

with interviewees and to obtain brief narratives of events.

A discussion about police interrogation and evidence management practices, including how bias and prejudice may influence evidence procurement, is presented by retired U.K. police officer and academic John G. D. Grieve. He describes how psychology underlies these practices and cites research findings about police prejudging and stereotypes that have informed the development of more objective policies and practices.

Aldert Vrij of the University of Portsmouth, United Kingdom, contemplates whether the accuracy of credibility assessment tools meets the evidentiary requirements promulgated by *Daubert v. Merrell Dow Pharmaceuticals, Inc.* (509 U.S. 579 (1993)). His research showed that, while lay persons have a 67 percent accuracy rate in detecting those who are telling the truth, police officers have a 55 percent accuracy rate when distinguishing truth from lies. When physiological lie detection tools are used, the error rate in detecting truthfulness reportedly ranges from unknown to between 12 and 47 percent. These tools do not meet the *Daubert* criteria, because the scientific hypothesis underlying the tools may not be testable.

In Chapter 7, David Carson describes psychology's contributions to the science of fact finding and substantive rule analysis. He explains that before applied science was commonly used in criminal justice investigations and legal proceedings, proof of culpability was generally accepted if it was provided by an authoritative source, even if the evidence was obtained by coercive interrogation.

There is an interesting discussion about the degree of divergence of the legal and scientific definitions of intention and causation in criminal responsibility cases. Susan Dennison posits that although cognitive neuroscience research suggests that the initiation of volitional processes may be unconscious, intention and causation in legal settings are broadly determined by whether the accused should have reasonably foreseen the consequences of his actions.

Jane Winstone and Francis Pake write about mentally disordered offenders and introduce the term disabler: an obstacle that hinders delivery of justice to mentally disordered offenders. For example, when the U.K. government created a legal category of dangerous and severe personality disorder (DSPD), psychiatrists saw it as an attempt to permit involuntary commitment of dangerous criminals who have no treatable serious

mental illness. Sexually violent predator statutes in some U.S. jurisdictions may also be disenablers.

The ability of legal decision-makers to render fair-minded judgments is explored by Eddie Greene and Leslie Ellis. They contend that when decision-makers are faced with vast quantities of information, heuristic reasoning is naturally triggered in the cognitive processing system.

Even though Francis Pakes says that Chapter 15 is sketchy, I actually found it to be the most informative part of the book. He discusses inquisitorial and adversarial systems as well as international criminal courts and the Islamic system in the Middle East. Definitions of Islamic legal terms, like *qadi* (a judge) and *fatwa* (a legal ruling or verdict) are listed in this chapter. Pakes conjectures that in an inquisitorial legal system, a court-appointed expert appears to take on a partisan prosecution attitude. In the latter part of the chapter, Pakes notes that although Sharia law may be religion based, its organization can differ from one Islamic country to another. Sharia law has been criticized by Amnesty International and the United Nations Commission on Human Rights (UNCHR) for its focus on corporal and capital punishment and denial of basic rights to defendants.

Finally, having discussed the positive role psychology can play in criminal justice in earlier chapters, Peter J. van Koppen used Chapter 16 to explore the scientific accuracy of the phrase reasonable psychological certainty, including error rates associated with transferring findings from one scientific field to another. Overall, I found the book thorough and compelling and recommend it to professionals in the field of forensic psychiatry, forensic psychology, and criminal justice.

Babatunde Adetunji, MD, MA, MS,
Hammonton, NJ

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Clinical Neuropsychology in the Criminal Forensic Setting

Edited by Robert L. Denney, PhD, and James P. Sullivan, PhD. New York: Guilford Press, 2008. 414 pp. \$60.00.

Although many neuropsychologists evaluate individuals who are involved in the criminal justice system, few references are dedicated to this topic. Forensic neuropsychologists Robert L. Denney, PhD, and James P. Sullivan, PhD, have attempted to fill this

void by recruiting a team of neuropsychologists who practice in correctional, hospital, academic, and private office settings, to write a reference book for forensic mental health professionals. Although neuropsychological concepts may be challenging to grasp, this text is easy to read and maintains the reader's interest.

The book contains detailed discussions of ethics, summaries of landmark cases, and explicit guidelines for conducting mental health assessments in the criminal justice system. The authors describe the role of the mental health expert and the limitations of confidentiality and informed consent in forensic settings. Several detailed models of forensic informed consent contracts that can be tailored to fit any clinician's practice are offered as references. The authors address fundamental aspects of the field with substantial detail and skill. No one should claim to be an expert in criminal forensic mental health without a firm knowledge of the areas that are covered in this text. This is especially true of forensic mental health experts who proffer opinions about malingering. The authors describe the body of research on validity testing that should inform the interpretation of and testimony about relevant psychological testing data.

The initial chapters lay the foundation for understanding more challenging topics, including competency to proceed with trial, criminal culpability, criminality and violence, presentencing evaluations for defendants in capital cases, juvenile justice, neuropsychological assessment, expert opinions and testimony, and professional competence. The authors provide practical recommendations about forensic mental health practice. The advice about billing, travel, licensure exceptions, and negotiating the correctional environment and the sample forms are worth the price of the book. In addition, there is a discussion about cross-examination that contains pearls about how to prepare for cross-examination as well as an overview of how attorneys prepare to cross-examine expert witnesses; forewarned is forearmed.

