

Research Article

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Establishing Applied Forensic Psychology in Palestine: Legal and Psychological Issues

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Abstract

Forensic Psychology is the branch of psychology focused on the production and application of psychological principles to the legal process including competency, validity of defenses based on mental health behavior, predicting violent behavior, assessing injury and child custody¹. Forensic Psychology has evolved in the United States since 2001 when it was recognized as a specialty of the American Psychological Association (APA) and psychologists are now serving the court systems in a wide variety of tasks². Unfortunately, in developing nations such as Palestine both access to and understanding of the specialty of Forensic Psychology is minimal, leaving critical functions of legal systems where psychological data is needed, unserved and uninformed³.

The following study was conducted in Nablus, West Bank Palestine where the first Master of Clinical Psychology program has produced a cohort of mental health professionals with an expertise in Forensic Psychology. The intervention focused on the training of lawyers (with a specialty in domestic violence and family protection) on the general principles and uses of psychology in the legal system and an introduction of how they could use forensic psychologists to the benefit of the court. The data determined that participants in the one-day training module gain significant understanding and motivation to use forensic psychologists in their practice (.002 level of significance) and that the effect was undifferentiated by age, gender, place of residence or education level).

The current study determines that with a minimal effort legal professionals can gain both understanding and a motivation to use psychological professionals, even in systems where there was no previous exposure to the field. Such openings can change the practice of law and legal systems in a positive way to include the expertise of mental health professionals at every level of governance and jurisdiction. Having access to and incorporating psychological data from qualified professionals into developing legal institutions is critical in insuring human rights and science based evidence at every level of societal systems.

Introduction

The field of Forensic Psychology has had a long and winding evolution from the first laboratories of human assessment of Wood in 1879 to the work of Binet and Terman in the early 1900's using the measurement of IQ to judge everything from education to employment potential to the current use of psychologists as expert witnesses in cases from determining the effects of alcohol on driving to the impact of torture on a specific population⁴.

Forensic Psychology is formally defined as the branch of psychology involved in the production and application of psychological principles in the legal system⁵. Applications of forensic psychology have included: the evaluation of competency to stand trial, assessing the validity of mental health defenses in

criminal conduct, predicting violent behavior in previous perpetrators of violent crime, measuring mental injury or brain damage, determining level of trauma in international incidents, and decisions related to child welfare in cases of divorce, abuse, etc^{6,3}.

Forensic Psychology has developed in the United States through a series of legal decisions which has defined and determined its scope. The first records of psychologists testifying as expert witnesses date back to 1896^{7,8}. The field grew in sophistication when in 1917 William Marston noted that high blood pressure was related to lying and started using the first rudimentary polygraph test. In 1923 in *Frye vs the US* the first restrictions were placed on psychological testimony stating that all procedures, techniques and assessments measures brought to court testimony must be "field accepted". In 1940 the courts demanded that the standards for expert witnesses depend on knowledge relevant to the case and not based on educational degree. Later in 1954 in the case of *Brown vs the Board of Education* we saw psychologist testify against other psychologist and in 1962 in the case of *Jenkins vs the United States* it was determined that a psychologists could testify as to "emotional states". All of these occurred before the American Psychological association even identified Forensic Psychology as a specialized field in 2001^{9,1}.

However, despite the growth and development of the field of Forensic Psychology in the United States, in developing nations the field of psychology as an applied science assisting legal professionals is either non-existent or in embryonic stages^{10,11}. While training programs exist for forensic psychologists in India, the Philippines, and South Africa most have focused on specific measurement tools or skills that individuals with general knowledge can apply⁹. Further training of legal professionals in relevance and use of clinical psychology is even less investigated.

In the West Bank of Palestine, the field of Forensic Psychology was virtually unknown until 2015 when An Najah National University of Palestine created the first master of Clinical Psychology program and included a course in the theory and practice of forensic Psychology. Previously the training and utilization of mental health professionals in the West Bank was limited to the Istanbul Protocol which is a United Nations format to document the effects of torture and political oppression. Despite the presence of trained mental health professionals trained in the theory and practice of forensic psychology, legal professionals and systems were not aware of how or even why to include forensic specialists in their case preparation.

The following study was initiated to investigate a training to introduce legal professionals in the West Bank to the theory, purpose, and function of forensic psychology to be applied in their daily practice of law and in addition

to make them familiar with and open access to the forensic specialists in their country. The study was further developed as lawyers assigned to Family Protection Units in the West Bank requested assistance in the particular tasks of evaluating individuals involved in cases of domestic violence, gender-based violence, divorce and child custody.

Methodology

The following study was completed as approved by the An Najah University IRB Committee.

Participants

Participants in this study were recruited by the Dean of Law of the An Najah Law School in collaboration with the PA Family Protection Unit Supervisor. Information about the training was disseminated to unit supervisors who requested volunteers. Over 27 individual attorneys were recruited. 15 individuals attended the training (a political event caused road closures leading to individuals being unable to attend) and were informed of the purpose of data collection and their right to participate in that aspect of the training. Training was not dependent on participation in the study related data collection. All participants agreed to fill in the pre and post training questionnaire and be included in the research sample. Participants represented at least five of the major population hubs in the West Bank of Palestine.

