



**CRIME SCENE**

***Psychology Behind Bars and In Front of the Bench***

The Official Organ of Criminal Justice Psychology of the Canadian Psychological Association

**Section Executive:**

*Chair*

Jean Folsom, Ph.D.  
Folsomjn@csc-scc.gc.ca

*Secretary/Treasurer*

Karl Hanson, Ph.D.  
Karl.Hanson@ps.gc.ca

*Past Chair*

Jeremy Mills, Ph.D.  
MillsJF@csc-scc.gc.ca

*Managing Editor, Crime Scene*

Tanya Rugge, Ph.D.  
Tanya.Rugge@ps.gc.ca

*Review Editor, Crime Scene*

Chantal Langevin, Ph.D.  
Chantal\_Langevin@hc-sc.gc.ca

*Student Representative*

Leslie Helmus, B.A.(Hons)  
Lesliehismus@yahoo.ca

*Director-At-Large: NAACJ*

J. Stephen Wormith, Ph.D.  
s.wormith@usask.ca

*Director-At-Large: Clinical and Training*

Mark Olver, Ph.D.  
Mark.olver@usask.ca

*Director-At-Large: Police Psychology*

Dorothy Cotton, Ph.D.  
CottonDH@csc-scc.gc.ca

*Directors-At-Large: Psychology in the Courts*

Garry Fisher, Ph.D.  
Fisherg@mts.net  
David Nussbaum, Ph.D.  
Dnussbaum@utsc.utoronto.ca

*Director-At-Large: Conference Programme*

Guy Bourgon, Ph.D.  
Guy.Bourgon@ps.gc.ca

*Director-At-Large: Web Coordinator*

Joseph Camilleri, M.A.  
4jac1@qlink.queensu.ca

*Membership Coordinator*

Natalie Jones, M.A.  
Natalie\_carleton@hotmail.com

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## REGULAR FEATURES ...

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### Editors' Note

Across most of Canada, it has been a blustery and lengthy winter with near-record snow fall. Here in Ottawa, we have experienced many "snow days", leaving us stranded in our homes with extra time on our hands. And from the size of this *Crime Scene* issue, we think a lot of people filled their time by writing articles!

Also here in Ottawa, just a few snowy weeks ago, the federal government presented their 2008 Budget - "*Responsible Leadership*". Through this budget, investments were made in several areas that are linked to topics in this *Issue*.

One commitment within the Budget was to provide \$110 million to the Mental Health Commission of Canada. In Dr. Dorothy Cotton's *In the Trenches* column, she outlines the work being undertaken by the Canadian Mental Health Commission and the relationship this work has to the area of criminal justice.

Addressing the issue of crime and enhancing the security of Canadian families and communities is another stated priority of the government. As part of the federal government's plan to tackle crime, further investment was made in the National Crime Prevention Strategy (NCPS). NCPS is a framework for the implementation of crime prevention strategies. Many of us in criminal justice psychology conduct research on how to avert criminal behaviour among various populations, and this *Issue* includes articles that demonstrate this effort. Natalie Jones and Dr. Shelley Brown discuss the value of adding protective factors to risk assessments in their special feature article, *Positive Reframing: The Benefits of Incorporating Protective Factors into Risk Assessment Protocols*. Dr. Tracey Vieira writes of her research that evaluated the impact of matching youths with services according to their risk level, criminogenic needs, and responsivity factors on recidivism and functioning, in her dissertation abstract entitled *Matching Court-Ordered Service with Youths' Clinically-Identified Treatment Needs: Predicting Treatment Success with Young Offenders*.

Also in an effort to address crime, \$400 million has been committed to a Police Officers Recruitment Fund. In one of the special feature articles, the realm of police questioning is explored. Dr. Timothy Moore and Karina Gagnier present research they undertook to assess comprehension of the current police caution by individuals of average intellectual ability in "*You can talk if you want to: Is the Police Caution on the "Right to Silence" Understandable?*"

Additionally, funds have been allocated to enhancing the work of the Public Prosecution Service of Canada. The legal system and the people operating within it can certainly be informed by criminal justice psychology. This is demonstrated in the *Beyond a Reasonable Doubt* column where Dr. David Nussbaum writes on *Forensic Consulting by Psychologists: Some Considerations before Contracting to Perform Assessments for Lawyers*, and in the dissertation thesis abstract provided by Dr. Julie Lemieux entitled *The Relationship between Beliefs, Strength of Evidence, Statistical Presentation, and Expert Testimony on Jury Decision-Making in DNA Cases*.

Whether or not you agree with the current government's policies and funding allocation, it is clear that areas affecting criminal justice are receiving a considerable amount of attention. Making comparisons between our current federal government and the goals of our criminal justice psychology Section members may seem absurd (even comical) to some; however, others may view the budget allocation as a golden opportunity. Let us just say, the highlights of the recent budget provided an excellent framework for this issue of *Crime Scene*.

