release of PHI to clients in situations in which information is compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative actions or proceedings. In other instances, such as certain educational evaluations, test data may not come under the PHI classification and thus the HIPAA Privacy Rule would not apply (see Standard 4.01, Maintaining Confidentiality).

(b) *In the absence of a client/patient release, psychologists provide test data only as required by law or court order.* (APA, 2002)

Standard 9.04b recognizes the clients'/patients' right to expect that when feasible psychologists will protect the confidentiality of test data in the absence of a valid release or authorization. The standard permits psychologists to disclose test data without the consent of the client/patient in response to a court order (including subpoenas that are court ordered) or in other situations required by law (e.g., an order from an administrative tribunal). In such instances, psychologists are wise to seek legal counsel to determine their legal responsibility to respond to such requests (see also Standard 4.05b, Disclosures). Psychologists may also ask the court or other legal authority for a protective order to prevent the inappropriate disclosure of confidential information or suggest that the information be submitted to another psychologist for qualified review.

Implications of HIPAA. Standard 9.04b provides stricter protection of confidential test data than HIPAA. Under the HIPAA Privacy Rule, PHI may be disclosed in response to a subpoena, discovery request, or other lawful process that is not accompanied by an order of a court or administrative tribunal, if the covered entity receives satisfactory assurance from the party seeking the information either that reasonable efforts have been made to ensure that the client/patient has been notified of the request or reasonable efforts have been made to secure a qualified protective order (45 CFR 164.512[e][1]). Psychologists who disclosed information in such an instance would be in violation of 9.04b. The greater protection provided by 9.04b is consistent with most states' more stringent psychotherapist-patient privilege communication statutes.

Benda, B., & Toombs, N. (2002). **Religiosity and drug use among inmates in boot camp: Testing a theoretical model with reciprocal relationships.** *Journal of Offender Rehabilitation, 35*, 161-183. A model combining control and social learning theories was tested on 326 male offenders, age 15 to 24, from a boot camp in Arkansas. They were given a 150-item questionnaire about their drug abuse, parental attachments, and other factors. Lack of parental attachment was found to be related to associating with peers in unlawful behavior. Religiosity indirectly influenced drug use as high religiosity was associated with fewer drug related relationships.

Blud, L., Travers, R., Nugent, F., & Thornton, D. (2003). **Accreditation of offending behaviour programmes in HM prison service: 'What works' in practice.** *Legal and Criminological Psychology, 8*, 69-81.

Participants in a cognitive skills program in prison ($n=5,255$) provided data regarding the impact of such programs on various measures of functioning. Positive effects were noted in locus of control, impulsivity, and cognitive indolence following participation, and the pattern of effects was similar across gender, age, and ethnicity. Effects were significantly enhanced for offenders classified as 'high need,' and were greater at sites in which tutor delivery was more frequent.

O'Connor, T., & Perreyclear, M. (2002). **Prison religion in action and its influence on offender rehabilitation.** *Journal of Offender Rehabilitation, 35*, 11-33. 1,597 male inmates at a South Carolina prison were tracked to assess how many religious activities they engaged in and how many institutional infractions they incurred. Almost half of the sample attended at least one religious program or service. Controlling for demographic and criminal history risk factors, an inverse relationship between intensity of religious involvement and the presence of in-prison infractions was found.

Richards, H. J., Casey, J. O., & Lucente, S. W. (2003). **Psychopathy and treatment response in incarcerated female substance abusers.** *Criminal Justice & Behavior, 30*, 251-276.

Psychopathy significantly predicted poor treatment response (e.g., lack of program retention, noncompliance, violent rule violations) among 404 incarcerated (primarily African American) women. PCL scores, and especially Factor 1, were also related to fewer days to re-arrest in the community. Each point above the mean on Factor 1 increased risk of reoffense 11% above the baseline of 29.7%.

Warren, J., Burnette, M., South, S., Chauhan, P., Bale, R., & Friend, R. (2002). **Personality disorders and violence among female prison inmates.** *Journal of the American Academy of Psychiatry and the Law, 30*, 502-509. Among 255 nonpsychotic female offenders in a maximum-security prison, significant relationships were found between Antisocial Personality Disorder and institutional violence and Narcissistic Personality Disorder and incarceration for a violent crime. In general, Cluster A diagnoses were associated with incarceration for a violent crime and prostitution.

DELINQUENCY/ ANTISOCIAL BEHAVIOR

Chen, Y., Arria, A., & Anthony, J. (2003). **Firesetting in adolescence and being aggressive, shy, and rejected by peers: New epidemiological evidence from a national sample survey.** *Journal of the American Academy of Psychiatry and the Law, 31*, 44-52.

284 children age 12 to 17 who reported setting fires were matched by age and neighborhood SES with 4,207 controls. Children who were aggressive and shy were more likely to be firesetters than those who were not. The combination of aggression, shyness, and peer rejection also predicted firesetting. Not surprisingly, boys were more likely to start fires than girls.

Cooper, M. L., Wood, P. K., Orcutt, H. K., & Albino, A. (2003). **Personality and the predisposition to engage in risky or problem behaviors during adolescence.** *Journal of Personality and Social Psychology, 84*, 390-410.

Data from 1,978 White and Black adolescents interviewed on two occasions (4.5 years apart) provided evidence of a single higher order factor representing problem behavior factors (e.g., delinquency, substance abuse, sexual behavior) that accounted for more than half of the variance, suggesting that diverse problem behaviors in adolescence share a common etiology. Additionally, impulsivity and avoidant coping styles accounted for nearly 1/3 of the variance in these outcomes.

Egan, V., Austin, E., Elliot, D., Patel, D., & Charlesworth, P. (2003). **Personality traits, personality disorders and sensational interests in mentally disordered offenders.** *Legal and Criminological Psychology, 8*, 51-62. Data from 155 offenders referred for forensic assessment in the United Kingdom provided evidence of significant overlap between personality traits and personality disorders in mentally ill offenders that reduced to four basic factors (asocial, antisocial, anxious, and anankastic). Only the 'antisocial' factor was predictive of the 'violent-occult' and 'militaristic' subscales on the Sensational Interests Questionnaire.

Loukas, A., Zucker, R. A., Fitzgerald, H. E., & Krull, J. L. (2003). **Developmental trajectories of disruptive behavior problems among sons of alcoholics: Effects of parent psychopathology, family conflict, and child undercontrol.** *Journal of Abnormal Psychology, 112*, 119-131.

Among Caucasian sons of alcoholics (COAs) and non-COAs, paternal alcoholism predicted heightened levels of disruptive behavior problems. Family conflict predicted more disruptive behaviors at school entry and a slower rate of decline in such problems. Par-

ent APD exacerbated the effects of higher preschool levels of under-control on the level of disruptive behaviors seen at school entry. Low level of under-control was a protective factor for sons of APD parents.

O'Neill, M. L., Lidz, V., & Heilbrun, K. (2003). **Predictors and correlates of psychopathic characteristics in substance abusing adolescents.** *International Journal of Forensic Mental Health, 2*, 35-45. The relationships among PCL:YV scores and parental abuse and neglect, parental drug dependence, ADHD diagnoses, anxiety and depression, and adolescent substance abuse were examined among 64 juveniles in a substance abuse treatment program. Severity of abuse/neglect was the only variable associated with psychopathy, accounting for 18% of the variance.

Phillips, J., Nixon, S., & Pfefferbaum, B. (2002). **A comparison of substance abuse among female offender subtypes.** *Journal of the American Academy of Psychiatry and the Law, 30*, 513-519.

To determine the relationship between certain drugs and crimes, 152 volunteer female inmates were given a battery of tests and subgrouped by their primary offenses, either violent, property, or drug-related. Violent problem drug users reported more combined alcohol and cocaine abuse than property or drug offenders, and violent offenders in general reported more alcohol abuse and greater preference for marijuana.

Potter, C. C., & Jenson, J. M. (2003). **Cluster profiles of multiple problem youth: Mental health problem symptoms, substance use, and delinquent conduct.** *Criminal Justice & Behavior, 30*, 230-250.

Among 155 detained juveniles, three clusters were identified: (1) those with serious problems across mental health symptoms (including suicide), substance use (especially hallucinogens), and delinquency ($n = 35$); (2) youths with high levels of substance use (e.g., cocaine) and crime (includ-

ing drug sales and physical injury to others), with moderate mental health problems (n = 62); and (3) youths with moderate problems across all domains (n = 49).

Skeem, J. L., Mulvey, E. P., & Grisso, T. (2003). **Applicability of traditional and revised models of psychopathy to the Psychopathy Checklist: Screening Version.** *Psychological Assessment, 15*, 41-55.

The comparative fit and predictive power of Hare's 2-factor model and Cooke and Michie's 3-factor model of psychopathy were investigated in a sample of 870 civil psychiatric patients. The 3-factor model, omitting 3 items tapping less personality-based aspects, demonstrated better fit than the 2-factor model. The former model, however, was significantly less predictive of future violence than the latter, probably due to the exclusion of the 3 items indicative of past violence.

Van Soest, D., Park, H. S., Johnson, T. K., & McPhail, B. (2003). **Different paths to death row: A comparison of men who committed heinous and less heinous crimes.** *Violence and Victims, 18*, 15-33. In this multiple-case study that examined life-long personal and environmental factors of all the male prisoners executed in Texas in 1997 (N=37), participants were assigned to *heinous* (n=23) or *less heinous* (n=14) groups based on criminal histories. Men who committed less heinous crimes and were more likely to be Black received the same penalty (death) as men who committed the most heinous crimes, who were more likely to be white and of lower SES. Prevalence of violence (e.g., physical and sexual abuse, emotional/physical neglect) early in childhood was observed among most participants.

FAMILY VIOLENCE

Baldry, A.C. (2003). **"Sticks and stones hurt my bones but his glance and words hurt more": The impact of psychological abuse and physical violence by current and former partners on battered women in Italy.** *International Journal of Forensic Mental Health, 2*, 47-57.

AP-LS NEWS, Spring/Summer 2003

Among 145 battered women seeking assistance from a shelter in Italy, psychological abuse related significantly to anxiety and depression, low self-esteem, and avoidance and intrusive symptoms of PTSD. Physical abuse was correlated only with PTSD symptoms. Abuse accounted for slightly more of the variance in PTSD (15%) than in anxiety/depression and self-esteem (11% for both). Type and recency of relationship to the batterer was unrelated to psychological symptoms.

Edleson, J. L., Mbilinyi, L. F., Beeman, S. K., & Hagemester, A. K. (2003). **How children are involved in adult domestic violence: Results from a four-city telephone survey.** *Journal of Interpersonal Violence, 18*, 18-32. One quarter of battered mothers (n=114) reported that their children were physically involved in the violence committed against them. Women with less stable financial, social, and living situations at the time of the interview reported their children to have intervened more during past violent incidents.

Gordon, J. A., & Moriarty, L. J. (2003). **The effects of domestic violence batterer treatment on domestic violence recidivism.** *Criminal Justice & Behavior, 30*, 118-134.

Among 248 batterers, those court-ordered to receive domestic violence treatment did not demonstrate a lower recidivism rate compared to those who did not undergo treatment. Batterers with a higher number of prior domestic violence arrests/convictions and those referred for substance use issues were more likely to be rearrested. The only treatment variable associated with lower likelihood of re-arrest was number of treatment sessions attended, particularly successful completion of all treatment sessions.

Kuehnle, K., & Sullivan, A. (2003). **Gay and lesbian victimization: Reporting factors in domestic violence and bias incidents.** *Criminal Justice & Behavior, 30*, 85-96.

Out of 119 incidents of same-sex battering and 143 bias crime incidents, 49% and 64% were re-

ported to police, respectively. Domestic violence incidents were significantly more likely to involve more serious offenses (e.g., assault with and without weapons) and to require medical care than bias incidents, particularly among lesbian victims.

Stroshine, M. S., & Robinson, A. L. (2003). **The decision to end abusive relationships: The role of offender characteristics.** *Criminal Justice & Behavior, 30*, 97-117.

This study explored the impact of abuse histories, institutional responses, and offender characteristics on 307 battered women's choice to terminate their abusive relationships. Weapons in the home and previous formal criminal justice response were most influential on whether the women had attempted to terminate the relationship, increasing the likelihood by 4 and 2 times, respectively. Overall, offender characteristics accounted for 11%, abuse history for 10%, and institutional response for 6% of the variance in the outcome.

Wiehe, V.R. (2003). **Empathy and narcissism in a sample of child abuse perpetrators and a comparison sample of foster parents.** *Child Abuse and Neglect, 27*, 541-555.

In a comparison of 52 abusive and 101 foster parents, abusive parents were more narcissistic, were not able to take the perspective of another, showed less warmth, compassion, and concern for others, experienced difficulty in tense interpersonal situations, and demonstrated less self-confidence and impulse control.

FORENSIC EVALUATION

Akinkunmi, A. (2002). **The MacArthur Competence Assessment Tool – Fitness to Plead: A preliminary evaluation of a research instrument for assessing fitness to plead in England and Wales.** *Journal of the American Academy of Psychiatry and the Law, 30*, 476-482.

The MacCAT- FP is the adapted English version of the American MacCAT – Criminal Adjudication. The MacCAT – FP's internal consistency, interrater reliability, sen-

sitivity to change over time, and ability to distinguish fit from unfit prisoners was assessed using 45 prisoners in a forensic hospital and 65 prisoners awaiting trial. The MacCAT- FP performed better than chance at distinguishing between fit and unfit patients and had promising results overall, although its internal consistency was below the level recommended for decision-making instruments.

