

EDUCATION AND TRAINING GUIDELINES FOR FORENSIC PSYCHOLOGY

Prepared by Forensic Specialty Council

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I. Description and distinctiveness of the Specialty of Forensic Psychology

Forensic Psychology is formally defined as “the professional practice by psychologists within the areas of clinical psychology, counseling psychology, school psychology, or another specialty recognized by the American Psychological Association, when they are engaged as experts and represent themselves as such, in an activity primarily intend to provide professional psychological expertise to the judicial system.”

The distinctiveness of forensic psychology derives from the forensic psychologist’s professional obligation to obtain advanced knowledge and skills on the intersection of legal theory, procedures, and law with clinical issues, practice and ethics. Recognition of the specialty of forensic psychology assures the public that the field of psychology can provide practitioners with advanced competence to offer services addressing civil and criminal psycholegal issues. Forensic psychology provides professional services to clinical-forensic and legal populations.

The clinical-forensic population is composed broadly of individuals who may present with a psychiatric diagnosis or may have other characteristics that are relevant to a clinical-legal decision *and* who are involved with the judicial system. That is, each individual has an identifiable clinical status (broadly considered) and legal status. The synthesis of clinical and legal issues into psycholegal issues distinguishes clinical-forensic populations from clinical populations. Individuals can be broadly categorized into two subpopulations:

Civil - those involved in civil litigation (e.g., plaintiffs in personal injury suits, persons subject to civil commitment, parties to child custody cases, litigants in workers’ compensation suits, individuals seeking or contesting the need for guardianship, individuals being evaluated for fitness for duty, individuals being assessed for disability)

Criminal - those involved in criminal and delinquency proceedings (e.g., defendants raising issues such as competency to stand trial, insanity, diminished capacity, sentencing considerations, or juvenile waiver, defendants adjudicated as incompetent to stand trial and in need of treatment to help restore competence, defendants acquitted by reason of insanity and in need of treatment to help progress through secure hospitalization and reintegrate safely into the community)

Problems presented by the *clinical-forensic* population span the entire clinical spectrum. When this population's clinical issues are considered in a legal context, they result in civil and criminal legal questions that courts must ultimately decide. The description and measurement of capacities relevant to these legal questions is an important goal in forensic psychology.

The legal population includes:

- *Attorneys* (civil and criminal)
- *Courts* (federal, state, district, and county; trial and appellate; presiding over probate, family, juvenile, constitutional, civil and criminal matters)
- *Insurers*
- *Employers*

Problems presented by the *legal* population include the needs for relevant, accurate, and credible data and conclusions that inform legal arguments and judicial decision-making, but do not intrude upon it. In addition, the need to clarify conflicts between clinical and forensic ethical standards, and the demands of law may exist.

II. Sequential organization of training

The goal of education and training in forensic psychology is to prepare psychologists to function as specialists in the area of Forensic Psychology. To achieve this goal, it is essential to have a broad and general education in Psychology which serves as the foundation for obtaining specialized knowledge and expertise in Forensic Psychology. Competence in performing forensic work requires training and experience at the postdoctoral level, after basic competencies required for general psychological practice have been obtained at the graduate and internship levels. The ideal model is for such training to occur in a formal Postdoctoral Forensic Psychology Residency. This is an aspirational model at this time, because there is not yet an adequate number of such Residencies available. We anticipate that as the field of Forensic Psychology continues to grow and once these E&T guidelines have been in force for a few years, more Residencies will be developed. In the interim, psychologists can obtain this postdoctoral training through CE workshops (for the didactic component) and through consultation and supervision of their forensic work from a psychologist with suitable training and experience in Forensic Psychology.

This document lays out the required elements of an organized, sequential training program in Forensic Psychology, including Postdoctoral Residency training. A basic principle of Forensic Psychology is that the quality of the forensic work is limited by the underlying foundational competency (i.e., in the science and professional practice of psychology) of the forensic psychologist. It is therefore essential for practitioners to first obtain a broad and general education in both scientific psychology and in the foundations of practice. This generalist training should then be augmented by exposure to the forensic area, at the graduate and internship levels, followed by specialized training at the postdoctoral level.