Continuing on, the government also indicated that investing in the future is of significant importance, believing that investments in people and knowledge will assist in providing the foundation for global success. As such, hundreds of millions of dollars are being allocated to the domain of education through the Canada Student Grant Program, the Canada Student Loans Program, the new Canada Graduate Scholarship for top doctoral students, and the enhanced flexibility of the Registered Education Savings Plan. In parallel, this newsletter strives to be a vehicle for knowledge development and transfer among professionals and students working within the area of criminal justice psychology.

To support this vision, this *Issue* has numerous articles that can advance knowledge in several areas, including sexual offenders (please see Dr. Kevin Nunes and Kelly Babchishin's research brief - *Studying the Cognitions of Sexual Offenders: Going Beyond Self-Report Measures*), female offenders (please see Dr. Shelley Brown and Dr. Kelly Blanchette's special feature article - *Using a Gender-Informed Lens to Advance Theory and Practice for Female Offenders*), and statistics in criminal justice psychology research (please see the special feature articles by Dr. Paul Gendreau and Dr. Francis Cullen - *Martinson Redux* and Dr. Karl Hanson - *What Statistics Should We Use to Report Predictive Accuracy?*).

To further contribute to knowledge development and transfer, a new column has been added to *Crime Scene*, thanks to the enthusiasm and efforts of Joe Camilleri. For this new column, *Knowledge Development and Transfer*, Joe will provide

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## WELCOME TO ALL NEW MEMBERS!

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summaries of recent studies in areas of psychology such as social, personality, cognitive, developmental, and biological that use basic research to understand criminal behaviour. It is Joe's hope, as well as *Crime Scene's*, that this sharing of knowledge can strengthen the links between basic and applied research in criminal justice psychology.

Also in parallel, *Crime Scene* sees value in investing in people, like students studying in the area of criminal justice psychology. At the Students' Water Cooler, you will get the inside scoop on professors' thoughts about securing a thesis supervisor. This investigative piece will present you with the "dos", and even the "don'ts", of this process! And last, but certainly not least, in his column article titled *Training Issues in Clinical Psychology: On Supervising a Community-Based Young Offender Practicum*, Dr. Mark Olver talks about his experience supervising a community-based young offender practicum, as well as feedback from students who have completed this program.

And in the spirit of knowledge transfer, we would like to share details of the Canadian Psychological Association's 69<sup>th</sup> Annual Convention with our readers. This year's conference will be held on the eastern coast of Canada in Halifax, Nova Scotia from June 12<sup>th</sup> to 14<sup>th</sup>. Keep watch for the conference proceedings – they should be out soon. For those of you interested in our section's business meeting, it will take place on Friday June 13<sup>th</sup> at 8:00am. And not to be missed - a reception for our Section members will be held the evening of Thursday June 12<sup>th</sup> in the Premier Suite of the Marriott Hotel, beginning at 5:30pm. Presentations will commence at 6:00pm. Come enjoy some snacks, drinks (the event is BYOB) and chat with your fellow section members!

Our editors' note just wouldn't be complete if we didn't mention that we encourage readers to get involved. So, while you wait patiently for all the snow and ice to melt, take a few moments to contemplate how you can contribute to your Section's newsletter. Send us an email if you know of a Section member needing recognition, news about members or yourself, job opportunities, or you have an article for the newsletter. We will be accepting submissions until August 1<sup>st</sup>, 2008 for the September issue of *Crime Scene*.

And as always, we would like to take a moment to thank everyone who contributed to this *Issue*. We would also like to extend a special thank you to Leslie Helmus, for assisting with the review process of this *Issue*. She was a much

needed third set of eyes, given that we were juggling language training, pressing work priorities, and day-care contagion!

Both of us will be flying out east for the convention this year, so we hope to see you there!

*Cheers,*

*Chantal & Tanya*

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### **View from the Top**

Now that spring is approaching, our thoughts are turning to... the Annual Convention! This year's convention will be held in the beautiful coastal city of Halifax from June 12<sup>th</sup> to 14<sup>th</sup>, 2008. Although our Section will not be holding a "Conference within a Conference" this year as it did last year, we will be making our mark on the convention.

For starters, of all of the Sections, we will be sponsoring the largest number of pre-convention workshops: one on cognitive impairment as a responsivity factor, another on detecting deception, and a third on motivational interviewing. Note that one of CPA's Invited Speakers will be Dr. Jim Bonta whose presentation "How has psychology informed our understanding of criminal behaviour?" is not to be missed. Once again our Section will be honouring a prominent psychologist, Dr. Steve Wong, with our annual Career Contribution Award. The presentation of the award will be made following his address as our Section keynote speaker.

Your participation in the Section's business meeting is vital to keeping our Section alive and moving forward. We will also be hosting a small reception on Thursday evening for all members. Whether it's presentations, symposiums, workshops, poster sessions, or just having fun, the Criminal Justice Section will be well represented throughout the day - everyday at the conference.