Buckley, T. C., Galovski, T., Blanchard, E. B., & Hickling, E. J. (2003). **Is the emotional Stroop paradigm sensitive to malinger? A between-groups study with professional actors and actual trauma survivors.** *Journal of Traumatic Stress, 16*, 59-66.

Six professional actors who were trained by psychologists and acting coaches to feign PTSD participated covertly in a PTSD treatment outcome study. Malingerers' vocal response latencies to different classes of stimuli on an emotional Stroop task were compared to 6 non-litigant PTSD patients and 6 non-anxiety controls. The dissimulation group feigned an overall slowing of response latency across stimulus types (similar to the PTSD group), but did not modulate response latency as a function of stimulus content (dissimilar to the PTSD group).

Wohlfarth, T. D., van den Brink, W., Winkel, F. W., & ter Smitten, M. (2003). **Screening for post-traumatic stress disorder: An evaluation of two self-report scales among crime victims.** *Psychological Assessment, 15*, 101-109.

The utility of the Impact of Events Scale (IES) and the Post-traumatic Stress Disorder Symptom Scale, Self-Report version (PSS-SR) were examined as screeners for PTSD among 79 crime victims. Both measures demonstrated high sensitivity and specificity, with the IES performing slightly, but not significantly, better. Several individual items from the scales predicted as well as the full scales.



LEGAL DECISION-MAKING

Abrams, D., Viki, G. T., Masser, B., & Bohner, G. (2003). **Perceptions of stranger and acquaintance rape: The role of benevolent and hostile sexism in victim blame and rape proclivity.** *Journal of Personality and Social Psychology, 84*, 111-125.

4 studies of undergraduates illustrated the different assumptions about women underlying benevolent and hostile sexist attitudes. Individuals higher in benevolent sexism were more likely to blame the victim in an acquaintance (but not stranger) rape scenario, whereas those higher in hostile sexism showed greater proclivity to rape in the same scenario.

Bottoms, B.L., Nysse-Carris, K.L., Harris, T., & Tyda, K. (2003). **Juror's perceptions of adolescent sexual assault victims who have intellectual disabilities.** *Law and Human Behavior, 27*, 205-227.

In a mock trial study, 160 men and women watched video-taped excerpts from an actual trial and were presented with information portraying 16-year-old sexual assault victims depicted as "mildly mentally retarded" or "having average intelligence." Jurors presented with "mildly mentally retarded" victims were more likely to vote guilty, had more confidence in defendant guilt, and rated victims as more credible, honest, and less capable and likely of fabricating sexual assault allegations.

Canter, D. V., Grieve, N., Nicol, C., & Benneworth, K. (2003). **Narrative plausibility: The impact of sequence and anchoring.** *Behavioral Sciences and the Law, 21*, 251-267.

In a series of four studies involving undergraduates and community volunteers in England, participants read one of three versions of a suspect's testimony (normal sequence, reverse sequence, or anchored to prior criminal activity), and rated the plausibility of the account. As expected, statements were perceived as more plausible when given in normal sequence, rather than given in reverse sequence or with a criminal

anchor. Important implications that follow from the findings include the importance of protecting juries against suspects' criminal history and presenting suspect testimonies in accordance with traditional narrative structure.

Dolnik, L., Case, T.I., & Williams, K.D. (2003). **Stealing thunder as a courtroom tactic revisited: Processes and boundaries.** *Law and Human Behavior, 27*, 267-287.

In two mock jury studies with 166 student participants, 'stealing thunder' - revealing potentially incriminating evidence first to decrease its negative impact - eliminated the damaging effect of the negative information even when the importance of the evidence was not downplayed. Warning participants of the manipulation led to subjects' correcting for the effects of stealing thunder.

Finkelhor, D., & Wolak, J. (2003). **Reporting assaults against juveniles to the police: Barriers and catalysts.** *Journal of Interpersonal Violence, 18*, 103-128.

In a national sample of households (n=157) in which a juvenile was physically or sexually assaulted, identification of the assault as a crime was more likely for episodes involving adolescent (vs. preadolescent) victims, adult and multiple offenders, physical injuries, female victims, and when families had prior experiences with police. Among families who recognized the episode as a crime, reporting to police was more likely when the perpetrator was an adult, the family had been advised to report, the family had prior experience with the police, the family believed the police would take the episode seriously, and when the child was believed to remain in danger from the perpetrator. Reporting was less likely for assaults that occurred at school.

Guy, L. S., & Edens, J. F. (2003). **Juror decision-making in a mock sexually violent predator trial: Gender differences in the impact of divergent types of expert testimony.** *Behavioral Sciences and the Law, 21*, 215-237.

172 undergraduates reviewed a written case summary and expert testimony regarding the level of risk of a defendant in a Sexually

Violent Predator civil commitment hearing. Women judged defendants described as a 'high risk psychopath' more harshly than defendants who were described as 'high risk' based on actuarial assessment or clinical opinion testimony. No such differences were noted for male participants. Contrary to prior research, ratings across the actuarial and clinical opinion conditions did not differ by gender.

Huntley, J.E., & Costanzo, M. (2003). **Sexual harassment stories: Testing a story-mediated model of juror decision-making in civil litigation.** *Law and Human Behavior, 27*, 29-51.

4 prototypical plaintiff and defense story themes of sexual harassment identified during Phase 1 through content analysis were presented to 123 potential jurors during Phase 2 as measures of story endorsement. The findings support research that plaintiff and defense jurors use different stories to explain the same case; jurors who endorsed different stories reached different verdicts.

Jones, C. S., & Kaplan, M. F. (2003). **The effects of racially stereotypical crimes on juror decision-making and information-processing strategies.** *Basic and Applied Social Psychology, 25*, 1-13.

360 White students read a case scenario that described a defendant (White or Black) who had committed either a race-congruent or race-incongruent crime. The defendant was punished more severely, seen as more responsible, and perceived to be more likely to commit a crime in the future when he committed a race-congruent crime. Furthermore, this race-crime congruence led to a more limited information search in reaching decisions.

Kassin, S.M., Goldstein, C.C., & Savitsky, K. (2003). **Behavioral confirmation in the interrogation room: On the dangers of presuming guilt.** *Law and Human Behavior, 27*, 187-203.

In Phase 1 student interrogators who believed student suspects were guilty of mock theft selected more guilt-presumptive questions, used more interrogation techniques, judged suspects guilty, and

exerted more pressure to obtain confessions. In Phase 2 when neutral observers listened to audiotapes of interrogators only, suspects only, or both, they perceived suspects in the guilty expectation condition as more defensive and guilty.

Kulik, C.T., Perry, E.L., & Pepper, M.B. (2003). **Here comes the judge: The influence of judge personal characteristics on federal sexual harassment case outcomes.** *Law and Human Behavior, 27*, 69-86.

The outcomes of 143 hostile environment sexual harassment cases were influenced by judges' characteristics, even after controlling for effects of case characteristics. Younger judges and judges appointed by a Democratic president were more likely to find for the alleged victim of harassment. There were no significant effects for gender or race.

Monahan, J., & Silver, E. (2003). **Judicial decision thresholds for violence risk management.** *International Journal of Forensic Mental Health, 2*, 1-6.

This study was the first to directly survey judges (N = 26) about their threshold for implementing short-term civil commitment as a "danger to others." Using the 5 classes of likelihood of violence (i.e., .01, .08, .26, .56, .76) from the MacArthur Risk Study, and alternating probability (1%) and frequency (1 of every 100 patients) formats, most judges drew their threshold at risk class 3 (.26).

Orth, U. (2003). **Punishment goals of crime victims.** *Law and Human Behavior, 27*, 173-186.

Factor analysis of punishment goals for 174 adult crime victims identified 5 significantly supported goals: retaliation, recognition of victim status, confirmation of societal values, victim security, and societal security. Punishment goals were classified into moral versus instrumental goals and micro versus macro goals.

Poser, S., Bornstein, B.H., McGorty, E.K. (2003). **Measuring damages for lost enjoyment of life: The view from the bench and the jury box.** *Law and Human Behavior, 27*, 53-68.

In a 2 (participant) by 3 (instruction) design, 122 law students and 77 undergraduates awarded higher damages when loss of enjoyment of life (LEL) was distinguished from pain and suffering and jurors were required to make separate awards for the two elements. Awards were not higher when LEL and pain and suffering were distinguished conceptually but jurors awarded lump sums or when no distinction was made between types of damages.

Seelau, E. P., Seelau, S. M., & Poorman, P. B. (2003). **Gender and role-based perceptions of domestic abuse: Does sexual orientation matter?** *Behavioral Sciences and the Law*, 21, 199-214. 252 undergraduates responded to a written scenario of a domestic abuse incident, where gender of perpetrator and victim and sexual orientation of the couple was manipulated. Participants were more concerned about abuse against women (regardless of perpetrator gender and sexual orientation) and attributed more responsibility to the victim when the perpetrator was female. Couple sexual orientation had no impact on perceptions. Regardless of gender, female participants were more able to relate to the victim.

Semmier, C., & Brewer, N. (2003). **Using a flow-chart to improve comprehension of jury instructions.** *Psychiatry, Psychology, and Law*, 9, 262-270. 234 community volunteers listened to a summary of a self-defense case and were instructed to describe the main elements of the defense, provide a judgment in the case, and apply their knowledge to four additional scenarios. Providing a flow-chart during deliberation enhanced juror understanding of the elements of self-defense and their ability to apply these criteria to specific scenarios in rendering decisions.

MENTAL HEALTH SERVICES

Bertman, L., Thompson, J., Jr., Waters, W., Estupian-Kane, L., Martin, J., & Russell, L. (2003). **Effect of an individual treatment protocol on restoration of competency in pretrial forensic inpatients.** *Journal of the*

American Academy of Psychiatry and the Law, 31, 27-35.

26 inpatients in a forensic hospital who were adjudicated incompetent to stand trial were randomly assigned to three treatment conditions: deficit-focused remediation (DFRT), legal rights education (LRE), and standard hospital treatment (SHT). Those in the DFRT and LRE groups improved on competency measures at twice the rate of patients in SHT; however, individualized treatments did not demonstrate statistically significant improvements over general treatments.

Hubbard, K.L., Zapf, P.A., & Ronan, K.A. (2003). **Competency restoration: An examination of the differences between defendants predicted restorable and not restorable to competency.** *Law and Human Behavior*, 27, 127-139.

The reports of 468 defendants evaluated for CST revealed that incompetent and competent defendants significantly differed across age, employment status, ethnicity, criminal charges, and psychiatric diagnosis. Although few significant differences existed across those predicted to be restorable and not, those predicted not to be restorable tended to be older and lack the ability to understand information about the justice process.

Ilkiw, L. O., & Grenyer, B. F. S. (2003). **Differences between patient and staff perceptions of aggression in mental health units.** *Psychiatric Services*, 54, 389-393.

Interviews were conducted with staff ($n=29$) and patients ($n=29$) following 47 incidents of aggression. Staff members were more likely to perceive the patient's illness as the cause of the aggression and believed changes in medication would help manage aggression. Patients perceived illness, interpersonal factors, and environmental factors as being almost equally responsible for their aggression, and thought improved staff-patient communication and more flexible unit rules would help reduce aggression.

McGuire, J., Rosenheck, R. A., & Kaspro, W. J. (2003). **Health**

status, service use, and costs among veterans receiving outreach services in jail or community settings. *Psychiatric Services*, 54, 201-207.

Compared to 6,560 community homeless veterans, 1,676 incarcerated veterans had higher rates of social stability and unemployment, fewer medical problems, and higher levels of psychiatric and substance use problems, although the rate of current substance use was lower than among the community homeless veterans. Service access at one year post-assessment for the jailed veterans was half that of the community homeless veterans. Incarcerated veterans used fewer residential, medical, and surgical services.

Rain, S. D., Steadman, H. J., & Robbins, P. C. (2003). **Perceived coercion and treatment adherence in an outpatient commitment program.** *Psychiatric Services*, 54, 399-401.

Perceptions of coercion and medication and clinical treatment adherence were measured during hospitalization and at 1, 5, and 11 months post-discharge. Among those who completed at least 1 follow-up interview ($n=117$), higher perceived coercion scores correlated with greater self-reported adherence to clinical treatment at 1-month follow-up, but not at subsequent follow-ups or with clinician ratings of participant adherence. There was a positive correlation between perceived coercion scores and participants' self-reported adherence to injected medications.

Stewart, D. G., & Trupin, E. W. (2003). **Clinical utility and policy implications of a statewide mental health screening process for juvenile offenders.** *Psychiatric Services*, 54, 377-382. The Massachusetts Youth Screening Inventory, second edition (MAYSI-2) was administered to 1,840 youths consecutively admitted to state custody. Female offenders were significantly more likely to report a high level of symptoms and Hispanic youths were significantly less likely to report a high level of symptoms. Youths with high levels of mental health symptoms or co-occurring mental health and substance use

symptoms were more likely than youth with low levels of mental health symptoms to be sent directly to the community post-incarceration rather than first being placed in a minimum-security transitional placement.

Swanson, J. W., Swartz, M. S., Hannon, M. J., Elbogen, E. B., Wagner, H. R., McCauley, B. J., & Butterfield, M. I. (2003). **Psychiatric advance directives: A survey of persons with schizophrenia, family members, and treatment providers.** *International Journal of Forensic Mental Health*, 2, 73-86.

A survey of 104 patients, 83 family members, and 85 clinicians was conducted regarding attitudes and opinions about psychiatric advance directives (PADs), which are legal instruments that document (while still competent) a mentally ill individual's specific instructions regarding future mental health treatment. The majority of respondents in all groups endorsed PADs in theory, but few had experience with them. Patients saw significant barriers preventing them from using them, although they were significantly more optimistic about their utility than were clinicians.