As a psychiatrist who works in the criminal justice system, I was especially interested in reading about the differences between the criminal and juvenile justice systems. As with psychopharmacological studies, the research findings that inform adult treatment and rehabilitation may deviate substantially from the data that determine effective rehabilitative interventions for juveniles. The authors report the

disturbing fact that in many jurisdictions, the lead judge may have an administrative role over the entire county's juvenile justice system (including the hiring of probation officers, detention personnel, and treatment staff). Also, studies indicate that 33 percent of juvenile confessions to violent crimes are false. The rate is higher in youths who are eventually exonerated by DNA evidence. These rates are significantly higher than those found in adults.

The authors' guidelines for assessing the knowing, intelligent, and voluntary waiver of *Miranda* rights are useful. Of course, much of the section pertains to the use of specific neuropsychological tests and their validity in criminal populations. However, rather than feeling excluded, I found the information helpful, since psychiatrists are familiar with many of the tools neuropsychologists use in such assessments.

The book contains a timely discussion of ethics in forensic mental health. An overriding guiding principle is captured succinctly in Chapter 9: "The expert is retained not to provide a specific opinion but to provide the truth. Whether the truth helps or hurts the case is irrelevant" (p 282). By design, the U.S. legal system is adversarial. Mental health professionals who practice within it are at risk of introducing bias into their assessments and testimony. The book sheds light on these potential pitfalls and reinforces a strong code of ethics that is similar to the American Academy of Psychiatry and the Law Guidelines for the Ethical Practice of Forensic Psychiatry.¹ Reiteration of such principles is the best protection against the inbred biases in this field.

A detailed review of the applicability of *Daubert v. Merrell Dow Pharmaceuticals, Inc.* (509 U.S. 579 (1993)) and *Frye v. United States* (293 F. 1013 (D.C. 1923)) offers clear assistance for experts regarding what constitutes scientifically reliable evidence that may be used to formulate an opinion. Landmark cases are reviewed when needed and referenced clearly throughout the text. Each chapter is followed by a comprehensive list of paper and electronic references.

The writing is of high quality and is consistent throughout the text. The authors and editors have succeeded in presenting complex material in a non-intimidating manner. This user-friendly text would be a valuable addition to the library of any mental health clinician.

References

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Roberta Stellman, MD
Henderson, NV

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Poems on Loss,
Hope and Healing

By Diane H. Schetky. Raleigh, NC: LuLu Enterprises, 2009. 81 pp. \$12.00.

Sigmund Freud, who was a voracious reader, held a special place in his heart for poetry. “Everywhere I go,” Freud ruefully acknowledged, “I find a poet has been there first.”¹ Diane Schetky, one of our most gifted forensic clinicians and ethicists, turns inward in this volume of poems and shares her sturdy, pure perceptions of her world. Poetry requires passion, solitude, and a love of metaphor, all of which are on display in this collection of 51 works.

The poems are grouped into three sections on loss, illness, and hope and healing. Like much fine poetry, the best of these poems move from the particular to the general, from the concrete to the abstract, from objects to the emotions that anchor them. Take, for example, this passage from “Still Life with Shaving Brush,” a poem about her father: “Beneath the smooth lid of the bowl/that once held soap/ a wisp of his scent still lingers.” Or from “The Compost Pile,” where the poet describes the spreading of an old friend’s ashes in the garden that she loved: “Diana lies dormant amid the/asparagus, beans and berries/In the end, she had her way and/we will hear more from her/come spring.” The rootedness in understatement

and the importance of place are characteristic of the collection as a whole and lend it a kind of Frostian flavor salted by the Maine coast. A substantial number of her offerings reflect her work with prisoners. There can be beauty in ugliness.

Some years ago I had occasion to reread *The Iliad*, *The Odyssey*, and *The Aeneid*. What struck me most forcefully about these epic poems was how clearly they describe the evolution of primitive justice into the canons of civilized law established by the Romans. To see our work in this rich, historical perspective is enormously gratifying. Furthermore, forensic clinicians, by virtue of their involvement in the painful, sometimes tragic, circumstances of their clients’ lives, can profit from the poet’s capacity to penetrate the superficial layers of personality and access the “bedrock” where truth, both literal and emotional, lies. This ability to connect remains a critical skill set of the forensic tool kit and poems such as these can hone that ability. Poetry can sharpen our vision and lend depth to the commonplace.

This book is in some ways an autobiography of a remarkably accomplished but modest woman’s several lives—family, travels, her own struggle with cancer, her stint with prisoners, and her capacity to see the beauty and significance in small things truly seen. One of my favorite poems, “Searching in the Woods,” concludes: “Today, I found my/pileated Woodpecker/not deep in the woods/but close to home.” Indeed, these lovely, honest poems have the power to touch our work and our lives with new views of old sights and enrich our days.

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Kenneth S. Robson, MD
West Hartford, CT

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