It is interesting to notice that as some areas of practice for psychologists are shrinking, there seems to be an expanding role for psychology to play in the criminal justice/forensic/correctional field. There has been an increased awareness of mental health issues in the community, in particular when people with mental health problems run into conflict with the law. In the USA, there were the shooting deaths of five Northern Illinois University students on Valentine's Day by a fellow student with mental health problems. In Canada, as an outcome of the Kirby Commission, the new Canadian Mental Health Commission has been created. CPA's own past Executive Director, John Service, is now leading the Commission as its first Executive Director. There is a Mental Health and Law Advisory Committee of this Commission that will be looking at issues

relevant to criminal justice psychology. Police organizations are becoming interested in what psychology has to offer in the areas of officer selection and in the training of front-line officers on how to deal with people with mental health problems in the community. The police are typically the first ones to be called when problematic behaviours occur in the community.

The Correctional Service of Canada has received additional funding to deal with the increasing numbers of offenders with mental health problems entering their system. This has translated into many new psychologist positions. Watch the Public Service Commission's web site for almost continuous advertisements.

With the ever-expanding career opportunities within the criminal justice system in Canada, there is a need for more clinical graduate-level training in this area. There are presently few universities preparing students to readily enter this field without additional training and experience. Expansion of the training opportunities in criminal justice/forensic/correctional psychology would be a great forward-looking step in matching clinical training to actual career opportunities in psychology.

The Criminal Justice Section can serve as a home base for many activities aimed at meeting the challenges and opportunities in the field. The convention will bring together the best in Canada. Hope to see you all Halifax!

*Jean Folsom*

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**Column: In the Trenches: The Practical Experience of Forensic and Correctional Psychology**

By Dorothy Cotton, Ph.D.

*Director-at-Large: Police Psychology*

**The Canadian Mental Health Commission**

Every morning, two newspapers arrive on my doorstep and I read them both cover to cover, never missing a word.

Actually, that's a lie. I miss a lot of words. I even miss entire sections sometimes. I suspect that is true of most people. Therefore, I want to draw your attention to something that has been in the papers a lot recently, but might have been in one of those sections you missed. It has to do with the Canadian Mental Health Commission.

The first thing you need to know about the Canadian Mental Health Commission is that it exists. That in itself is pretty exciting. Mental health and mental illness are things that most of us prefer not to talk about. Indeed, Canada is the only G8 country that does not have a national mental health strategy... until now. And it is not like Canadians don't have mental health problems. About one in five Canadians will

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**AFTER THOUGHTS**

Welcome to our feedback centre, *After Thoughts*, which includes opinions received on *Crime Scene* in general, as well as commentary on specific articles.

**ON CRIME SCENE SEPTEMBER 2007 ...**

*Congrats on another excellent issue of Crime Scene.*

*Great Job!!!*

*Thank you for your diligence and hard work in bringing Crime Scene to fruition.*

As always, thank you for your feedback!  
And thank you to all those who submit material and help make *Crime Scene* a success!

If you find an article particularly thought-provoking, we encourage you to write a response.  
We welcome all After Thoughts, whether they pertain to the content of *Crime Scene* or general issues in criminal justice!  
We hope to hear from you!

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have a mental health problem at some point; mental illness is responsible for about a third of all days Canadians spend in hospital each year - and it costs our economy about \$18 billion per year.

In any case, governments seem to have finally gotten around to noticing this. Whew. I suspect it is something that anyone in the criminal justice system noticed a long time ago. Police frequently deal with people with mental illnesses, the courts encounter them, and the prisons are full of them. And the numbers are going up, not down.

The Commission is looking at three key initiatives to start things off. One of the first things that the Commission will be looking at is the issue of stigma and discrimination against people with mental illnesses. Sometimes, the way we treat people with a mental illnesses is worse than the illness itself. Think about the language we use to describe people with mental illnesses, for example. I think we have a national attitude problem and it is about time we did something about that.

The Commission will also be looking at ways to make sure that everyone who needs access to accurate information about mental illness can get that information - in other words, they are looking at developing a Knowledge Exchange

Centre. Whether you are a researcher, a psychologist or other service provider, a family member, a person living with a mental illness, you need to be able to find the information you need. And you need that information to be accurate and timely.

Third, but perhaps most significant because it ties everything else together, is the development of a national strategy, an organized approach for making things better. This means reform of policies and laws, getting service providers organized and accessible. This is no small feat.

So where do you start with a process this large? Like any other big project, you break it up into smaller bits. There are eight committees: Children and Youth; Mental Health and the Law; Seniors; Aboriginal Issues; Workplace Issues; Family Caregivers; Service Systems, and Science.

If you do not see any link between these committees and your everyday work, you are not looking hard enough. But in particular, I hope you noticed the Mental Health and Law Committee. This particular committee has a somewhat dual role. First, it will be looking at all the various bits of legislation that affect people with mental illnesses. Some of these are obvious, things like mental health acts, consent and capacity legislation. Others like privacy legislation and employment laws are not quite so obvious, but equally important.