RISK ASSESSMENT

Bjorkly, S., & Havik, O. E. (2003). **TCO symptoms as markers of violence in a sample of severely violence psychiatric inpatients.** *International Journal of Forensic Mental Health*, 2, 87-97.

Based on hospital charts, police reports, and retrospective interviews, 54% of a sample of 39 violent psychiatric inpatients evidenced threat-control override (TCO) symptoms (with concurrent extreme emotional distress) during a violent incident. Several months after the incident, patients tended to have greater "other" delusions than TCO symptoms, as assessed by the SCL-90-R. Observers rated TCO symptoms significantly higher than did patients.

Douglas, K. S., & Ogloff, J. R. P. (2003). **Multiple facets of risk for violence: The impact of judgmental specificity on structured decisions about violence risk.**



APA 2003 Division 41 Program

This schedule is tentative. Room numbers refer to the Metro Toronto Convention Centre unless otherwise indicated. Presentations marked with an asterisk are not part of Division 41 program time, but are of likely interest to Division 41 members.

Thursday, August 7th

10:00 - 10:50 - Room 716A*

Distinguished Scientific Contribution for the Applications of Psychology Award: From Basic Research and Back Again
Stephen Ceci, Ph.D.

11:00 - 12:50 - Room 707

Symposium: The Veracity of Children: The Psychological and Legal Implications, Chair: *Thomas D. Lyon, Ph.D., J.D.*

Children's Truth-telling Behaviour and its Relation to Their Moral Understanding: Legal Implications. *Victoria Talwar, M.A.*

The Effects of Truth Induction on Maltreated Children's Coached Reports. *Thomas D. Lyon, Ph.D., J.D.*

Children's Causal Explanations of False Reports Induced by Interrogative Suggestibility. *Kamala London, Ph.D.*

Smooth Criminals? Detecting Children's Lies. *Michael Lewis, Ph.D.*

Detecting Lies in Children and Adults. *Gail S. Goodman, Ph.D.*

Discussant: *Rod Lindsay, Ph.D.*

1:00 - 1:50 - Room 707 - Symposium

Practical and Theoretical Issues in Sexual Offender Risk Assessment, Chair: *Howard E. Barbaree, Ph.D.*

The Predictive Validity of Risk Assessment Instruments with Sexual Offenders. *Leigh Harkins, B.S.*

Are Psychopathy and Deviant Sexual Arousal Unique Predictors of Recidivism? *Edward J. Peacock, Ph.D.*

Core Dimensions Underlying Risk Assessment Instruments for Sexual Offenders. *Calvin M. Langton, M.A.*

2:00 - 3:50 - Room 707

Symposium: Psychology, Law, and Death: The Supreme Court and Psychologically Vulnerable Populations, Chair: *Stephen H. Behnke, Ph.D., J.D.*

Youth and Culpability. *Thomas Grisso, Ph.D.*

The Death Penalty and Vulnerable Populations. *Robert Kinscherff, Ph.D., J.D.*

Mental Illness and Competency to be Executed. *Elyn R. Saks, J.D.*

4:00 - 8:00 - Fairmont Royal York Hotel - Hospitality Suite

Division 41 Executive Committee Meeting

Friday, August 8th

8:00 - 9:50 - Room 711

Paper Session: Risk Assessment, Chair: *Rebecca L. Jackson, M.S.*
A Cross-Validated Actuarial Checklist That Predicts Wife Assault Recidivism *Zoe N. Hilton, Ph.D., Grant T. Harris, Ph.D., & Marnie E. Rice, Ph.D.*

Disinhibition Underlying Violent and Recidivistic Behavior in Mentally Disordered Offenders. *Shari A. McKee, Ph.D.*

Patterns of Spousal Assault: Criminal History Correlates. *Lindsey A. Thomas, M.A.*

Risk Assessment Decision Models for Sexually Violent Predator Evaluations. *Rebecca L. Jackson, M.S. & Richard Rogers, Ph.D.*

Student Threat Assessment: Field-Test Findings. *Dewey G. Cornell, Ph.D., Peter L. Sheras, Ph.D., & Sebastian Kaplan, M.Ed.*

The COMPAS: Validation Data on a Risk/Needs Tool. *Tracy L. Fass, B.A., Kirk Heilbrun, Ph.D., & Ralph Fretz, Ph.D.*

1:00 - 1:50* - Room 201D -

Master Lecture: Improving Police Line Ups: A Successful Application of Scientific Psychology. *Gary Wells, Ph.D.*

2:00 - 2:50 - Convention Centre - Exhibition Hall

Division 41 Poster Session

3:00 - 3:50 - Fairmont Royal York Hotel - Manitoba Room

Presidential Address: Current Challenges to Forensic Psychology Practice, *Randy Otto, Ph.D.*

Chair: *Solomon Fulero, Ph.D.*

4:00 - 4:50 - Fairmont Royal York Hotel - Manitoba Room

Division 41 Business Meeting

5:00 - 8:00 - Fairmont Royal York Hotel - Algonquin Room

Division 41 Social Hour

Co-Sponsored by the American Academy of Forensic Psychology

Saturday, August 9th

8:00 - 8:50 - Room 802A

Paper Session: Forensic Assessment, Chair: *Virginia A. Galloway Cooper, M.A.*

Detecting Strategies for Malingering: A CFA Analysis of the SIRS. *Richard Rogers, Ph.D., Rebecca L. Jackson, M.S., Kenneth W. Sewell, Ph.D., & Karen L. Ustad, Ph.D.*

Comparison of Juveniles' Miranda Rights Comprehension: 1970s v. Today. *Naomi E. Goldstein, Ph.D., Rachel Kalbeitzer, B.A., Lois Oberlander, Ph.D., & Jessica Geier, M.A.*

Psychiatric Symptoms, Intellectual Ability, and Miranda Waiver Competency. *Virginia A. Galloway Cooper, M.A. & Patricia A. Zapf, Ph.D.*

9:00 - 9:50 - 715A

Invited Paper: Psychology of False Confessions: How "Innocence" Puts "Innocents" at Risk, *Saul Kassin, Ph.D.*

Chair: *Randy Otto, Ph.D.*

10:00 - 10:50 - Room 713B

Invited Paper: Five Big Fat Myths About Child Witnesses. *Stephen Ceci, Ph.D., Chair: Randy Otto, Ph.D.*

11:00 - 11:50* - Room 202C & D

APF Lyn Weiss Lecture

Delayed Justice: 49 Years After Brown. *Thomas F. Pettigrew, Ph.D.*

2:00 - 2:50* - Room 801A

Cluster C Symposium: Constructive Controversy about Conflict Resolution: Is it Palliative or Reformist. Chair: *Melissa Warren, Ph.D.*

3:00 - 3:50* - Room 801B

Distinguished Scientific Contributions for the Applications of Psychology Award. Make-Believe Memories: *Elizabeth Loftus, Ph.D.*

Sunday, August 10th

8:00 - 8:50 - Room 205C

Symposium: Challenging the M-FAST: Forensic Validation and Vulnerability to Coached Malingering

Chairs: *William J. Fremouw, Ph.D., & Jennifer L. Guriel, M.A.*

Discussant: *Richard R. Rogers, Ph.D.*

Assessment of Malingering in a County Jail Population. *Amy C. Wolfe, M.A.*

Validity of the M-FAST Among Defendants Incompetent to Stand Trial. *Rebecca Jackson, M.A.*

Diagnosis-Specific Malingering on the M-FAST: Cut Scores and Strategies. *Phylissa Kwartner, B.S.*

Susceptibility of the M-FAST, TSI, and PAI to Coached Malingering. *Jennifer L. Guriel, M.A.*

9:00 - 9:50 - 202C & D

Symposium: Methodological Problems for Investigating the Efficacy of Malingering Detection Instruments, Chair: *David Glassmire, Ph.D.*

Overview of F(p) Research. *Roger Greene, Ph.D.*

Methodological Problems in the Validation of F(p). *Richard Frederick, Ph.D.*

Taxometric Analysis to Evaluate Validity Indicators. *David Strong, Ph.D.*

10:00 - 10:50 - 206C

American Academy of Forensic Psychology Symposium
Ethical Issues/Dilemmas in Forensic Practice

Chair: *Mary Alice Conroy, Ph.D.*

Unanswered Ethical Issues in Delinquency Evaluations. *Thomas Grisso, Ph.D.*

Ethical Issues in Capital Sentencing Evaluations. *Mark Cunningham, Ph.D.*

The Substance and Style of Expert Testimony: Ethics and Effectiveness. *Kirk Heilbrun, Ph.D.*

11:00 - 11:50 - 206C

Distinguished Career Contributions Award – American Academy of Forensic Psychology: Reflections Along a Path Toward Preventing Targeted Violence *Robert Fein, Ph.D.*

12:00 - 12:50 - 205D

Symposium: Legal Protections for People with Disabilities: Safety or Uncertain Future, Chair: *Susanne M. Bruyere, Ph.D.*

Discussant: *Susanne M. Bruyere, Ph.D.*

Safety: The Idea. *Alan L. Goldberg, Ph.D., J.D.*

Employment and the ADA: Where Have All the Flowers Gone? *Rochelle Balter, Ph.D., J.D.*

1:00 - 1:50 - Room 104D

Symposium: Forensic Psychology and Family Law: Enduring Issues and Emerging Models, Chair: *Lyn R. Greenberg, Ph.D.*

Current Issues in Child Custody Evaluation. *Mary A. Connell, Ed.D.*

Collegiality in Forensic Psychology: Critiquing Another Psychologist's Work. *I. Bruce Frumkin, Ph.D.*

Should Children Have a Voice in Child Custody Matters? *Michael C. Gottlieb, Ph.D.*

Court-Ordered Treatment in Conflicted Divorce: Emerging Issues and Models. *Lyn R. Greenberg, Ph.D.*

The Role of Mental Health Experts in Custody Decisions. *Daniel W. Shuman, J.D.*

A complete listing of the Posters appears on p.

A Note From the Program Chairs

Eighty-five proposals (15 symposia, 31 papers, 35 posters, 2 conversations, and 2 workshops) were received for competitive review. Three quarters of proposals were clinically oriented and one quarter were non-clinical. Blind reviews were conducted by 94 individuals (including 35 students), with proposals rated by an average of 3 people (SD = .88, range 2 to 6). On a scale from 1 (definitely accept) to 5 (definitely reject), the average of the 247 ratings was 2.50 (SD = 1.07). Fifty-six (66%) proposals were accepted, with the proportion of clinical (73%) to non-clinical (26%) proposals accepted close to the proportion of proposals received in these categories. Our program will include 7 symposia, a two-hour paper session on risk assessment, a one-hour paper session on forensic assessment, and a poster session.

We participated in APA's cluster programming by working with other divisions to coordinate presentations on social justice issues. We would like to thank Melissa Warren for organizing our contribution, which will be a one-hour symposium on conflict resolution. Every third year, including this year, Division 41 is given the opportunity to choose the speaker for the APF Lyn Weis lecture. We are pleased that Tom Pettigrew will be giving this lecture. We are also thrilled to be able to include invited talks by Saul Kassin and Stephen Ceci on our program.

This program and a condensed (one-page) summary of the program will be available on the AP-LS website, with adjustments made (if necessary) to the program once the final APA schedule is printed.

This was the first year that online submission was available for the APA conference. In general, this system simplified the receipt and review process. Please contact Annette Christy (achristy@fmhi.usf.edu) if you have comments about the online system that may be helpful to APA.

Thanks to those who volunteered their time to serve as reviewers and to those who submitted proposals.

Annette Christy, Ph.D. and Matthew Huss, Ph.D.
2003 Program Co-Chairs



Division 41 Poster Session

Note: Posters are ordered alphabetically by the first name of first authors, for ease of identification of presentations. The order of posters will not be the same in the official APA program.