III. Training goals

In order for psychologists to successfully complete a Residency training program, they would need to develop both breadth and depth of knowledge and skills related to Forensic Psychological practice.

The following are the exit criteria for Residents to demonstrate that they are practicing competently as forensic psychologists:

- A. Knowledge of the basic principles of the legal system, including how the legal system works, legal doctrines that are relevant for mental health evaluations, as well as core legal cases relevant to Forensic Psychology and their implications for practice, covering the breadth of forensic psychology;
- B. knowledge of forensic psychological evaluation methods, including specialized assessment instruments used in forensic psychological practice;
- C. knowledge of, and practice consistent with, the Specialty Guidelines for Forensic Psychologists and the Ethical Principles and Code of Conduct for Psychologists;
- D. knowledge of rules, procedures, and techniques related to expert witness testimony;
- E. attainment of advanced skill in providing forensic psychological services sufficient to practice on an independent basis; these skills must be demonstrated in at least two distinct areas of forensic psychological practice (see Appendix A), and must include the following:
 - 1. ability to conduct a forensic interview;
 - 2. ability to use and interpret structured assessment instruments;
 - 3. ability to obtain the relevant data, including collateral sources of information;
 - 4. ability to integrate results and formulate interpretations consistent with data, relevant for the conclusions related to the legal question, and consistent with ethical and practice guidelines;
 - 5. ability to write reports that are clear, comprehensive, articulate and appropriately focused on the referral issue;

- 6. ability to provide expert testimony in a clear, articulate manner, consistent with ethical and practice guidelines.
- F. demonstration of ability to critically evaluate research and how it applies to forensic practice;
- G. eligibility for state or provincial licensure or certification for the independent practice of psychology;
- H. eligibility for board certification in Forensic Psychology by the American Board of Professional Psychology.

The last two criteria require that the training include sufficient practical experience and supervision in order to meet licensure and certification requirements. The first six criteria are competency-based and must be formally assessed. Such formal assessment should include documentation of both the knowledge component as well as assessment of quality of forensic practice. Assessment of the didactic component can be accomplished either through written or oral examination, with the Residency program specifying the required passing score. Assessment of quality of forensic practice will require formal assessment, by qualified mental health professionals (including at least one qualified Psychologist), of the elements delineated above.

The following guidelines are provided regarding the criteria above

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- A. Forensic Psychologists are not expected to be legal scholars but are expected to have a basic understanding of how the legal system is organized (e.g., types of courts, appeals process, basic legal procedures). Furthermore, Forensic Psychologists should understand the Constitutional and statutory basis for the areas in which they practice (e.g., the due process and equal protection rights impacting on commitment hearings; the principles of tort law which form the basis for personal injury, malpractice, “duty to protect” cases, etc.). This also involves familiarity with the case law that controls and limits practice, both at the national level as well as in the particular jurisdictions in which one practices.

- B. The field of Forensic Psychology involves the operationalization of legal concepts in a manner that guides forensic psychological practice. There is now a significant body of literature addressing the variety of forensic areas and how psychological expertise can be applied to specific psycholegal issues. This also involves an understanding of the limitations of psychological expertise as applied to specific legal questions. Forensic Psychologists should have a basic understanding of the issues relevant for the various areas in Forensic Psychology, and an in-depth understanding in at least two different areas. Forensic Psychologists must also be knowledgeable about the special considerations involved in using psychological testing and instruments in forensic settings (e.g., issues of response bias, validation within specific populations, gender, ethnic, and racial differences, etc.). Furthermore, a number of Forensic Assessment Instruments have been developed to aid in specific forensic evaluations. Forensic Psychologists should be familiar with the instruments that are relevant to their areas of forensic practice, understand when and how to use them in particular evaluations, and also understand their limitations. Furthermore, Forensic Psychologists must understand how the forensic setting differs from a treatment setting in terms of the approach and attitude towards the parties being evaluated. For instance, the Forensic Psychologist may have to adopt an adversarial role, questioning the validity or veracity of the individual's report. In addition, the psychologist cannot rely solely on the individual's self-report. Rather, collateral sources of information are essential for the psychologist to use to corroborate or disconfirm the individual's presentation.
- C. Forensic Psychologists must be aware of, and accommodate to, the unique ethical challenges posed by forensic practice. Many of the specifics are included in the Specialty Guidelines for Forensic Psychologists. For instance, the need to identify the "client," to clarify roles, to present data objectively, and to avoid, when possible, dual relationships often present special challenges to Forensic Psychologists working with courts, attorneys, litigants and forensic mental health programs and facilities.