But the committee will also be looking at issues specific to people with mental illnesses who find themselves in the criminal justice system.

How do we make sure the Commission accomplishes its mission? Well, you tell us. The psychology point of view will be well represented on the Mental Health and Law Committee by Drs Patrick Baillie of Calgary, Dr Kerry Jang from UBC, Dr Anne Crocker at McGill, and me. Think of us as a conduit. You can work through us, and we hope you will. Tell us what you think needs to be done....we'd really like to hear from you.

*For more information about the Commission, check their website at [www.mentalhealthcommission.ca](http://www.mentalhealthcommission.ca).*

**WE HOPE TO SEE YOU IN  
HALIFAX IN JUNE!  
BE SURE TO ATTEND THE  
SECTION BUSINESS MEETING  
TO GET THE LATEST NEWS  
ON WHAT'S HAPPENING  
IN THE SECTION!**

### **Column: Training in Criminal Justice Psychology**

By Mark Olver, Ph.D., RD Psych (SK)

*Director-at-Large: Clinical and Training*

### **Training Issues in Clinical-Forensic Psychology: On Supervising a Community-Based Young Offender Practicum**

In my last newsletter column I had presented some ideas of conducting a survey of clinical-forensic psychology practicum and internship opportunities, with the eventual goal of creating a directory of training sites. A survey has since been developed and distributed to institutions and community agencies throughout the Correctional Service of Canada. We are currently awaiting replies and hopefully will be in a position to report some of the collective responses in the next issue of *Crime Scene*.

As for the present column on training issues in clinical-forensic psychology I turn to some of my ongoing experiences in clinical training and supervision. Currently, I supervise a one-day-per-week practicum at a community mental health agency that provides services to young offenders. The primary focus is conducting court-ordered assessments although there are also some opportunities to provide individual therapeutic services. Youth are referred for a variety of reasons, with some of the most common being assessing risk for recidivism/future violence, psycho-educational assessments, or evaluating some aspect of mental health and emotional adjustment. Recommendations are made for therapeutic services, conditions for community supervision, classroom/educational accommodations, and so forth.

Conducting a weekly community practicum with this client group has presented several training issues. Standard to most internship rotations or practica, the student/resident/intern (hereon referred to as the trainee) comes in with varying amounts of background knowledge, and encounters what is usually a steep learning curve in acquiring the domain-specific knowledge, skills, and abilities for clinical-forensic work. The trainee is tasked with learning different assessment instruments, interviewing skills, techniques to foster rapport, asking sensitive or difficult questions, and covering key assessment content domains. Court-referred clients may not show up, or even if they are brought in by well-intentioned parents or youth workers (unless we visit them in custody or at school), they may still refuse to complete tasks, or be oppositional, bored, unmotivated, sullen, or hostile and defiant. At the end of the day, a carefully written, integrated, balanced, accurate, fair, and (hopefully) useful assessment report is generated for the key players in the court that can stand up to scrutiny and addresses the referral question(s) of the judge.

An additional training issue involves learning to develop and maintain collaborative relationships with other professionals. Most of the professionals we work with are not psychologists. They tend to be custody workers, social workers, youth workers, family service workers, school-teachers, judges, and lawyers, in addition to the youth's family. Such diversity in the agencies, professionals, and stakeholders we work with has important implications for how we conduct ourselves professionally, such as communicating in a common language, respecting and valuing the knowledge and contributions of other service providers, and making efforts to work collaboratively to formulate feasible recommendations or a viable case plan for the youth.

The practicum has also proven to be a good ground for illustrating ethical decision making processes in a real world context, given that young offenders frequently present with several ethical dilemmas. Not uncommonly, child welfare and protection issues arise, such as risk for abuse or neglect. There may be concerns related to suicide or self-harm risk, self-destructive behavior, ongoing illicit drug and alcohol use, or residential instability. Or in some cases, a youth may have victimized a family member, has a no-contact order imposed by the court, and then it comes to light that the youth has been residing in the household with access to the victim again. These cases and others call for frequent consultation, considering relevant ethical principles and standards, navigating issues of confidentiality, reporting to appropriate bodies, and maintaining collaborative relationships with partners in the community.

Challenges also arise from the structure of a weekly practicum in itself, especially if one is not working fulltime at the agency in which the training experience is provided. My current practicum student pointed out that there seems to be a "tightrope balance" between providing good clinical training opportunities on the one hand, and managing the constraints imposed by the artificial structure of a practicum on the other. For instance, court-ordered assessments with reasonably lengthy due dates need to be selected for there to be ample time for the bulk of the report to be written by the trainee. Discretion also needs to be practiced in taking treatment referrals. For instance, a high-risk, high-needs youth requiring intensive services and who will probably occupy a significant portion of a service provider's time throughout the week is probably not the most suitable referral for short-term therapy provided via weekly contacts. Even still, the supervisor needs to be accessible if crises occur (not uncommonly, I am contacted at my university office during the week). Additional considerations emerge, such as what to do if a particularly difficult to engage client opens up one-on-one with the clinical supervisor, but refuses to engage if other people (such as a practicum student) are present. While

there is the need to provide services, a possible training opportunity may be compromised or lost altogether.