1. Restoring Competency - A Group Protocol for the Severely Mentally Ill, *Adriana Gutierrez, Kimberly Bistis*
2. Beliefs of Consumers and Non-consumers of Prostitution, *Alexis Kennedy, Carolin Klein, Boris Gorzalka, John Yuille*
3. Psychopathy, Fearlessness, and Anxiety in a Sex Offender Prison Population, *Angela Torres, Phylissa Kwartner, Holly Miller*
4. Psychopathy (SRP-II) in a Psychiatric Community Treatment Setting, *Anne Crocker, Kim Mueser, Robert Drake, Robin Clarke, Gregory McHugo, Theiman Ackerson, Arthur Alterman*
5. Investigator Bias and Person Identification From Surveillance Video, *Burt Thompson, April Granchelle, Melisa Holovics, Jaime Johnson, Kathryn Rotolo*
6. Rape Myths Acceptance Among Prostitution Clients and a Comparison, *Carolin Klein, Alexis Kennedy, Boris Gorzalka, John Yuille*
7. Diagnosing Malingered Mental Illness: A Survey of Forensic Psychologists, *Cathleen Mann, Catherine James, Hilda Glazer*
8. Relationship of Criminal Bias Motivation to Instrumental/Reactive Aggression, *Cheryl House, Andres Molina, Heather Miller, Alka Bhatt, Edward Dunbar*
9. Homophobia and Police Judgements of Culpability, *David Marcus, Christine Anthony, Karen Davis, Krissie Fernandez, Angela Torres, Phillip Lyons*
10. Rape Trauma as Defense: Role of Experts and Crime Type, *Denise Emer*
11. Analysis of the Self-Report of Psychopathy-II in a Non-Clinical Population, *Dia Brannen, Carl Clements*
12. Level of Functioning and Recidivism Risk Among Juvenile Offenders, *James Shepherd*
13. Developmental Analysis of Children's Understanding of the Legal Process, *Jennifer Murphy*
14. Systemic Obstacles for Female Partners in Domestic Violence Charging, *Joseph Gillis, Monty Laskin, Victoria Orekhovskiy, Paul Jebeley, Deborah Reixach, Kristin MacIssac*
15. Involvement of Parents in Youth Justice Proceedings, *Julia Broeking, Michele Peterson-Badali*
16. Personality Differences Between Rapists, Child Molesters, and Exhibitionists, *Karen Davis, Wendy McCoy, Edwina Reece*
17. Predictive Efficiency of Demographic, Criminal, and Psychiatric Variables in Decisions of Competency Restoration, *Karen Hubbard, Patricia Zapf*
18. Characteristics of Juveniles Adjudicated Incompetent to Proceed, *Kevin Douglas, Annette Christy, Randy Otto, John Petrila*
19. YPI in Adjudicated Youth: Reliability and Construct Validity, *Kristen Green*
20. Influence of Ethnicity and Gender on Jury Decision-Making in a Rape, *Kristine Jacquin, Keli Holloway*
21. Consistency of Traumatic Memories Across Time and Interview Styles, *Kristine Peace, Stephen Porter*
22. Vulnerability in Sexually Victimized Adult Males, *Lana Stermac, Giannetta Bove*
23. Effects of Expert Testimony in a Mock SVP Trial, *Laura Guy, John Edens*
24. Jury Deliberations in a Sexual Assault Trial: The Impact of Sexual History Evidence, *Marc Klippenstine, Regina Schuller*
25. Clinical Impact of Advising Civilly Committed Patients on their Rights, *Matthew Huss, Robert Zeiss, Michael Odeh*
26. Issues of Diagnosis & Co-Morbidity with PTSD Among Traumatized Incarcerated Women, *Melanie Kramer, Janet Warren, Daniel Murrie*
27. Test Usage in Juvenile Competency to Stand Trial Evaluations, *Nancy Ryba, Virginia Galloway Cooper, Patricia Zapf*
28. Stress and Coping Styles of Female Prison Inmates, *Rhea Partyka, Joseph Hovey*
29. Parental Monitoring, Self Esteem, and Delinquency Among Adjudicated Hispanic Adolescents, *Roslyn Caldwell, Jenna Silverman, Veronica Duran*
30. Differences Between Probation-Bound and Prison-Bound Child Molesters, *Shawn Johnston, Evan Sundby, Frances, Johnston, Kevin Lowe*
31. A Taxometric Analysis of Psychopathy, *Siji George David Marcus, John Edens*
32. Exploring Predictors of Institutional Misbehavior among Korean Inmates, *Soo Jung Lee, John Edens*
33. Incremental Validity of the MMPI-A Conduct Problems Content Scale, *Timothy Osberg, Joanne Basta*
34. Attitudes Toward Alternative Punishments for Severe Criminal Violations, *Tracey Fintel, Robert Meyer, Luciano Tristan, Christopher Weaver*
35. Emotions and Young Offenders' Suitability for Victim-Offender Mediation, *Tracey Vieira*
36. Comparative Review of MMPI-2 and Rorschach in Murder Trials, *Tracy O'Connor Pennuto*
37. Do Trials of Perpetrators Retraumatize Crime Victims, *Uli Orth, Andreas Maercker*
38. Appreciation of Miranda Rights in Interrogation Situations, *Virginia Galloway Cooper, Patricia Zapf, Michael Griffin*
39. Influence of Situational Factors on Responses to a Dilemma, *William Indick*
40. Effectiveness of MMPI-2 in Detecting Coached Malingering Among Hispanic Inmates, *Yamile Jana, Leslie Rosen, Nick Noviello, Ellin Bloch*

EC Minutes cont. from p. 3
been asked to complete a form which describes the position, its responsibilities, and any important dates related to the position. Christina Studebaker has begun compiling a historical record of APLS' Executive Committee members. Following the meeting Ron Roesch submitted a list of APLS Presidents going back to 1969. Christina Studebaker and Brian Bornstein are working on an APA/APLS Conference Preparation Manual which will be part of the Operations Manual.

28. *Other Business*

An application for a waiver of the membership requirements was considered. After discussion, the application was denied. A suggestion that the Division create another category of membership (i.e., Associate Member) that would track the parallel membership category at APA was discussed. This change would require an amendment to the by-laws. It was decided that the Randy Otto (as current president), Sol Fulero (as president-elect), and the new president-elect would explore this and other possible by-law amendments and will propose a set of amendments at the meeting in August 2003.

The next meeting will be Thursday, August 7, 2003 from 4:00 – 8:00 at the APA convention in Toronto.

The meeting was adjourned at 4:25 pm.

*Respectfully submitted,
Jennifer K. Robbenolt*

AP-LS/EAPL/ANZPPL International Conference

*Edinburgh, Scotland
July 7-12, 2003*

The second international conference bringing together forensic psychologists from North American, European, and Australian/New Zealand is fast approaching. The conference program includes a number of exciting collaborative presentations, featured speakers, and social events. The schedule, along with details regarding accommodations and other relevant information is available through the conference website:

[www.law.soton.ac.uk/bsln/
psych&law2003/](http://www.law.soton.ac.uk/bsln/psych&law2003/)

AP-LS NEWS, Spring/Summer 2003

APLS Annual Conference

Scottsdale, AZ – March 4-7, 2004

General Information

The 2004 annual conference will be held at the Doubletree Paradise Valley Resort in Scottsdale, Arizona. The conference will begin mid-day Thursday, March 4th, and will end mid-day Sunday, March 7th.

Visit the conference website - <http://www.fiu.edu/~apls2004/> to:

- Access the call for papers
- Find registration forms for the conference
- Submit proposals to the conference
- Volunteer to serve as a student volunteer at the conference (and get your registration fee waived)
- Find information about the city of Scottsdale, including restaurants, sites, the local airport, and more!
- Contact Sarah or Jaynee at Travel and Transport, the official travel agency of the conference, to book flights and reserve rental cars
 - If you use Travel & Transport to book a flight on America West or Delta you will receive a 5-10% discount off published normal fares. These discounts also apply to travel from Canada.
 - If you use Travel & Transport to reserve a rental car with Budget, you will receive a 5% discount.
 - You may contact Sarah or Jaynee at Travel & Transport by phone at: (888) 300-7686 or (888) 550-8282
- Reserve a hotel room at the conference hotel
 - The special discounted rates are:
 - \$150/night for single occupancy
 - \$165/night for double occupancy
 - \$180/night for triple occupancy
 - \$195/night for quadruple occupancy
- If you would like to contact the Doubletree directly to make your reservations, please call (480) 946-1524 and *request the group rate for the American Psychology-Law Society conference.*

If you have any questions or comments about the conference, please feel free to contact one of the conference co-chairs.

Chris Meissner, PhD
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Reviewers needed: Professional and student members are needed to review proposal submissions. If you are interested, please contact one of the conference co-chairs. Please indicate the topic areas in which you have special knowledge.



Expert Opinion: HIPAA and Forensic Practice

Does the Health Insurance Portability and Accountability Act (HIPAA) apply to forensic practice? In particular, do forensic practitioners incur the obligations of “covered entities,” as defined in the Privacy Rules (§160.103), a subset of HIPAA? Do our files and the information we compile constitute Protected Health Information (PHI)? If so, what steps must we take to be compliant? Do HIPAA obligations attach to some areas of forensic practice, but not others? Even if forensic practice does not fall under HIPAA regulation, must we still attend to some issues raised by HIPAA?

Mary Connell is a forensic psychologist in private practice in Fort Worth, Texas. Areas of primary interest are child custody and access, pre-employment screening, and capital sentence mitigation. She also engages in some focused assessment of standard of care and related issues in tort litigation.

Gerald P. Koocher trained as a pediatric psychologist and is Professor and Dean of the School for Health Studies at Simmons College in Boston. His forensic interests include child custody, professional liability in mental health practice, substituted judgment in medical situations, and tort litigation involving damages to children.

By definition, competent forensic psychologists pay close attention to rules and procedures. As of April 14, 2003 most of us had wrestled, at least superficially, with the HIPAA (45 CFR 160) notification issue and had attempted to determine whether we fell under the rubric of “covered entities,” who must to comply in full with the regulations. Most of us probably at least filed for an extension to protract the painful process of trying to become compliant, hoping for divine guidance or at least word from some authoritative source that HIPAA does not apply to forensic practice.

Although this summary *does not represent an official position of any governing authority*, we offer the product of our study in the hope that it will illuminate some relevant aspects of these questions. Our disclaimer: do not rely upon our advice as the final word on the matter. Each practitioner must engage in a careful analysis of their own practice activities that might qualify as “health care” services.

Are you a Covered Health Care Provider?

First, we must determine whether we are “covered entities” based upon whether we provide health care as defined by HIPAA. The Act defines health care as “Care, services, or supplies related to the health of an individual. It includes, but is not limited to... Preventive, *diagnostic*, rehabilitative, maintenance, or palliative care, and counseling, service, *assessment*, or procedure *with respect to the physical or mental condition, or functional status, of an individual* or that affects the structure or function of the body...” (See: 45 C.F.R. 160.103; italics added for emphasis) along with some other non-psychological activities.

Forensic services do not constitute health services, we argue, as they are intended to serve a legal purpose, often in response to court order or mandate, and are not recognized for payment purposes by third party health insurers. While

forensic service may include formulation of a diagnosis, the purpose is not to provide health care or treatment, but rather, to address a question before the court. Thus, unless we change roles and agree to take on a treatment function, our forensic activity does not bring us under HIPAA penumbra.

However, if one does engage in treatment, even if court-mandated, HIPAA regulations become relevant. Under circumstances of court-mandated treatment, the Privacy Rules exclude certain materials from the “Access” rights enjoyed by health care service recipients. That is, information compiled in anticipation of use in *civil, criminal, and administrative* proceedings is not subject to the same right of review and amendment as is health care information in general (§164.524(a)(1)(ii)). Further, inmates do not enjoy the right to gain access and propose amendment to their treatment files (§164.524(a)(2)(ii)), if obtaining a copy would jeopardize the health, safety, security, custody, or rehabilitation of the inmate or of other inmates, or the safety of any officer, employee, or other person at the correctional institution.

The Final Rule does declare information regarding an inmate’s treatment to be PHI, but there is also recognition of the need of institutional staff to exchange such information without the inmate’s consent. A provision (§ 164.512(k)(5)) was added to permit this disclosure, without inmate authorization, for specified health care and other custodial purposes. Former inmates, parolees, probationers, and supervised releases are treated as non-inmate individuals with all rights owed to them.

Finally, the practitioner who engages in both clinical and forensic activities must comply with HIPAA in non-forensic areas of practice, but may think it appropriate to continue handling forensic matters as he/she has done historically. In fact, it may mislead recipients of forensic services to offer a privacy notice using HIPAA language, or to otherwise imply

that information gathered for forensic purposes qualifies as “protected health information.” HIPAA does not establish a *new* right, beyond that heretofore enjoyed by litigants through discovery and cross-examination, to access and amend (challenge) file information. Although some forensic practitioners customarily give litigants the opportunity to review reports for factual correctness, and then provide addenda to reports if factual errors are brought to their attention, the breadth of health record alteration rights afforded patients under HIPAA simply does not apply. By our reading, even if it were to be determined that forensic services are “health care,” the access language in the privacy rules (§164.524(a)) specifically shelters forensic data from that right of access, and offering such access remains discretionary.

Forensic requirements have historically exceeded what the Privacy Rule requires

Forensic practitioners who practice thoughtfully and ethically have long exceeded requirements set forth in the HIPAA privacy rules, particularly with regard to informed consent for disclosure of information. Since at least 1992, the APA ethics code has specifically required us to notify clients about limits on confidentiality at the outset of the professional relationship. Competent forensic practitioners carefully explain limits on confidentiality, potential uses and likely disclosures of findings and data, and the purpose of the services and alternatives (e.g., right to remain silent) and document this notification. No competent forensic clinician releases confidential data without a signed consent or court order, and forensic clinicians keep records of what was released to whom and when. While HIPAA privacy rules exempt from consideration the exchange of information for treatment purposes, psychologists, by contrast, have long respected service recipients’ right to control the release of treatment information.

Useful Tools

The Privacy Rules and the Security Standards (45 CFR §160, 162, and 164), another part of HIPAA, offer information useful to forensic practitioners, whether or not we are considered to be covered entities. The Security Standards were intended for anyone “who maintains or transmits health information” (§ 142.302) so that even if we are not defined as covered entities, we are responsible to effect reasonable and appropriate safeguards against unnecessary disclosure of the information we maintain, which of course includes PHI we obtain from covered entities. These Privacy Rules and Security Standards assist the practitioner in scrutinizing office practices to: assure that PHI is handled in a way designed to protect the privacy of recipients; define proper deidentification of case information for research or other purposes when deidentification is in order; and clearly define the elements required in an authorization to release information.

Security Standards: The Standards may assist us to identify and correct practices that inadvertently jeopardize privacy. For example, a walk-through may uncover such inappropriate practices as having data on computer monitors visible to examinees; office staff making case-related telephone calls audible to examinees; mailing information or billing statements to litigants, or leaving scheduling messages, at places in which privacy is compromised; and transporting files, with case names visible, between home and office. We recommend that everyone review the Security Standards to avoid inadvertently jeopardizing litigants’ privacy and to prevent the inadvertent disclosure of PHI.

