



Psychology & the law



How can Psychologists assist lawyers in legal proceedings?

Criminal lawyers work with aspects of human behaviour that bring people into contact with the Law.

As part of the legal process, there are mechanisms that assist the Court in understanding and conceptualising people's behaviour that leads to crime and this can include understanding an individual's mental health and functioning, understanding the motivations that drove the criminal behaviour, conceptualising the risk of future offending or identifying an individual's rehabilitation needs and potential.

Psychologists are mental health clinicians who are experts in human behaviour and we have unique expertise and knowledge that can assist lawyers in addressing many of the legal issues and questions that arise through the criminal justice process.

Psychologists can assist lawyers in legal proceedings in three main ways:

1. We can conduct a psychological assessment and provide a report

on the basis of this assessment. This report can address a range of legal and/or other relevant issues, such as:

- Does the client have a mental illness or intellectual disability?
- What risk does my client pose for future offending?
- What kinds of rehabilitation needs does my client have?
- What special circumstances or mitigating factors should the Court be aware of in considering my client?
- Is my client suitable to be dealt with under particular sections of the Law?
- Does my client express remorse or have insight into their behaviour?
- Is my client suitable to be released to the community on bail/on parole?
- Is my client fit to plea or to stand trial?
- What role did my client's mental health have in their offending?

2. Psychologists can provide psychological treatment to your client.

Psychological treatment can address a range of mental health, social and behavioural concerns, including substance abuse, trauma, violence, depression and relationship problems. Our psychologists are expert in addressing a wide range of concerns therapeutically and we work in a variety of treatment modalities. We can then provide you with a **treatment report** that you can provide to the Court as evidence of the client's engagement in and benefit from treatment. This speaks to their motivation to address their criminogenic factors and identifies any outstanding needs for intervention and we can provide a **treatment plan** with respect to how these needs may be addressed in treatment.

3. We can assist you in understanding the needs and functioning of your clients

through case consultation. This involves us meeting with you to discuss your client and their needs in the context of their legal situation.



What kinds of questions can Psychologists answer for lawyers?

Through our comprehensive, expert and sensitive processes, we can assist lawyers in answering a range of questions that may be relevant to you.

In sum, these questions explore the connections between experience, psychosocial functioning and criminal behaviour.

These include, but are not limited to, the following:

Does the client have a **mental illness or diagnosable psychological condition**, and if so, what is the impact of this?

Does my client have an **intellectual disability disturbance** and if so, what is the impact of this?

Is there any evidence for my client of **neurocognitive disturbance** and if so, what is the impact of this?

What is my client's level of **maturity/insight**?

What **risk does my client pose** for future offending?

What kinds of **rehabilitation needs** does my client have?

What is my client's **prognosis for treatment/rehabilitation**?

Is my client suitable for offence-related **treatment programming**?

What special circumstances or **mitigating factors** should the Court be aware of in considering my client?

Is my client suitable to be dealt with under particular **sections of the Law**?

Does my client express **remorse or have insight** into the impacts of their behaviour?

Is my client **sexually deviant**?

Is this a **pattern of behaviour** for my client?

Is my client suitable to be **released to the community** on bail/on parole?

Is my client **fit to plea** or to stand trial?

What role did my client's **mental health/trauma** have in their offending?

Is my client's risk such that they need to be subject to an **Extended Supervision Order**?

Why does my client **struggle to learn** from experience/sanction?

What **supports would best help** my client and what do they need to know to support him/her?

Is **further specialist assessment** of my client necessary to assist the Court?



For more info,
visit lscpsych.com.au, email
admin@lscpsych.com.au,
or call (02) 8205 7877



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How to best brief a Psychologist

The psychologists at LSC Psychology are highly experienced clinicians, who have worked within the legal system and with lawyers over decades.

However, we are not lawyers and do not have the knowledge you have of the Law. Therefore, careful and sensitive briefing goes a long way to helping us help you through our services and getting you the product you need for your particular circumstances. Here are some tips that may be useful in terms of working with a briefing psychologist.



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Remember we are not lawyers and do not have any training in the Law. Therefore, if there are particular legal issues you want us to address or there are particular elements of Law you want us to consider, it is always useful to give us an explanation of the Law and/or provide us with a copy of the relevant section of legislation. Don't assume we know.

Provide us with copies of documents that are relevant to the case to provide us with some context. This may include, but is not limited to, Police Facts, criminal histories, presentence reports, reports by other mental health clinicians, Judge's sentencing remarks and so on.

Prep is key! Making sure our psychologists have proper time to prepare to manage your case is vital and will produce a more useful report for the client and Court.

Give us clear letters of instruction that provide a context for your matter and an outline of any specific issues or terms of reference you want us to address.

Make sure you communicate with us about any relevant timelines or deadlines we may need to know about.

Precision in briefing reduces ambiguity in opinion.

Psychological expertise doesn't equal legal expertise. Define the legal question clearly.

Reports are most useful when:

- The legal issue is defined
- Relevant documents are supplied
- Timeframes are realistic.



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What does psychometric testing do and why do we need it?

Psychologists regularly use psychometric testing in our work. Psychometric tests are structured and standardised instruments that are used to assess various psychological attributes, functions and/or characteristics.



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The benefit of psychometric tests is that they are:

- **Objective,**
- **Standardised,**
- Allow us to **compare the individual** with the greater population.

Only psychologists are trained, skilled and capable of administering psychometric tests and therefore such testing is a unique addition offered by psychologists that no other professionals can use. They are also a useful addition in that they do not rely solely on self-report and can be adjusted for bias, malingering, exaggeration, or other problematic approaches clients may take to assessments.

Psychometric testing can assist in the assessment of a range of issues, including:

- Intelligence
- Personality
- Adaptive functioning
- Malingering
- Psychological functioning
- Attitude to parenting
- Mental health conditions, such as:
 - Autism Spectrum Disorder,
 - Attention Deficit Hyperactivity Disorder,
 - Personality Disorder,
 - Depression,
 - Anxiety,
 - Posttraumatic Stress, Disorder.
- Substance abuse and dependence
- Cognitive and neurocognitive functioning
- Memory
- Learning
- Socially desirable responding

Psychometric instruments used in forensic contexts are selected based on their reliability, validity, normative data, and empirical support. Measures are administered and interpreted in accordance with professional guidelines and ethical standards.

We are also trained and experienced in using a range of risk assessment measures for specialist forms of offending, such as sexual offending, violent offending, intimate partner violence and violent extremism/terrorism.



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What range of services does LSC Psychology offer?

LSC Psychology is a specialist psychology practice with unique and expert experience in the clinical and forensic domains

We aim to provide a comprehensive and responsive service across the various needs of our referrers. To this end, LSC Psychology provides a range of services.

These services include:

- Psychological assessment
- Expert report writing and evidence
- Psychological treatment for individuals, couples, families and groups
- Family therapy
- Dispute resolution and mediation
- Critical incident debriefing
- Specialist professional training
- Programme development
- Supervision/professional support for lawyers
- Complex case consultation



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If there is something you need that is not on this list, feel free to reach out and discuss how our service may meet your need!