The practicum has also provided unforeseen opportunities. A slow practicum day (resulting from a no-show) generated some fruitful discussion, which in turn, translated into ideas for a research project investigating the attitudes held by university undergraduates towards offenders and the justice system.

In short, I have found supervising a community-based young offender practicum to present some interesting training issues, challenges, and opportunities, and for me the experience continues to be a rewarding and worthwhile professional activity. I welcome the survey responses of our colleagues from across the country about the training opportunities and experiences available at their sites.

### DON'T FORGET TO LET US KNOW WHEN YOU HEAR ABOUT:

🗨️ **Employment Opportunities** 🔍

📢 **Members on the Move** ➔

📄 **Recently Published Articles** 📖

#### **Column: CCOPP's\* Stories**

(\*Canadian Committee of Police Psychologists)

By Dorothy Cotton, Ph.D.,

Director-at-Large: Police Psychology

#### **More Interesting than Mongolian Gerbils...**

Sunday mornings are always an exciting time in my life. Here I was, at the local university library wading through an article on sexual maturity and late parturition among Mongolian gerbils, when I accidentally bumped into an issue of the Journal of Applied Psychology and it fell open to the article, "Prediction of dysfunctional job behaviors among law enforcement officers." Needless to say, the gerbils went on the back burner while I checked out the article.

It would certainly be nice if you knew ahead of time which officers were likely to get into trouble. I suspect some managers can do this fairly well by instinct, but still, it would be nice to have a little more information to help us out.

According to the authors, there are some personality traits that give us a hint about this. The authors of this study were working out of the University of North Carolina and had access to psychological test results from 13 different police services. From these 13 agencies, they identified over a hundred officers who had gotten into trouble for stuff like

excessive force, substance abuse on the job, embezzlement of property, multiple motor vehicle violations ... a whole variety of stuff. The authors then compared them to similar people - same age, gender, length of service, police service and similar "active duty" profiles but no disciplines. What the authors were looking at was differences in the concept of conscientiousness. Sounds a little like nailing jello to the wall, doesn't it?

However, the one aspect of personality that has been shown to be generally predictive of good behaviour in a whole bunch of occupations is "conscientiousness." Individuals who exhibit high "conscientiousness" tend to be organized, reliable, hard-working, self-directed, scrupulous, and persevering. Individuals at the other end of the scale tend to be lazy, careless, lax, impulsive, and irresponsible. It shouldn't come as a great surprise that it is these latter folks who get into trouble.

It's a complex concept, this conscientiousness stuff. There seem to be several key aspects. One is "reliability." Do people do what they are supposed to do when they are supposed to do it? Or is their behaviour typified by being careless, impulsive, and having little concern for a sense of duty. The second aspect is "socialization" - the degree to which someone adheres to social norms, basically follows the rules, as opposed to someone who is risk-taking and rebellious. Then there is "self control", which represents the attempts that a person makes to control his or her impulses, emotions, and temper.

If you look at officers who are at the "not so good" end of these three variables, you find that they are more likely to get into trouble, if you define "getting into trouble" as meaning that they are the subject of formal disciplinary proceedings. Interestingly, these factors are not necessarily predictive of job behaviour overall. A previous study found these aspects of behaviour were not related to scores on a job knowledge test or measures of technical proficiency or even supervisors' ratings.

Of course nothing in life is simple. Not everyone who fails the conscientiousness test is going to get in trouble - and somehow, there are always a few really conscientious people who have a momentary lapse or end up in the wrong place at the wrong time. No predictive scheme is fool-proof. This is just one more little piece of information that goes along with all the other bits that we know already - like that people with drug problems, people who have been in trouble before, people with previous convictions are also at higher risk. Consider this personality stuff a hint, a clue. And as we all know, some clues just don't go anywhere.

But look at the bright side. Picking out potentially problematic officers is probably easier than trying to delay sexual activity in a Mongolian gerbil. Take my word for it.

**INTERESTED IN SUBMITTING  
AN ARTICLE FOR THE  
SEPTEMBER ISSUE OF  
CRIME SCENE?**

Deadline is August 1st, 2008

**Column: *Beyond a Reasonable Doubt***

By David Nussbaum, Ph.D.

Co-Director-at-Large: *Psychology in the Courts*

Having practiced forensic psychology since 1987, the utility of psychological assessment and intervention techniques are indispensable if mental health services are to be optimally utilized to address psycholegal issues. Psychologists have pioneered the overwhelming majority of empirically supported assessment and intervention procedures at the interface between behaviour and law. However, psychologists, along with expert witnesses from other professions often experience angst, and not infrequently enough they generate skepticism about their competence, not because of a lack of available information but because of role confusion. I will illustrate this point in the article below with a highly publicized example from medicine, but the principles apply to psychologists as well.