Deidentification: Another gem in the Privacy Rules includes a clear definition of proper deidentification of PHI (§164.514(a)(b)), potentially useful when submitting case material for research or publication. Data are deidentified when stripped of identifiers for the individual and the

individual’s relatives, employers or household members, including the obvious identifiers and others that might not be so apparent. Specific examples include, removing reference to geographic subdivisions smaller than a state (street address, city, county, precinct), including zip code or equivalents except for the first 3 digits of the geographic unit to which the zip code applies if the zip code area contains more than 20,000 people; removal of dates directly related to the individual, all elements of dates, except year (date of birth, admission date, discharge date, date of death); deletion of social security numbers; medical record numbers; health plan numbers; vehicle identification/serial numbers, including license plate numbers; and any other unique identifying number, characteristic or code. The reader is referred to the text for the full listing of information to be removed in accomplishing thorough deidentification.

Authorization: Finally, the “authorization to release information” requirements in HIPAA are quite explicit, and since forensic practitioners rely heavily on information from third party sources of information, we remain aware of what such covered entities require by way of authorization. A proper authorization must include (§ 164.508(c)):

1. A description of the information to be used or disclosed
2. The identification of the persons or class of persons authorized to make use or disclosure of the PHI (we understand this to mean that if you are asking the litigant to complete an Authorization form, the form must state who is being authorized to disclose material to you. It might be an individual or a class of individuals such as “all physicians who have provided treatment)
3. The identification of the persons or class of persons to whom the covered entity is authorized to make the use or disclosure
4. A description of each purpose of the use or disclosure



5. An expiration date or event
6. The individual's signature and date
7. If signed by a personal representative, a description of his or her authority to act for the individual.

The authorization should be in plain language, intended to provide the individual with a clear understanding of what information is to be released, any potential for re-disclosure to another party or agency, and the purposes for disclosure. A covered entity generally may not combine an authorization with any other type of document, such as a notice of privacy practices or a written voluntary consent.

Further, psychotherapy notes are treated distinctly from all other PHI under the HIPAA privacy rules, and as such, need to be treated uniquely within the authorization. Specifically, authorizations for use or disclosure of psychotherapy notes may not be combined with another authorization for the use or disclosure of other kinds of protected health information (§164.508(b)(3)).

Given these requirements placed upon the covered entities from whom we often seek information, it would behoove us to develop an authorization form that includes the required elements, is specific, and is written in plain language.

Employment Evaluations

Employment evaluations, such as pre-employment evaluations, fitness for duty evaluations, and Worker's Compensation evaluations, deserve special consideration and are fraught with complications.

Pre-employment evaluation: Given that the sole purpose of such assessment is to formulate an opinion to be used by the employer in a non-treatment capacity, a sound argument can be made that pre-employment assessment does not constitute provision of health care and the information gar-

nered, while potentially relevant to the examinee for treatment purposes, will not be released for such purposes, and is not PHI.

Fitness for Duty Evaluation: According to HIPAA, the results of a fitness for duty exam may be considered to be PHI when the provider administers the test, but will not constitute PHI when the results of the fitness for duty exam are turned over to the employer pursuant to the employee's authorization (§164.501). Further, there is no right of access and amendment except that provided by jurisdictional law. Since our only purpose in doing such evaluation is to respond to a question posed by the employer, and we seek authorization to release the information to the employer prior to undertaking the evaluation, and would not do the evaluation without such release (allowable conditionality under §164.508(b)), it seems clear that the information we gather is not PHI. The person under evaluation understands from the outset that our purpose is not to treat, but rather to assist the employer in a determining fitness. However, HIPAA does not specifically exclude providers of such service and does identify the results of such assessment as PHI, so it is possible that the provider may be considered a covered entity that must comply with HIPAA requirements. HIPAA declares that although fitness for duty statements may not reveal a diagnosis, they do relate to a present physical or mental condition of an individual, because they describe a capacity to perform the physical or mental requirement of a particular job. Further, if these statements were created or received by a "covered entity," they are individually identifiable health information deserving of the privacy protections afforded by the Act. Thus, by HIPAA reasoning, if we are covered entities, the product of our work is PHI, and if we create PHI, through, among other activities, diagnosis or assessment, then we are covered entities.

Worker's Compensation Evaluation: Evaluation for Worker's Compensation and similar programs do not fall under HIPAA (§164.512) regulations. Covered entities, however, must comply with the "minimum necessary" rule regarding PHI unless the law requires disclosure of the full record. This rule states that one should limit disclosure of PHI to only that information minimally necessary to facilitate the acceptable purpose for the disclosure.

Summary

The assessments undertaken by forensic practitioners in response to a question before a court of law are not intended to inform, guide, or provide treatment. Such assessments do not qualify for most third party health insurance coverage, and thus do not qualify as health care services. Thus, HIPAA and the privacy rules included therein do not apply, in our opinion, to forensic assessment. Court-mandated treatment adds complications, but generally occurs under fairly clear guidelines within the statutory law of the relevant jurisdiction. HIPAA language repeatedly indicates that the intent of the act does not include replacing or negating existing law or interfering with the smooth functioning of existing programs, such as the Worker's Compensation program, and that individual jurisdictions may have more stringent requirements for handling information that those of the privacy rules, and that in such case, the jurisdictional law prevails. When the jurisdictional law remains silent on a point, the relevant HIPAA statute applies.

It appears, then, that practitioners working solely in forensics can reasonably argue that their forensic assessments in private practice do not fall within the ambit of HIPAA for the following reasons. First, the services provided via forensic practice are provided not for therapeutic purpose, but rather to respond to a psycholegal question or need. Second, the services are provided not at the request of the person

being evaluated, but instead at the request of another party or entity outside the health care system. Third, forensic services fall outside health insurance coverage, because they do not constitute health care. Fourth, forensic psychologists do not ordinarily transmit data electronically except in the specific ways for which consent has historically been obtained from the litigant. Fifth, no new protections or rights accrue to examinees by way of HIPAA compliance, that fail to flow if we do not achieve compliance (i.e., no new right of access and amendment of information gathered in anticipation of litigation, no additional opportunities beyond those presently extant to control the flow of information). Finally, it can be noted that forensic practitioners have historically handled information amassed in forensic work with at least as much regard for the individual's privacy as the laws governing such transactions permit.

On the other hand, the argument that forensic practitioners do need to be HIPAA compliant might include the following considerations. First, diagnosis and assessment with respect to the mental condition or functional status of the individual may indeed constitute health care, and therefore, those who provide health care may be considered by HIPAA to be covered entities. Second, by receiving health care information about a litigant, we assume the burden of handling PHI, and the need to provide assurance that we handle it in a secure way. Third, the ultimate legal question of whether as to covered entity status will likely fall to case law for settlement, so that it may prove less expensive and burdensome to become compliant than to become the case that decides the issue. What is involved in becoming compliant?

A number of compliance packages currently available on the market focus on psychological practice and may be helpful. Alternatively, the highly energetic and resourceful practitioner could achieve compliance indepen-

dently of such products, by reading the Act, the Privacy Rules, and the Security Standards and adopting the necessary changes. The steps to follow include developing a series of forms, making some changes in the way your office runs, and keeping records of the compliance efforts you make. Necessary forms address, but are not limited to, the following: 1) a privacy policy that is disseminated one time to all service recipients and that details how PHI is handled in your office, 2) rights of the examinee to control and access PHI, how to register complaints, and a number of other necessary ingredients; 3) acknowledgement of receiving the privacy policy; 4) authorization to release information that specifies each of certain kinds of PHI; 5) request for limitations in contact such as telephone numbers, addresses, or email addresses to which the examinee would not want communications sent; 6) request for accounting of PHI release events; 7) request to access and amend PHI; and 8) response to request to access and amend PHI.

Some additional steps to ensure that adequate security exists to prevent unauthorized or unintended disclosure of PHI include, but are not limited to, the following: 1) identifying a Privacy Officer; 2) training staff on handling of PHI; 3) developing a record for accounting of release of PHI; 4) developing a method to notify the examinee of unintended disclosure; and 5) establishing business agreements with such entities as you exchange identifiable PHI, possibly including test scoring services, agencies that receive your reports and store them, and records storage facilities.

This is not a complete list of the steps one would take to become compliant, but may provide a sampling of the kinds of activities that are required, and the reader is urged to utilize a package or a consultant, or to research the law thoroughly, in order to achieve compliance. Most of the packages we examined included checklists and forms to document com-

pliance actions taken. Compliance will not come effortlessly, but the costs will likely assure that you minimize risk of running afoul of the latest intrusion of federal regulation into professional practice.

Additional Resources:

HHS HIPAA web site:

www.hhs.gov/ocr/hipaa/

Code of Federal Regulations site:

www.access.gpo.gov/nara/cfr/

APLS-AACP Award for Contributions to Correctional Psychology

The American Psychology-Law Society and the American Association for Correctional Psychology announce the establishment of a new award to recognize professionals who have made significant contributions to correctional psychology. Nominees will have made either professional/applied or scholarly contributions to the application of psychology to corrections, to the development or delivery of psychological services in a correctional setting, or to the reintegration of offenders living under supervision in the community. Nominations should include a letter detailing the nominee's contributions and a copy of the nominee's current CV. Please send nominations to Randy K. Otto, Florida Mental Health Institute, 13301 N. 30th St., Tampa, FL 33612.

**Nominations must be received by July
15, 2003.**



Psychologists and Therapeutic Jurisprudence: Professional Psychology Practicum in Criminal Court

Ronald F. Levant, Ed.D., Nova Southeastern University

One of the major roadblocks to the development of pre-doctoral training in forensic psychology is the difficulty in establishing practicum arrangements. It may be helpful to others who wish to develop such programs to learn of our experience. Nova Southeastern University in Ft. Lauderdale, Florida, and Broward County Public Defenders Office formed a collaboration to provide needed psychological services to defendants, both to the general defendant population served by the Public Defenders Office attorneys and in the Mental Health Court - which is the first of this type of therapeutic jurisprudence program.

Nova Southeastern University

The Center for Psychological Studies at Nova Southeastern University houses two APA Accredited residential doctoral programs, two masters programs which are both residential and field-based, a specialist (Psy.S.) program in School Psychology, two internships (one APA accredited and the other a candidate for APA accreditation), a postdoctoral masters degree program in clinical psychopharmacology, and an acclaimed CE program. The Center for Psychological Studies also includes a Community Mental Health Center, which provides a full range of mental health services to 4000 citizens of Western Broward County. Clients range from 4 yrs of age through the very elderly, and they are served in the Child and Adult Services at our three clinic sites and our Geriatric Institute which provides day treatment services. In addition we have 12 research-based faculty led clinics that offer specialized services such as brain injury assessment and rehabilitation, biofeedback and domestic violence intervention. It is this unique combination of resources - academic programs and clinical service programs - that allows us to ac-

complish our tripartite mission of integrating service to the community with training and research.

I joined Nova as Dean of Psychology in August of 1997, and began a program of retooling our programs for the 21st century. As part of this initiative, we have developed a series of concentrations to prepare our students for the new roles that they will inhabit in the future. Concentrations are like "minors"; they prepare students for emerging specialties in psychology, and require taking prescribed electives and practica, as well as conducting doctoral research in the area.

The Forensic Practicum

One of these concentrations is in forensic psychology, which we have developed through our collaboration with the public defenders office and the mental health court. The concentration includes an advanced practicum setting in the Broward County Public Defenders Office and in the Mental Health Court.

The advanced practicum is set up as an apprenticeship in which doctoral students work with forensic psychology consultants in the Criminal Court to evaluate defendants and assist attorneys in developing viable defenses, including those that require mental health testimony, such as determining: (1) if someone was competent at the time of the commission of a crime or if that person is competent to assist his/her attorney to properly prepare for trial; (2) if a person was psychotic or had other mental disease or disorder to be considered insane or mentally ill at the time of the commission of a crime; or (3) if the person was justified in using force or was subjected to duress because of abuse issues. In major crimes where the death penalty is charged, they also investigate mitigation issues.

In addition the doctoral students play a major role in the new Mental Health Court. The Broward County Mental Health Court was started in June 1997 as an experimental new specialty court to handle mentally ill defendants who are arrested on suspicion of committing misdemeanor (lower level) crimes. Prompted by several high publicity cases where defendants spent long periods of time incarcerated in jail awaiting hearings on their charges, the chief judge accepted the findings of the Broward County Public Defenders' Office, the Broward County Sheriff's Office, the state attorney's office, the mental health community, and other concerned community leaders and formed the first Mental Health Court in the nation to deal with criminal matters. Determining that it would better serve the community interests to rehabilitate by mental health treatment rather than punish through incarceration these chronically mentally ill persons, a judge with considerable mental health training was assigned to the court along with representatives from the local mental health community.

The first few months indicated that there were a sufficient number of chronically mentally ill defendants who could benefit from having their crimes, such as shoplifting, loitering, intoxication in a public place, and simple, non-domestic assaults handled in this court. Like most who are arrested for crimes, these people were often poor, homeless, and sometimes minorities without many resources. Most of those who were quickly identified had long histories of being known to mental health agencies in the county. They did not have family or friendship networks that could be helpful to advocate for them. They often were floridly psychotic at the time of their arrest and admitted to not having taken

AP-LS NEWS, Spring/Summer 2003

their anti-psychotic medication. Many had dual, and even treble diagnoses including substance abuse and organic brain involvement. Some were mothers of young children who were in and out of social services care while others had teens who were basically on their own.

Although defendants alleged to have committed felony or major crimes are entitled to be represented by an attorney even if they cannot afford to pay, those accused of misdemeanor crimes usually are not unless specified by the county. Part of the agreement worked out for this new court was for the public defenders to represent the clients and be an integral part of the Mental Health Court.