- D. Forensic Psychologists are often required to provide expert testimony. It is incumbent upon Forensic Psychologists to be aware of the rules governing expert testimony (e.g., Federal Rules of Evidence and corresponding State rules), as well as issues related to admissibility of certain methods and tests. Furthermore, Forensic Psychologists must develop skills in presenting information to the legal system in both written and oral form that is relevant to the court, consistent with legal rules, and accurately reflects the underlying clinical data.
- E. Residency training in Forensic Psychology should not be limited to only one area of forensic practice. Residents should attain competence in at least two different types of forensic evaluations.
- F. Residency programs can provide the requisite exposure to research methods in a number of ways. Some programs may require the resident to engage in a research project or literature review during the residency year. Others may provide seminars in which the residents are exposed to one or more areas of research related to forensic psychological practice. Assessment of competence in this area can be demonstrated by a resident preparing a presentation or a paper.
- G. Requirements for licensure: in practice, this will mean that a Residency program will need to provide a minimum number of hours of experience as well as a minimum number of hours of supervision. The specific requirement will vary by state, although the basic requirement is the equivalent of a full year of training, which will involve a minimum of 20 hours per week, over no more than a 24 month span (e.g., a 40 hour a week program for one year, or a 20 hour a week program over 2 years).
- H. A goal of Residency training in Forensic Psychology is to prepare the resident to become an ABPP Board Certified specialist in Forensic Psychology. This requirement will mean that Residency Programs in Forensic Psychology incorporate in their curriculum the case law and knowledge areas identified by the American Board of Forensic Psychology. It also reinforces the need for adequate practical experience to attain competency in at least two different practice areas within Forensic Psychology.

IV. Doctoral level training

The focus of doctoral programs in Psychology is to provide students with broad and general education and training in both the science and practice of psychology. Within that context, doctoral programs offering a concentration in the specialty of Forensic Psychology should also provide students with a foundational knowledge of the core principles of the application of psychology to the legal system. These should include:

- an understanding of the foundations of the legal system;
- an understanding of basic legal principles which are relevant to Forensic practice (e.g., Constitutional rights, statutory provisions, case law);
- an understanding of differences in methodologies between general clinical assessment and forensic assessment;
- an understanding of the ethical issues which arise particularly in forensic contexts.

Practicum experiences at the doctoral level may include (but are not required to) exposure to populations frequently seen in forensic settings (e.g., incarcerated individuals; patients in forensic hospitals or pre-trial defendants; individuals diagnosed with a serious mental illness; children and families of divorce).

V. Internship level training

Internship programs are expected to provide an exposure to a variety of clinical populations. Trainees interested in Forensic Psychology should complete rotations which provide clinical exposure to populations seen in forensic settings (e.g., incarcerated individuals; patients in forensic hospitals or pre-trial defendants; individuals diagnosed with a serious mental illness; children and families of divorce) and/or opportunities to participate in forensic evaluations. The aim of internship training is not to produce forensic specialists but to provide enhanced clinical skills relevant to forensic practice on which postdoctoral training can build.

VI. Accreditation requirements

Forensic Psychology Residency Programs are encouraged to pursue accreditation from the American Psychological Association's Committee on Accreditation (CoA). In addition to the generic requirements of all Residency fellowships specified by CoA, Forensic Residency Programs should contain all of the following elements:

- A. The faculty is comprised of at least one ABPP board-certified forensic psychologist and other professional psychologists or psychiatrists. Ideally, the Residency Program Director will be an ABPP board-certified forensic psychologist, but the *requirement* is that at least one faculty who is involved in training the residents will have that credential. (An exception may be made for Residency Programs in Canada, if all other requirements are met.)
- B. Training is provided at a fixed site or at formally affiliated training sites, with primarily on-site supervision.
- C. The program includes didactic components, which include, at a minimum, the following categories:
 - 1. History of Forensic Psychology
 - 2. Law, Civil and Criminal Procedures, and Juries
 - 3. Ethical issues in the practice of forensic psychology.
 - 4. Researching and analyzing legal authorities (case law, statutes, regulations) to identify relevant psycholegal constructs
 - 5. Use of standardized assessment instruments in forensic evaluations.
 - 6. Assessment of response style, including malingering.
 - 7. Violence Risk Assessment/Civil Commitment.
 - 8. Personal Injury/Civil Damages
 - 9. Employment Issues/Disability evaluations
 - 10. Child Custody/Child Abuse/Termination of Parental Rights

11. Civil Competencies (Guardianship/Testamentary Capacity/Right to Refuse Treatment)
 12. Competence to Stand Trial
 13. Criminal Responsibility
 14. Confessions
 15. Sentencing and disposition issues
 16. Sex offender evaluations
 17. Evaluations of Juveniles/Waiver to adult court/Amenability to Treatment
 18. Expert testimony
 19. Issues of culture, race, and gender as they impact law and psychology (this is an important area which should also be integrated throughout the curriculum)
- D. Residency training in Forensic Psychology should not be limited to only one area of forensic psychological practice. The program provides sufficient supervised clinical forensic experience to allow the Resident to achieve competence in at least two areas of Forensic Psychology. (As noted above, the didactic training should cover all the forensic areas.)
- E. The program provides opportunities for the Residents to provide expert witness testimony in real or “mock” trials/hearings. This should include opportunities to receive feedback from legal professionals.
- F. The Residency Program should include a component in which the resident demonstrates ability to critically assess research and methodologies and how they apply to forensic work. “Research opportunities” are desirable but are not the only way to meet this goal.
- G. Entry into a Forensic Psychology Postdoctoral Residency program should be based upon completion of an APA or CPA accredited doctoral education and training program. Forensic Psychology Residents will have successfully completed an APA or CPA accredited internship program (which *may* include some training in Forensic Psychology). Provisions may be made for new programs that are on their way to accreditation and for internship programs which are not formally accredited by APA/CPA but which are accepted by the Doctoral Program.

- H. The Residency should be the equivalent of at least one year in length, provided over no more than a two year period..
- I. Residents should obtain at least 100 hours of direct supervision by a mental health professional with suitable training and experience in Forensic Psychology or Psychiatry. At least half of the hours of supervision must be provided by a psychologist.

APPENDIX A: AREAS OF FORENSIC PSYCHOLOGY

CIVIL

Child Custody
Termination of Parental Rights
Child Abuse and Neglect
Civil Commitment
Competence to Consent to Treatment
Disability evaluation
Educational disability evaluations
Fitness for duty
Guardianship/Conservatorship
Personal Injury
Workers' Compensation
Testamentary Capacity

CRIMINAL

Assessment of Juveniles in delinquency/criminal proceedings
Competence to Stand Trial
Confessions/Competence to Waive *Miranda* Rights
Insanity and other Mental State Defenses
Sentencing (including special issues related to Capital Sentencing)
Commitment of Sex Offenders ("Sexually Violent Predators") *

*Commitment of sex offenders is considered a "civil" matter, but is typically provided by Forensic Psychologists with expertise in Criminal matters

References

The following references reflect the professional literature relevant to the practice of Forensic Psychology. These articles and books are representative of the literature which describes:

- the methodologies used in forensic psychological practice, including specialized forensic assessment instruments;
- the range of populations and problems addressed in forensic psychology;
- evaluation of the quality of forensic work, and
- models of forensic training.

Regarding models of training, the Bersoff et al. (1997) article represents the recommendations of a broad range of academics and practitioners who convened in Villanova (“the Villanova conference”). This conference helped develop the principles which underlie training in this area. In addition to the specific references below, the website of the American Board of Forensic Psychology provides a recommended reading list covering the entire spectrum of forensic psychology practice, including both professional literature and case law (www.abfp.com/pdfs/certification/ReadingList.pdf).

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