**Forensic Consulting by Psychologists:  
Some Considerations before Contracting to Perform  
Assessments for Lawyers**

Acknowledgement: Thanks are extended to Ms. Helen Kersley, LL.B. who provided helpful comments on the Draft Letter of Understanding contained in this article.

*"Smith admits bias for Crown"*

*"Pathologist 'was there to make a case look good'"*

*Theresa Boyle: "Disgraced pathologist Dr. Charles Smith admitted to a public inquiry yesterday that he was biased in favour of prosecutors and child advocates...I honestly believed it was my role to support the Crown attorney. I was there to make a case look good....It took me a long time to acknowledge that my role was really not to make the Crown's case or to make a case of whoever wanted me in court, but really to be much more impartial", he explained. The inquiry is looking at 20 cases in which Smith erred." (Toronto Star, January 29, 2008, Page 1).*

Perhaps it is easier to begin examining the professional's role as an expert and expert witness within the legal arena by examining this case of an esteemed member of a different profession, especially in this era of CSI mythology. The unfortunate Dr. Smith was and is likely not an evil person, but

one who attempted to do the right thing and either misunderstood the expert's role, or attempted to expand on it toward a good end with unintended but catastrophic consequences. He admitted to becoming caught up in the politically correct anti-child abuse culture of the Hospital for Sick Children (pg. 8) In twenty examined cases by the tribunal in question (and he performed hundreds throughout his career), it was revealed that parents and other caregivers spent time behind bars and lost custody temporarily in some cases and permanently in others. One victim of Smith's incompetence, Sherry Sherret, was wrongly convicted of the infanticide of her 4 month-old son in 1996, resulting in her loss of custody of another of her children who was later given up for adoption. While in the criminal justice system, the issue of Ms. Sherret's appearing to be unremorseful was difficult for her as she was told she did not accept responsibility. Given that she was not guilty, admitting remorse would be difficult. Dr. Smith also admitted to being untrained in Forensic Pathology. As he admitted, "When I think back on it now, I wonder to what degree the sometimes advocacy role that was used by some at the hospital coloured my thinking" (pg. 8).

That comment marks a fortuitous departure point for this discussion. Many psychologists who contemplate performing private evaluations for lawyers appear somewhat unaware that our British-derived criminal justice system was designed as an adversarial system. Other criminal justice systems are modelled after tribunals where the courts work with the police to discover evidence and proffer charges. The accused is then guilty until proven innocent, as the charges are brought only after the court is satisfied that the individual is likely guilty. The judiciary in adversarial systems is impartial, with the underlying ethical value being that individuals remain innocent until proven guilty. However, both the Crown (prosecution) and the defence attorneys indeed are advocates for their respective clients; society and its interest in public safety for the crown and the liberty, or barring that, the best available defence and legal outcome for the accused. Lawyers are indeed advocates as reflected in the French word for lawyer: *avocat*.

Along with this advocate role and status, lawyers are afforded exclusive privilege as an extension of the accused him/herself. Thus, lawyers cannot be forced to testify against a client and information divulged in confidence remains "sealed". This privilege is limited only to the extent that a lawyer cannot abide lying or misrepresentation of evidence by her/his client. However, in line with the lawyer's overriding ethic of providing optimal representation for her/his client, it is not only permissible but desirable for a lawyer to find a professional opinion most supportive of the client's case. The adversarial system profoundly appreciates that each attorney will advocate for their client's interests in partial

fashion. Indeed it is the professional duty of each attorney to question the reliability and validity of evidence tendered counter to one's client's interests. Lawyers do not represent their clients with an eye to "objective fairness" but the best possible arguments available for a favourable outcome. It falls to the judges and juries to sift through the evidence in chief (initial testimony) and possible retreats or modifications from the initial positions under intensive cross-examination that the triers of fact (i.e., judge or jury) must use to assign a relative weight (from zero to complete) to any evidence presented to help decide the case.

Where does the expert witness fit in this scenario? Witnesses in general are only allowed to testify to facts, not offer opinions. By virtue of their expertise on matters that the courts may not be expert on, experts are allowed to report both facts and opinions with respect to what these facts mean and thereby assist the court in reaching a sound decision. Clearly then there is no advocacy role for the expert. Experts should not be surprised and certainly not horrified or feel sullied by lawyers' advocacy roles. Frankly in any dispute in court, I would not want to be represented by an attorney who decided to view the case "objectively" because my lawyer should advocate on my behalf. Otherwise, I am proceeding on a clearly uneven playing field. However, the expert is there to offer an objective opinion to put the facts of the case into a particular objective framework. Other experts may disagree, and it is left for the respective lawyers to put the spin that best serves the interest of their clients before the trier of the facts.