It was unusual for the forensic psychologists to be called to evaluate someone in the mental health court because of the quick turn around time the judge required. A defendant seen on Monday through Wednesday was usually adjudicated on Thursday, so 24 hours was typically the time the psychologist had to get to the jail, do a quick competency evaluation and write a short report for the court. Most of the time, the judge was basing her conclusions on prior treatment records or the assessment of social workers or other mental health workers with less training than would be desirable given the serious mental illnesses presented here. The practicum students were placed in the court each day where, at the request of the judge, they could do a quick assessment right there while the court was busy with another case. While it wasn't the ideal evaluation, it was better than what existed before, and it permitted the judge to resolve some cases right then and there without having to send the defendant back to jail if there was a better alternative.

Students were provided with a weekly 1 1/2 hour seminar that met in the Public Defenders Office. Some of the supervising psychologists also attended weekly although several only came when they did a presentation. The first 10 weeks were given to pre-

sentations on specific topics. The next 6 weeks were case conferences where supervising psychologists and students presented one or more cases to the others for discussion purposes. Attorneys were invited to these case presentations to help students get used to oral reporting which is required in criminal cases prior to submitting written reports especially when working with the defense.

The students also submitted weekly updates of all their cases to Dr. Lenore Walker, the practicum coordinator via email as well as more detailed information on specific cases she was supervising. Another social worker who worked at the Public Defenders Office supervised the Mental Health Court. Students were also permitted access to Dr. Walker's office computer on which the test scoring programs were stored. Each student thus had a supervising adjunct faculty psychologist, a court social worker, a faculty supervisor, a practicum coordinator, and a group seminar.

Evaluation of the Outcome

The process of developing a practicum site such as this is usually a long and cumbersome one, particularly when issues of confidentiality and trust are as important as they are when a criminal defendant's legal rights in addition to his or her health and mental health are at stake. However, in this case, the two principle people (Ron Levant and Lenore Walker) had a long history of working together and came with support from their superiors. Both the university president and the elected public defender also knew each other and were supportive of the collaborative program. By being able to use the customary and usual rules governing practica at Nova and internships (which is what the practicum students were called in the courthouse), we did not disrupt either program by requiring an intolerable number of exceptions. This may well have helped maintain its success as there was less room for error or sabotage.

It is often difficult to get outsiders,

including students, to work with criminal defense attorneys given their demand for confidentiality especially while developing a defense to a crime. In this case, the students were all assigned to work on at least one major crime that received high publicity because of the nature of the violence. Getting used to the idea that they would be interviewing a "murderer" was difficult for the students until they went in with the supervising psychologist the first time and realized that each defendant needed to be evaluated individually, without those stereotypes. They learned to take specific precautions for their own and the client's safety. They also learned how to work within a very rigid criminal justice system. The supervisors liked working with the students; they provided good challenges and helped update their own knowledge with new information being learned from classes and readings. Forensic psychologists must continuously be able to back-up their findings with data; students learned how important knowing the psychological literature and research can be in helping these clients. They also learned how to work together with criminal defense attorneys, some of whom may try to manipulate the data to say what they want it to say on behalf of their clients. Staying neutral during the evaluation phase became more challenging especially when they needed to work as part of a defense team once data were collected.

Achievements

In addition to training, the major goal was to provide good services to clients (in this case, defendants) who would not have received services otherwise and to train students to work as clinical forensic psychologists. Everyone involved with the program feels that this goal has been met in spades. The evaluation and consultation services that the students provide are highly valued by the defendants, the attorneys, and the courts. As another measure of success, the practicum has continued for almost five years, and is still going strong.



Nova Cont. from p. 19
Learnings from this program

There were many different learnings from this program but perhaps some of the most important ones had to do with the conflict between the need for confidentiality and the need for good supervision of students. Those students who were supervised by Nova faculty were at a disadvantage if they were in a group setting or if they had a faculty supervisor or other students in their practicum who were in other settings that might conflict with the need to keep information confidential. For example, one faculty member had a research and training program with one of the local police departments. This necessitated the student that he supervised taking any cases she

worked on from that police department to another supervisor to avoid conflict. Another faculty supervisor had someone in the group who worked on a private basis for a forensic psychologist who was frequently called in as a forensic expert for the state attorney's office. Obviously, no identifiable cases could be presented when this person was present. In addition, the lawyers at the Public Defenders Office were concerned about inadvertently breaking confidentiality by presenting to others in a group rather than to just one faculty supervisor. Since students and psychologists need to work under the protection of the attorney, because psychology privilege is insufficient to cover a defendant's rights to remain silent and not incrimi-

nate him- or herself, it became important to pay attention to these details. The faculty supervisor in this case agreed to hear the students cases individually and she was helped to present issues from her work that would not violate any confidentiality by not using any identifying information. The seminars with the other practicum students also served as a good discussion place for issues that came up in working with this particular population.

Why was this a successful partnership?

We believe that this was a good partnership because the lines of authority and communication were clear and did not get in the way. Furthermore, it was structured as a win-win situation for everyone. There

was little room for petty problems to become overwhelming and any issues that came up were dealt with immediately by Levant and Walker working together. The trust that had been set up in prior relations helped us both not get caught up in system stuff and everyone's concern for our clients and our students carried the day!

Biographical Sketch

Ronald F. Levant, Ed.D., A.B.P.P., is dean and professor, Center for Psychological Studies, Nova Southeastern University. Dr. Levant is the Recording Secretary of the APA and is a candidate for President. He was the Chair of the APA Committee for the Advancement of Professional Practice from 1993-95 and a member of the APA Board of Directors (1995-97).

Research Briefs cont. from p. 11

International Journal of Forensic Mental Health, 2, 19-34.

The reliability and incremental validity of highly specific judgments of violence (e.g., severity, timing, target, type/nature, weapon use) were compared to omnibus ratings for violence in general (e.g., low, medium, high risk), using HCR-20 data on 100 adult offenders. Narrower decisions about facets of violence were not made as reliably or validly as either numerical scores or general ratings of risk.

Elbogen, E., Tomkins, A., Pothuloori, A., & Scalora, M. (2003). **Documentation of violence risk information in psychiatric hospital patient charts: An empirical examination.** *Journal of the American Academy of Psychiatry and the Law, 31, 58-64.* Researchers studied the main reports in 283 randomly selected patient charts from acute, chronic, crisis, and forensic hospitals in Nebraska to determine how risk of violence is documented in actual clinical practice. The presence of a personality disorder significantly increased documentation in all four hospital settings. State hospital charts contained greater documentation of violence risk

factors than crisis center charts, and forensic charts provided the most documentation of history of violence overall.

Ge, X., Donnellan, B., & Wenk, E. (2003). **Differences in personality and patterns of recidivism between early starters and other serious male offenders.** *Journal of the American Academy of Psychiatry and the Law, 31, 68-77.*

Using data from a 20-year longitudinal study of 4,146 incarcerated juveniles, the differences in scores on the CPI and the MMPI between those younger than 15 (early starters) and those older than 15 (later starters) were compared. Early starters were less socially responsible, more paranoid, more prone to bizarre thoughts, more excitable, and were at higher risk of recidivism at a 15 month and 20 year follow-up.

Hawke, J., Jainchill, N., & De Leon, G. (2003). **Posttreatment victimization and violence among adolescents following residential drug treatment.** *Child Maltreatment, 8, 58-71.*

In the US and Canada, 446 adolescent clients in therapeutic communities were interviewed at admission and at five year follow-up. 58% reported engaging in se-

rious violent behaviors within five years of ending treatment. Victimization in the post-treatment period was the most significant correlate of violent behavior. Pre-treatment child abuse and psychiatric disorders were not significant factors. Violence in boys was associated with involvement in violent lifestyles such as drug trafficking whereas violence in girls was associated with the consequences of drug involvement and victimization.

Marczyk, G. R., Heilbrun, K., Lander, T., & DeMatteo, D. (2003). **Predicting juvenile recidivism with the PCL:YV, MAYSI, and YLS/CMI.** *International Journal of Forensic Mental Health, 2, 7-18.*

Among 95 participants referred for transfer to adult court, total scores of the PCL:SV, MAYSI, and YLS/CMI both alone and in combination failed to predict recidivism. Combination of the nine MAYSI subscales and the YLS/CMI Prior and Current Offenses/Dispositions subscale proved to be the most robust model.

McNeil, D.E., Eisner, J.P., & Binder, R.L. (2003). **The relationship between aggressive attributional style and violence**

by psychiatric patients. *Journal of Consulting and Clinical Psychology, 71, 399-403.*

Among 110 psychiatric inpatients, indicators of aggressive attributional style (anger, suspiciousness, paranoia) were associated with increased rates of violent behavior, even after demographic and diagnostic characteristics and impulsiveness were controlled. This cognitive style may be relevant for risk assessment and attention to aggressive attributional styles through cognitive-behavioral interventions may have value in risk management.

Mills, J. F., & Kroner, D. G. (2003). **Anger as a predictor of institutional misconduct and recidivism in a sample of violent offenders.** *Journal of Interpersonal Violence, 18, 282-294.* Scores of 102 male prisoners on self-report scales that measure anger within the context of interpersonal conflict were not associated with prior convictions and incarcerations. Some scales were associated with minor institutional misconduct, but these were not significant once impression management was controlled. No relation between anger and post-release performance was observed.

O'Neill, M. L., Lidz, V., & Heilbrun, K. (2003). **Adolescents with psychopathic characteristics in a substance abusing cohort: Treatment process and outcomes.** *Law and Human Behavior, 27*, 299-313.

64 adjudicated adolescents referred to a substance abuse program were assessed retrospectively for psychopathic characteristics, treatment process, and outcome variables. Psychopathic characteristics were negatively related to attrition, participation, substance use in treatment, and clinical improvement, but positively related to number of arrests at one year follow-up.

Pandiani, J.A., Rosenheck, R., & Banks, S.M. (2003). **Elevated risk of arrest for Veteran's Administration behavioral health service recipients in four Florida counties.** *Law and Human Behavior, 27*, 289-298.

The arrest rates for 12,805 male recipients of substance abuse and mental health services, substance abuse services only, and mental health services only were examined. The relative risk for the dually diagnosed group was significantly greater than for either of the singly diagnosed groups and greater than the risk for recipients for non-behavioral health services. Risk of arrest for those receiving mental health services was not different from other veterans in the region under examination.

Rosenfeld, B. (2003). **Recidivism in stalking and obsessional harassment.** *Law and Human Behavior, 27*, 251-265.

When 148 stalking and harassment offenders were followed for a period of 2.5 - 13 years, 49% reoffended, 80% during the first year of follow-up. Although a strong predictor of reoffense was presence of a personality disorder, especially a Cluster B disorder, offenders with both personality and substance abuse disorders were more likely to reoffend compared to either factor alone. Presence of delusional disorder such as erotomania was associated with lower risk of reoffense.

Walters, G. D. (2003). **Predicting criminal justice outcomes with the Psychopathy Checklist**

and Lifestyle Criminality Screening Form: A meta-analytic comparison. *Behavioral Sciences and the Law, 21*, 89-102.

A meta-analysis of PCL-R ($n = 41$ studies) and LCSF total scores ($n = 9$ studies) as predictors of institutional adjustment and recidivism revealed statistically equivalent predictive abilities for the two instruments with respect to criminal justice outcomes. The author asserts that the cost and time effectiveness of the much briefer LCSF makes it an attractive alternative but cautions against viewing these as interchangeable barring additional research directly comparing the two instruments.

SEX ABUSE & SEX OFFENDERS

Allan, A., Allan, M. M., Marshall, P., & Kraszlan, K. (2003). **Juvenile sexual offenders compared to juvenile offenders in general in Western Australia.** *Psychiatry, Psychology, and Law, 9*, 214-233. A retrospective review of the records of 334 juvenile sexual offenders and data from the Crime Research Center revealed few differences between juvenile sexual and non-sexual offenders across gender, race, and age distributions. The pattern of non-sexual offending was also similar across the two groups, with the exception that the juvenile sexual offenders had more convictions for crimes against persons than non-sexual offenders.

Goodman-Brown, T.B., Edelstein, R.S., Goodman, G.S., Jones, D.P.H. & Gordon, D.S. (2003). **Why children tell: A model of children's disclosure of sexual abuse.** *Child Abuse and Neglect, 27*, 525-540.

Data analyzed for 218 alleged child sexual abuse victims revealed that age, type of abuse, fear of negative consequences, and perceived responsibility all contributed to predicting time to disclosure. Children who were older, came from incestuous families, felt greater responsibility for the abuse, and feared negative consequences of disclosure took longer to disclose.

McGrath, R. J., Cumming, G., Livingston, J. A., & Hoke, S. E. (2003). **Outcome of a treatment**

program for adult sex offenders: From prison to community. *Journal of Interpersonal Violence, 18*, 3-17.

Among 105 adult male sex offenders referred to a prison-based cognitive-behavioral treatment program, 56 completed treatment, 49 entered but did not complete treatment, and 90 refused services. No between-group differences on pre-treatment risk for sexual recidivism (operationalized via scores on the RRASOR and Static-99) were observed. Over a mean follow-up period of almost 6 yrs, the sexual reoffense rates for the completed-treatment, some-treatment, and no-treatment groups were 5.4%, 30.6%, and 30.0%, respectively. Lower rates of sexual recidivism also were associated with receiving aftercare treatment and community-based correctional supervision services.

WITNESS ISSUES

Lamb, M.E., & Garretson, M.E. (2003). **The effects of interviewer gender and child gender on the informativeness of alleged child sexual abuse victims in forensic interviews.** *Law and Human Behavior, 27*, 141-156.