Measures

Participants completed a demographic survey which contained confidential basic information including gender, age, educational status, and place of residence (city, rural, displaced persons camp). Participants were given an evaluation of knowledge, attitudes, and motivation to engage with the field of forensic psychology before the training and at the end of the training day. These measures were compared within each participant and as group means to determine change in knowledge, attitudes and motivational level as a result of the training. A general satisfaction survey was given to all participants for quality assurance purposes.

Training

Individuals participated in a six-hour full day training which included information about Forensic Psychology as a general field, the history of Forensic Psychology, modern uses of Forensic Psychology in court and legal systems the ethics of forensic psychology and the methods of best practice in forensic psychology.

In addition, the training included specific information about the An Najah University master's degree in clinical psychology which includes preparation in Forensic Psychology and how forensic psychological evaluations might assist the Family Protection Units in Palestine, from which the participants were recruited.

Table 1: Means and standard deviations for study variable on pre-test and post-test

Dependent variable	Variables	Pre-test			Post-test		t value	df	Sig.
		No.	M	S.D	M	S.D			
Forensic psychology skills	Experimental group	15	2.1917	.35313	4.2333	.18819	-19.770	14	*.002

*p<0.001

The trainers were two professors from An Najah University’s Clinical Psychology program and two students from the program. The main presenter was a working Forensic Psychologist in the United States.

Findings

Means, standard deviations, and paired samples were calculated for study participants on pre- and post-test as shown in Table 1.

Results of Table 1 showed significant differences in forensic psychology skills between pre- and post-test in favor of post-test.

In order to test the differences in forensic psychology skills on post-test among experimental group participants due to study demographic, ANOVA test was conducted as shown in Table 2.

Results of Table 2 show no significant differences in forensic psychology skills on post-test among experimental group due two study demographic variables.

Discussion

The current study focussed on a one-day training of legal representatives working in the area of Family Protection in the West Bank of Palestine on the topics including: the field of forensic psychology, the access to professionals trained in forensic psychology in the community, and the use of forensic psychology in family court decisions (including domestic violence, child custody, etc.). The findings demonstrate that even with minimal orientation working legal professionals significantly increased in knowledge, understanding, positive attitude, and motivation to use forensic psychology in their professional situations.

The limits of the study include a small sample size and a highly specific group of attorneys all working in the area of Family Protection Law. More investigations using similar materials need to be conducted in legal professionals practising in more general disciplines of law across the West Bank.

Forensic Psychology is defined as all forms of professional psychological conduct when acting with definable knowledge as an expert on issues in direct assistance to the courts, parties to legal actions, correctional systems, legislation, and administrative and judicial agencies acting in adjudicative capacities at the local, state and international level¹². Psychological data can play a critical role in achieving not only justice based on

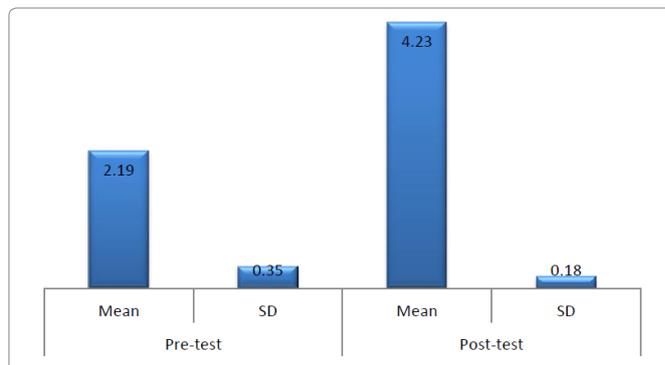


Table 2: ANOVA test for forensic psychology skills due to study variables

Dependent variable	Source of variance	SS	DF	MS	F	Sig.
Forensic psychology skills	Age	.093	1	.093	2.067	.194
	Degree	.056	2	.028	.618	.566
	Residence	.036	2	.018	.406	.681
	Gender	.056	2	.028	.622	.564
	Error	.315	7			
	Total	.496	14			

an individual’s particular history, capacity and behavioural patterns but also in creating well-informed societal systems in which our knowledge of human capacity, human traits help define and determine the parameters of those very systems¹¹.

In developing legal systems, legal practise and habit is based frequently on precedents set in colonial systems that may not be relevant to the historical context they are being called to serve and maybe of minimal relevance in current times⁷. This is very true in Palestine whose jurisprudence has as its base Jordanian, Egyptian, Israeli and even Ottoman laws and procedures. Using psychological data and research that is current and relevant to the context and populations affected expands the ability for legal systems to create policy, procedures and reach decisions in specific cases that are better informed and more deeply reflect justice¹³. This is especially true in the area of family protection (such as domestic violence, divorce and child custody) where the dynamics of culture gender bias, victimization, and the effects of trauma so directly affect the behaviours of the individuals involved and the beliefs and attitudes of the professionals charged to serve justice.

Developing a system of Forensic Psychology is a joint effort of psychological educational systems,

applied psychologists, legal educators and applied legal professionals. Currently in Palestine the nexus of an integrated master program in Clinical Psychology with a specialized preparation in Forensic Psychology along with a collaborating and integrated law school is enhancing the ability of this critical field to emerge and shape the course of both law and psychology to come.

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