Another area of concern for lawyers regarding psychological and psychiatric reports is that as conscientious mental health professionals, we often insert sections that are of clinical salience but both irrelevant and potentially harmful to the best legal interests of the accused. It is therefore imperative that psycholegal reports are limited to the referral issue, barring perhaps "Duty to Warn or Inform" type issues within the context of local legal and professional statutes and standards.

While I am not aware of any documents that might be helpful in reducing misunderstanding and discord between mental health and legal professionals stemming from role conflicts, it might be helpful to keep both the contracting lawyer and the consulting mental health expert aware of the role distinctions between them with a "Statement of Understanding" that they both sign prior to the start of the evaluation. Particulars such as Charges and Psycholegal Issues (e.g., Criminal Responsibility, Fitness to Stand Trial, Risk Assessment, Treatability etc.) will vary on a case by case basis. A draft specimen of such a Statement might look something like the following:

*Statement of Understanding between  
Robert Hartley, Ph.D., C. Psych. and Ophelia Quiver, LL.B.*

*For the Forensic Assessment of Mr. Bluto Blogs*

*Ms. Ophelia Quiver is the legal counsel retained by the accused, Mr. Bluto Blogs, to defend from the charge of Aggravated Assault alleged to have occurred on December 25, 2007. On January 10, 2008, Ms. Quiver contacted Dr. Hartley, a Registered Psychologist in the Province of Ontario, to conduct an assessment of Mr. Blogs' Criminal Responsibility with respect to this charge and Dr. Hartley has agreed to do so. Dr. Hartley understands that his involvement in this consultation is limited to the assessment issue and does not extend to other clinical issues such as treatment or treatment potential. Ms. Quiver may request that Dr. Hartley provide Ms. Quiver with a verbal report of his findings and their conclusions prior to writing a report with the understanding that a report might not be requested. Ms. Quiver agrees that Dr. Hartley will conduct the assessment using the psycholegal instruments and techniques that in his expert opinion are most appropriate and the opinions formed on the basis of the data that he collects are his alone, and will not be altered, adjusted or influenced by Ms. Quiver. Ms. Quiver will examine a draft of the report and may provide comments or supplemental information regarding the correctness or completeness of the psychosocial historical narrative, legal standards or legal phrases included in Dr. Hartley's report. At Dr. Hartley's discretion, these potential historical or legal inaccuracies and their implications may be reflected in the final draft of the report submitted to Ms. Quiver. Dr. Hartley further understands that the final copy of the report will be provided to the court at Ms. Quiver's discretion. Ms. Quiver agrees that Dr. Hartley will be paid at the Legal Aid rate of \$ 90.00/hr. up to a maximum of 12 hours allowed by Legal Aid for this case, regardless of how many hours Dr. Hartley spends on the assessment, whether Dr. Hartley writes a report or whether his report is tendered to the court or not.*

*Signed*

*Ophelia Quiver, LL. B.  
Legal Counsel to the Accused*

*Robert Hartley, Ph.D., C. Psych.  
Consulting Forensic Psychologist*

This brief agreement will not address all areas of potential conflict between consulting forensic psychologists and contracting lawyers, but rather reflects some of my less popular reminiscences from generally positive personal experiences in consulting with various criminal and civil lawyers over the last 20 years.

Once the respective roles of the professionals are delineated, the forensic psychologist can focus entirely on the evaluation at hand within the stipulated parameters. The necessity for successful evaluations and the ability to withstand scrutiny in cross-examination, results from a comfortable familiarity with the psycholegal issue (e.g., legal criteria for Fitness to Stand

Trial), the empirical literature supporting the use of the instruments or techniques employed in conducting the evaluation, soundness of making the relevant diagnosis including considering the differential diagnosis, an in-depth clinical understanding of the diagnostic condition, importantly, how the particular diagnosis impacts on the specific capacity that is "psycho-legally relevant," and finally, the logical coherence of the arguments linking all of the above to the expert opinion. Given the above, the qualified forensic psychologist should clearly avoid the unfortunate experiences of Dr. Charles Smith and help justice be done rather than be denied.

**SEND US AN AFTER THOUGHT  
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OF THE NEW COLUMN:  
KNOWLEDGE DEVELOPMENT  
AND TRANSFER**

**Column: Knowledge Development and Transfer**

By Joseph A. Camilleri, M.A.,  
Director-at-Large: Web Coordinator

**Basic Research Applied to  
Criminal Justice Psychology**

Hello and welcome to what I hope will be a regular column in *Crime Scene*. In each issue, I will provide brief summaries of recent studies that use basic research to understand criminal behaviour. The term *basic research* is used to describe research that uncovers theoretical relationships between variables. This includes research in several areas of psychology, including social, personality, cognitive, developmental, cultural, evolutionary, and biological psychology. This column may be useful (or just interesting) for several reasons. Considering practitioners and applied researchers may not be familiar with research outside their area of expertise, this column will sample the most current literature from a diverse set of disciplines to keep readers up-to-date. More importantly, I think efforts should be made to make links between basic and applied research in criminal justice psychology, and this is one small way to facilitate that effort.