672 alleged abuse victims ages 4 to 14 were interviewed using a structured interview protocol or standard interview practices. Although male interviewers questioned boys and girls similarly and women asked boys more suggestive questions, gender-of-interviewer effects were attenuated by the use of structured interview. Girls provided more information to directive questions from female interviewers and younger children to suggestive prompts from interviews of the opposite gender; boys responded similarly to male and female interviewers.

Milne, R. & Bull, R. (2003). **Does the cognitive interview help children to resist the effects of suggestive interviewing?** *Legal and Criminological Psychology, 8*, 21-38. 84 8- to 10-year old children were interviewed about a videotaped magic show they had watched the previous day using the Cognitive Interview (CI) or a structured interview (SI). The CI children recalled more correct details with no increase in erroneous information

given. Children were most susceptible to misleading script-consistent questions, however CI children were more resistant to suggestive questioning in general than were those interviewed using the SI.

Pearse, S. L., Powell, M. B., & Thomson, D. M. (2003). **The effect of contextual cues on children's ability to remember an occurrence of a repeated event.** *Legal and Criminological Psychology, 8*, 39-50.

129 6- and 7-year old children viewed a staged event (single or repeated, with details varied in the repeated condition) and were later interviewed about the last event using either temporal (e.g., the 'last' scenario) or temporal plus contextual (i.e., unique feature of environment) cues. Although children in the single event condition accurately recalled more details than those in the repeated condition, children's recall of specific details was enhanced when they were provided contextual as well as temporal cues, with no concomitant increase in errors.

Redlich, A.D., & Goodman, G.S. (2003). **Taking responsibility for an act not committed: The influence of age and suggestibility.** *Law and Human Behavior, 27*, 157-171.

Juvenile participants in 3 age groups (12 and 13, 15 and 16, young adults) were assessed for suggestibility and half of the participants in each age group were presented with false evidence indicating liability in a computer crash. Younger and more suggestible juveniles were more likely to falsely take responsibility.

Shaw, J.S., & Zerr, T.K. (2003). **Extra effort during memory retrieval may be associated with increases in eyewitness confidence.** *Law and Human Behavior, 27*, 315-329.

The confidence ratings of undergraduate participant witnesses who reported greater levels of effort in both high (prizes) and low (no incentive) motivation conditions were significantly higher than low effort participants. Motivation did not impact participant confidence and accuracy did not differ as a function of reported effort.



Nominations, Awards and Announcements

2002 AP-LS Dissertation Award Winners

The AP-LS Dissertation Award Committee would like to congratulate the winners for the 2002 competition.

The 1st place winner is Jennifer Groscup, JD, PhD. Jennifer's dissertation, titled "Legalized Gambling, Beekeeping, or Science? Judicial Decision Making about Expert Testimony in the Aftermath of *Daubert* and *Kumho*" investigated the impact of the decisions in *Daubert* and *Kumho* on expert testimony admissibility. The reviewers commented that Jennifer's dissertation "makes a huge contribution to our understanding of judicial decision-making regarding expert testimony admissibility in the appellate courts" and "a substantial contribution to the field of law and psychology". Jennifer received her JD and PhD from University of Nebraska and conducted her dissertation under the supervision of Professors Steven D. Penrod and Cynthia Willis-Esqueda. Jennifer will receive \$500.

The 2nd place winner is Tamara Haegerich, PhD. Tamara's dissertation, titled "The Influence of Stereotypes on Individual and Group Decisions in a Novel Context: Juvenile Offenders in Criminal Court," investigated jurors' stereotypes of juvenile offenders and how these preconceptions might influence legally relevant decisions. The reviewers commented that Tamara's dissertation involved "a great deal of original thought" and "represents a significant contribution to the field". Tamara received her PhD from the University of Illinois at Chicago and conducted her dissertation under the supervision of Professor Bette L. Bottoms. Tamara will receive \$300.

The 3rd place winners were Gina Vincent, PhD and David DeMatteo, JD, PhD. Gina's dissertation, titled "Investigating the Legitimacy of Adolescent Psychopathy Assessments: Contributions of Item Response Theory," utilized item response theory to investigate age-related measurement bias in youth psychopathy assessments. The reviewers commented that Gina's dissertation was "highly original" and "does an exceptional job of exploring the existence of the psychopathy construct in the adolescent population and adds much needed research on its validity, measurement, and etiology". Gina received her PhD from Simon Fraser University and conducted her dissertation under the supervision of Professor Stephen D. Hart. David's dissertation, titled "Psychopathy in a Noninstitutionalized Population: Behavioral, Personality, and Affective Characteristics", investigated various risk and protective factors in a sample of community participants with elevated levels of psychopathic characteristics. The reviewers commented that David's dissertation was "outstanding" and that it "clearly [makes] a contribution to the fields of psychology, law, forensics, personality, prevention [and] early intervention". David received his JD and PhD from MCP Hahnemann University (Drexel) and conducted his dissertation under the supervision of Professor Kirk Heilbrun. Gina and David will each receive \$50.

Each award winner will have the opportunity to present his or her dissertation in a poster session at the AP-LS Meeting in 2004. Thank you to everyone who submitted dissertations for consideration!

AAFP Dissertation Award Winners

The American Academy of Forensic Psychology (AAFP) announced that it awarded grants for funding five dissertations in applied law and psychology. The 2003 awardees are:

Jodi Viljoen, Simon Fraser University: Competency to Stand Trial and Competency to Confess in Child and Adolescent Offenders

Virginia Galloway, University of Alabama: Competency to Waive *Miranda* Rights in Psychiatric Patients

Rebecca Moore, California School of Professional Psychology/Alliant University: The Psychophysiological Correlates of Psychopathy in Youth

Sarah Spain, University of South Florida: An Exploration of Cognitive Processing in a Probationary Sample

Tim Kockler, California School of Professional Psychology/Alliant University: Differences in Executive Functioning in a Group of Incarcerated Predatory and Affective Male Murderers

AAFP fellows David Shapiro, Stephen Golding, and Richard Frederick reviewed this year's submissions and AAFP Vice President Mary Connell coordinated the awards process. The next award program will be announced in the next AP-LS newsletter. Applications for up to \$1500 in dissertation funding will be due in January, 2004.

AP-LS Dissertation Award Program

The American-Psychology Law Society confers Dissertation Awards for scientific research and scholarship that is relevant to the promotion of the interdisciplinary study of psychology and law. Persons who will have defended dissertations in 2003 that are related to basic or applied research in psychology and law, including its application to public policy, are encouraged to submit their dissertations for consideration for the awards. First, second, and third place awards are conferred. These awards carry a financial reward of \$500, \$300, and \$100 respectively.

To apply for the 2003 Awards, one hard copy of the completed dissertation, an electronic copy of the dissertation (in Word), along with a letter of support from the dissertation chair, should be sent by January 1, 2004 to Patricia Zapf, Chair, AP-LS Dissertation Awards Committee, Department of Psychology, John Jay College of Criminal Justice, The City University of New York, 445 West 59th Street, New York, NY 10019-1128, pzapf@jjay.cuny.edu

Note: The electronic copy can be sent via email as an attachment in Word to the email address above.

Fellow Status in the American Psychological Association

Becoming a Fellow recognizes outstanding contributions to psychology and is an honor valued by many members. Fellow nominations are made by a Division to which the Member belongs. The minimum standards for Fellow Status are:



- *Doctoral degree* based in part upon a psychological dissertation, or from a program primarily psychological in nature and conferred by a regionally accredited graduate or professional school.
- *Prior status* as an APA Member for at least one year.
- *Active engagement* at the time of nomination in the advancement of psychology in any of its aspects.
- *Five years* of acceptable professional experience subsequent to the granting of the doctoral degree.
- Evidence of *unusual and outstanding contribution or performance* in the field of psychology.

To find out more information, contact Lisa Orejudos in the APA office at 202/336-5590, or by E-mail at: ljo.apa@email.apa.org.

American Board of Forensic Psychology Workshop Schedule: 2003-2004

The Continuing Education arm of the American Board of Forensic Psychology (ABFP) presents an ongoing series of workshops and training seminars led by leaders in the field of forensic psychology. Workshops focus on contemporary psycho-legal issues relevant to forensic, child, clinical and neuropsychologists and are designed for those interested in pursuing psycho-legal topics in depth.

The upcoming schedule for 2003-4 is as follows:

CINCINNATI, OH HYATT REGENCY SEPTEMBER 17-21, 2003	CHARLOTTE, NC HILTON TOWERS FEBRUARY 11-15, 2004
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DENVER, CO HYATT REGENCY OCTOBER 23-25, 2003	NEW ORLEANS, LA HYATT REGENCY APRIL 22-24, 2004
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LAS VEGAS, NE ALEXIS PARK HOTEL & SPA JANUARY 22-25, 2004	NASHVILLE, TN SHERATON NASHVILLE MAY 19-23, 2004
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The specific topics covered in upcoming workshops can be found on the AAFP website (www.abfp.com/workshops.html).

The American Academy of Forensic Psychology is approved by the American Psychological Association to offer continuing education for psychologists. AAFP maintains responsibility for its programs. As an ABFP Academy, our courses count toward California's mandatory CE requirements.

Fellowships and Positions

Chicago School of Professional Psychology

The Forensic Psychology Program (MA) is seeking an outstanding practitioner-scholar for a full time faculty appointment (a half time appointment will be considered) to begin August 15, 2003. Successful candidates must have a proven track record of forensic clinical experience, graduate-level teaching and scholarship. A degree from an APA accredited program is desirable. Candidates must be able to demonstrate ongoing professional activity and scholarship and the ability to involve students in their program of scholarship. Preference will be given to candidates with the ability to teach in the areas of: Evaluation and Treatment of Juvenile and Adolescent Offenders; Psychology of Law Enforcement; Correctional Psychology; Violence and Risk Assessment.

Applications will be reviewed beginning May 1, 2003 and will be accepted until the position is filled. Applicants must submit a CV, three letters of recommendation and a letter of interest to: **Program Manager, Forensic Psychology Program, CSOPP, 47 West Polk Street, 2nd Floor, Chicago, IL 60605.** The Chicago School is an independent graduate school with national recognition as a leader in diversity and intercultural education and is in an era of unprecedented growth and creativity. CSPP is an Affirmative Action/Equal Opportunity Employer.

Forensic Psychologist

The Juvenile Court Clinic of Cook County is seeking full-time licensed psychologists to conduct court ordered Child Protection and Juvenile Justice forensic evaluations. Evaluations include the assessment of parents, adolescents, and children involved in juvenile court proceedings through clinical interviews, collateral contacts, record review, psychological testing (when appropriate), and parent-child observations (for Child Protection cases). Written reports address forensic questions and are completed in a timely fashion, using a model based on best clinical practice. Responsibilities also include supervising master's level staff in developing appropriate referral questions, directing requests to appropriate providers, and conducting record reviews. Other clinical duties include training judges and lawyers in recommended clinical practice for using and acquiring clinical information, assisting in preparing materials for national dissemination, and supervising graduate students. Minimum requirements include: doctorate in clinical psychology from an accredited program, an accredited predoctoral internship, and licensure. Specialized forensic training preferred but not required. Ideal candidate should possess sound assessment skills, strong writing skills, extensive experience working with adolescents and/or parents involved in court proceedings, and significant experience working with an urban population. Minorities and bilingual applicants are encouraged to apply. Please forward a letter of interest, writing sample, and curriculum vitae to Julie Biehl, Director, 2245 West Ogden Avenue, 5th Floor, Chicago, IL 60612. Information can also be e-mailed to jbiehl@northwestern.edu or faxed to 312/433-6851.



Division News and Information

Membership in EAPL

Join the EUROPEAN ASSOCIATION OF PSYCHOLOGY AND LAW and receive a subscription to *Psychology, Crime and Law* for about \$45 (45 Euros). Information about EAPL can be obtained at www.psychologie.uni-kiel.de/eapl/ Information about *Psychology, Crime and Law* can be found at www.tandf.co.uk/journals/titles/1068316x.html The joint AP-LS/EAPL conference in Edinburgh in July 2003 is described in this issue. To join EAPL, send the following information to the membership secretary, Thomas Bliesener at Kiel University (bliesener@psychologie.uni-kiel.de). Full name, Institution, Address, Telephone and FAX numbers, E-Mail and Website URL. Indicate highest degree, primary discipline, year of highest degree, name of institution awarding degree. Ask Thomas to charge your credit card for a subscription for 2003 [VISA, MasterCard/Eurocard or American Express], provide card number and expiration date and indicate you agree to your name and address being published in the membership list of the EAPL.

Educational Outreach Committee Speaker Program

The AP-LS Educational Outreach Committee is pleased to announce the continuation of its Speaker program. Cooperating AP-LS members are available for the presentation of colloquia/keynote addresses at educational institutions as well as for other groups (e.g., local or state bar associations, local or state psychological associations). AP-LS will pay the speaker's honorarium; the sponsoring institution or group is responsible for the speaker's transportation, lodging, and related expenses. These details, as well as the specifics of the presentation, are arranged by the speaker and the sponsor.

Past speakers have addressed the social/experimental areas of jury selection, eyewitness identification, pretrial publicity, and death penalty issues, as well as the clinical areas of competency to stand trial, the insanity defense, and risk assessment/prediction of violence. Most presentations will be appropriate for the offering of CE credits for psychologists and other mental health professionals as well as for CLE credits for attorneys. In many cases, speakers located close to an interested sponsor can be utilized, in order to minimize travel costs.

Institutions interested in sponsoring such presentations should contact the committee chair (below) and indicate the specific topic of interest. **AP-LS members willing to participate in this program as speakers** should also contact the committee chair and indicate area(s) of expertise and geographic area within which you would be willing to travel for such a presentation. For further information, contact: Lavita Nadkarni, Ph.D., Chair, Educational Outreach Committee, AP-LS, Director of Forensic Studies, University of Denver-GSP, 2450 South Vine Street, Denver, CO 80208, (303) 871-3877, lnadkarn@du.edu

APLS Book Series

The *Perspectives in Law and Psychology* series, sponsored by APLS, publishes scholarly work that advances the field of psychology and law by contributing to its theoretical and empirical knowledge base. Topics of books in progress include forensic assessment, sexual harassment, custody evaluations, death penalty, and juvenile and adult criminal competency. The editor is interested in proposals for new books. Inquiries and proposals from potential authors should be sent to Dr. Ronald Roesch, Series Editor (e-mail: roesch@sfu.ca or phone: 604-291-3370; fax: 604-291-3427). For information on the series, see www.wkap.nl/prod/s/PILP. APLS members get a 25% discount on book orders. However, this discount is not available when ordering online. Call toll free +1-866-269-9527 between 8:30AM-5:00PM EST or fax +1-781-681-9045. APLS members must specifically mention that they are members to receive the discount.

The following books have recently been published:

Poythress, N. G., Bonnie, R. J., Monahan, J., Otto, R. K., & Hoge, S. K. (2002). *Adjudicative competence: The MacArthur studies*. www.wkap.nl/prod/b/0-306-46790-9

Ogloff, J. R. P. (Ed.). (2002). *Taking Psychology and law into the Twenty-first Century*. www.wkap.nl/prod/b/0-306-46760-7

Grisso, T. (2003). *Evaluating competencies: Forensic assessments and instruments* (2nd ed.). www.wkap.nl/prod/b/0-306-47344-5

van Koppen, P. J., & Penrod, S. D. (Eds.). (2003). *Adversarial versus inquisitorial justice: Psychological perspectives on criminal justice systems*. www.wkap.nl/prod/b/0-306-47362-3

Information Needed for Directory of Internships and Post-Doctoral Fellowships

The American Psychology-Law Society is currently updating the resource directory of APA-accredited internships and postdoctoral training sites that offer training opportunities in clinical-forensic psychology. Surveys were recently mailed to all APA-accredited internships and postdoctoral training sites to gather specific information regarding clinical-forensic training opportunities available at each site. It is anticipated that the updated resource directory will be completed by August 2001 in time for the 2001-2002 internship and postdoc application process. Information regarding the resource directory will be available on the AP-LS website or by contacting Keith Cruise, M.L.S., Ph.D., Forensic-Clinical Program, Department of Psychology and Philosophy; Sam Houston State University, Huntsville, TX 77341-2447; (936) 294-4662; psy_krc@shsu.edu.

Call for Papers

APLS Annual Meeting Scottsdale, AZ, March 2004

Proposals for symposia, papers, and posters addressing topics in all areas of psychology and law are invited. International submissions are welcome, and papers authored or co-authored by students are also encouraged. We especially welcome proposals that are empirically based and those that describe innovative applications of psychology to law and policy.

The deadline for submissions is October 1, 2003.

All proposals should be submitted electronically via the conference website: www.fiu.edu/~apls2004/ then click on the Submissions button/link. If you are unable to submit via the website, please contact one of the conference co-chairs to make alternative arrangements.

Proposals must include a 100-word abstract and should not exceed 1000 words.

Risk Assessment and Threat Management in the Community Behavioral Sciences and the Law

BEHAVIORAL SCIENCES AND THE LAW is planning a special issue of the journal dealing with "Risk Assessment and Threat Management in the Community." Manuscripts are invited on any related topic, including but not limited to: terrorist threats in the community, critical incident and disaster management, threats to specific individuals, groups and institutions (e.g., children, families, racial, ethnic, religious and sexual minorities, health and mental health professionals, legal professionals, judicial officers, public officials, schools, hospitals, clinics, places of worship, governmental offices and bodies), stalking, domestic violence, workplace violence, etc.

Deadline for receipt of manuscripts is August 1, 2003

Manuscripts should be 20-30 pages, double spaced, and conform to American Psychological Association format or the Harvard Law Review Association's Uniform System of Citation. Manuscripts should be sent in triplicate (with two copies prepared for blind review) to: Charles Patrick Ewing, J.D., Ph.D., Editor, Behavioral Sciences and the Law, School of Law, State University of New York, 723 O'Brian Hall, Buffalo NY 14260

Current Directions in Behavioral Sciences and the Law

In addition to 4-5 annual thematic issues dealing with specified topics, BEHAVIORAL SCIENCES AND THE LAW is now publishing 1-2 non-thematic "Current Directions" issues each year. Manuscripts submitted for these issues may deal with any aspect of behavioral sciences and the law.

Manuscripts for "Current Directions" issues may be submitted at any time and are subject to the same peer review process as other submissions. Accepted manuscripts will be published as soon as possible. Manuscripts submitted for "Current Directions" issues should be 20-30 pages, double spaced, and conform to American Psychological Association format or the Harvard Law Review Association's Uniform System of Citation. Manuscripts should be sent in triplicate (with two copies prepared for blind review) to: Charles Patrick Ewing, J.D., Ph.D., Editor, Behavioral Sciences and the Law, School of Law, State University of New York, 723 O'Brian Hall, Buffalo NY 14260

Serial and Mass Homicide Behavioral Sciences and the Law

Behavioral Sciences and the Law will devote a special issue to "Serial and Mass Homicide" to be co-edited by J. Reid Meloy, Ph.D. and Alan R. Felthous, M.D. Potential contributors may focus on any relevant topic including classification, epidemiology, psychopathology, and etiology. Sociological, psychological, biological or combined/integrated approaches to understanding serial and mass homicidal behaviors are welcomed. Clinical assessment techniques such as psychological testing and neuroimaging would also be of interest. Approaches to criminal investigation and legal aspects of prosecuting and defending serial and mass murderers are other potential topics.

The deadline for receipt of manuscripts is October 1,

2003. Manuscripts should be 20-30 double spaced typed pages. Submissions should conform to the style requirements of the latest edition of the Publication Manual of the American Psychological Association. Submissions must contain a 150 word abstract. Send three copies, two of which should be prepared for blind peer review, to either of the special issue editors, Dr. Meloy or Dr. Felthous. Manuscripts can be sent to Dr. Reid Meloy, P.O. Box 90699, San Diego, CA 92169. Telephone 858-488-0358; e mail jrmeloy@san.rr.com. Submissions can be alternatively sent to Dr. Alan Felthous, Chester Mental Health Center, PO Box 31, 1315 Lehmen Drive, Chester, IL 62233-0031. Telephone 618-826-4751. E mail: dhsc6624@dhs.state.il.us.



Notes From The Student Chair



AP-LS Student Officers E-mail Addresses

Chair, Marchelle Thomson
mthomson@law.villanova.edu

Past Chair, Constance Mesiarik
cmesiarik@law.villanova.edu

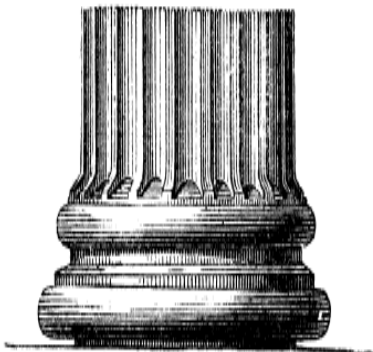
Chair Elect, Tara Mitchell
mitchell_tara@hotmail.com

Secretary/Treasurer,
Ryann Haw
ryannah@aol.com

Student Newsletter/Web Editor,
Cindy Cottle
cindycottle@nc.rr.com

AP-LS Student Homepage
www.psy.fiu.edu/~apls-students

AP-LS Student E-mail
apls-st@psy.fiu.edu



Dear AP-LS Student Members,

It is that time of year again...ELECTIONS!

Although it has been a pleasure for me to serve as an AP-LS student officer for the past three years, I am just as pleased to turn over the position of Chair to Tara for the upcoming year. Tara has been a great help to me this year in generating and implementing ideas for the AP-LS Student Section. Thank you, Tara!

Tara is taking over the AP-LS Student Section at a very exciting time. This year, the Executive Committee has taken several steps in demonstrating their support for the Student Section. In March, I had the opportunity to attend the AP-LS Executive Committee meeting in Memphis, Tennessee. This is the first time a student representative has attended the meeting in many years. At the meeting, the Executive Committee voted to give the Student Section a slight budget increase in order to insure greater success for the APA Conference student program. The Executive Committee members have also volunteered to take an active role in promoting Student Section activities, such as a student listserv that is currently in development. In this regard, I especially want to thank Christina Studebaker for her role in keeping the Student Section on the Executive Committee agenda, and for all her patience in answering the many questions I have had over the past several months.

2003 APA Convention

The 2003 APA Convention will be August 7-10 in Toronto, Ontario, Canada. The Student Section will be hosting an event on Friday, August 8th from 10 a.m. to noon in the Division 41 hospitality suite. Snacks and beverages will be provided, as well as an opportunity to get to know your law and psychology student colleagues. In addition, the event will include presentations by practitioners in the field of law and psychology. More information about the student event will be posted on our website.

Elections

There are three open officer positions: Chair Elect, Secretary/Treasurer, and Web Editor. Nominees must be graduate students in good standing and should have an email address. For information about the duties and responsibilities of each officer position, visit our website. Anyone interested in running for an officer position should email me at mthomson@law.villanova.edu. Please include what position you are interested in running for and a brief description of yourself. These descriptions will be posted on the student website. Student members: please visit the website for election details and **VOTE** by August 15, 2003!!! Newly elected officers will begin their term in August 2003.

Thank you Tara, Ryann, and Cindy for all your hard work this year in getting students more involved in the AP-LS Student Section. Have a great summer everyone!

Marchelle Thomson
Chair, Student Section

Funding Opportunities

AP-LS/Division 41 Stipends for Graduate Research

The Division 41 Grants-in-Aid Committee is accepting proposals for small stipends (maximum of \$500) to support empirical graduate research that addresses psycholegal issues (the award is limited to graduate students who are student affiliate members of AP-LS). Interested individuals should submit a short proposal (a maximum of 1500 words will be strictly enforced) in either a hard-copy (five copies) or electronic format that includes: (a) a cover sheet indicating the title of the project, name, address, phone number, and e-mail address of the investigator; (b) an abstract of 100 words or less summarizing the project; (c) purpose, theoretical rationale, and significance of the project; (d) procedures to be employed; and, (e) specific amount requested, including a budget. Applicants should include a discussion of the feasibility of the research (e.g., if budget is for more than \$500, indicate source of remaining funds). Applicants should also indicate that IRB approval has been obtained, or agree that it will be prior to initiating the project. Note that a prior recipient of an AP-LS Grant-in-Aid is only eligible for future funding if the previously funded research has been completed. Hard copies of the proposals should be sent to: Garrett L. Berman Ph.D., Grants-In-Aid Committee Chair, Department of Psychology, Roger Williams University, One Old Ferry Road, Bristol, RI 02809-2921. Electronic submissions can be submitted via e-mail to gberman@rwu.edu (paste your submission into your e-mail or include an attached file in word perfect, word, or ASCII format). Committee members: Mario Scalora, Univ. of Nebraska, Matt Zaitchik, Forensic Health Services/Bedford Policy Institute, and Elizabeth Bennett, Washington and Jefferson College. **There are two deadlines each year: September 30 and January 31.**

Seed Money Available for Interdisciplinary Collaborations

The Executive Committee of the American Psychology-Law Society will offer up to \$3000 in seed money to facilitate **interdisciplinary research projects**. We have in mind projects that would bridge the gap between psycholegal work and other academic disciplines (e.g., sociology, political science, economics, public policy, medicine). We are particularly interested in proposals that advance theoretical development or propose methodological innovations. Money can be used to cover travel and meeting costs and other expenses related to the research. Successful grantees will be expected to present the results of their collaborative study at a meeting of the American Psychological Association. Two such proposals will be funded each year. To apply, please send a two-page explanation of the project, including the names and addresses of all researchers as well as a description of the anticipated product of the research to: Beth Wiggins at bwiggins@fjc.gov. Applications may also be mailed Dr. Wiggins at 5704 Rusk Ave., Baltimore, MD 21215.

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American Psychology-Law Society
MEMBERSHIP APPLICATION

Division 41 of the American Psychological Association

The 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. To join, complete the form below and send with dues to: Cathleen Oslzly, Dept. of Psychology, 209 Burnett Hall, Univ. of Nebraska-Lincoln, Lincoln, NE 68588-0308, (E-mail: coslzly@unl.edu).

Name _____ Degree _____

Address _____

City _____ State/Province _____ Country _____ Zip Code _____ - _____

Daytime Phone (____) _____ E:Mail address _____

APA Member Yes If yes, Member # _____

No Field of Study (e.g., Psych., Soc., Law) _____

Annual Membership Dues: (make checks payable to American Psychology-Law Society)

Member or Associate Member of APA: \$ 52.00 (includes Law and Human Behavior)

Member-at-large (not an APA member): \$ 52.00 (includes Law and Human Behavior)

Associate-at-large (undergraduate, graduate or law student): \$ 10.00 for newsletter only,
\$ 27 with Law and Human Behavior

Address Changes:

- APA members: send changes to APA Membership Dept., 750 First St. NE, Washington, DC 20002-4242
- Non-APA members/students: send changes to Ms. Oslzly at the address above or via E-mail

American Psychology-Law Society/
Division 41 of the American Psychological Association
c/o Barry Rosenfeld, Ph.D.
Department of Psychology
Fordham University
441 East Fordham Road
Bronx, NY 10458

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