I will avoid reviewing articles published in journals that *Crime Scene* readers are familiar with, such as *Criminal Justice and Behavior* and the *Journal of Interpersonal Violence*, because the purpose of this column is to increase breadth (and because I need to refine the search criteria for this huge literature). Also, as much as I find the animal behaviour literature to be relevant and interesting, such papers will also

be excluded. These reviews are not meant to be exhaustive (I do have a PhD to complete), but will provide sufficient detail to understand each study's hypothesis, methods, and results. I will also provide my own opinion, such as implications or applications, and invite others to share their own. If there are articles you think are appropriate for a review, please let me know (4jac1@queensu.ca). And, now that the ground rules are covered, let's begin.

*Accuracy in judgments of aggressiveness (Kenny et al, 2007)*

I was interested to read this article because last year I perused a relatively new book by Kenny, Kashy, and Cook (2006) on dyadic data analyses. This is the first paper I have come across since reading his book that used dyadic analyses to study perceptions of antisocial behaviour.<sup>1</sup> A popular dyadic method comes from Kenny and La Voie's (1984) Social Relations Model. Using aggression as an example, the Social Relations Model decomposes variance into actor effects (extent to which perceiver sees all targets as aggressive), partner effects (extent to which a particular target is seen as aggressive by all perceivers), and relationship effects (unique relationship between how aggressive a particular perceiver views a particular target, beyond how aggressive the perceiver views all targets and how aggressive the target is seen by all perceivers). For a thorough explanation of these effects, see Kenny et al. (2007, p. 1227). These effects can then be used to test three types of person-perception accuracy by correlating the perception of aggression with aggressive behavior: generalized accuracy (e.g., accuracy of knowing who will be aggressive in general), dyadic accuracy (e.g., accuracy of knowing who will be aggressive to the perceiver in particular), and perceiver accuracy (i.e., accuracy of knowing who will be victims in general). As Kenny et al. (2007) reviewed, most studies found stronger accuracy for general perceptions than for dyadic perceptions, but such findings might result from using variables that fail to motivate accurate responses. Perceptions of aggression address this concern because people should be motivated to know if they will be victims of aggression and to know who the perpetrator will be.

To test the hypothesis that dyadic perceptions are more accurate than general perceptions, they asked 116 nine-year-old boys to rate "How much does \_\_\_\_\_ start fights with \_\_\_\_\_?" for pairs of students in his class, sometimes including the rater. Over the course of five days, the researchers observed a subset of this group ( $n = 66$ ) during playgroups, and recorded proactive aggression (i.e., using aggression to achieve a goal) and reactive aggression (i.e., responding to a peer in an aggressive way). Total aggression

for each dyad was computed. Generalized, dyadic, and perceiver accuracy were calculated.

For perceiver accuracy, they found that school boys were accurate at knowing who the victims of aggression are, but were not accurate in knowing if they themselves will be victims. Generalized accuracy was consistent with past research - participants were good at knowing who will be more aggressive, but for dyadic accuracy, participants were not accurate in knowing who specifically will be aggressive towards them.

Despite not finding evidence for dyadic accuracy, Kenny and colleagues highlighted how their study falsifies the belief that "perceivers are clueless about the social world they inhabit" (p. 1234) because unlike other studies, theirs correlated perceptions of behaviour with actual behaviour and accuracy was assessed at multiple levels. Unanswered questions from their study include whether this effect is found among adolescents and adults, and whether dyadic accuracy improves when using longer timeframes. I believe dyadic data analysis provides a powerful method to study interpersonal violence. Kenny et al.'s study (2007) highlighted just one application of dyadic data analysis, and so I recommend Kenny et al. (2006) and Kenny (1996) for more extensive reviews.

*Understanding genetic risk for aggression: Clues from the brain's response to social exclusion (Eisenberger, Way, Taylor, Welch, & Lieberman, 2007)*

One of the most elegant studies to demonstrate the interaction between genes and environment in predicting antisocial behavior was conducted by Caspi, McClay, Moffitt, Mill, Martin, and Craig (2002). They looked at the interaction between childhood maltreatment and levels of the monoamine oxidase-A (MAOA) gene (codes for an enzyme that metabolizes neurotransmitters, such as serotonin and norepinephrine). In their study, Caspi et al. found antisocial scores (composite score based on convictions and antisocial characteristics) were highest among people with high expressions of MAOA and experienced severe maltreatment during childhood. There was no difference between high and low MAOA participants when childhood maltreatment was absent or probable. Eisenberger et al.'s (2007) study extended this research to see if other psychological and social factors interacted with MAOA alleles. More specifically, they tested whether MAOA interacted with social rejection to predict neural activation of areas related to social distress, and whether social hypersensitivity (i.e., propensity for reactive aggression) mediated the relationship between MAOA and aggression.

To test their hypotheses, they measured aggression using a composite score derived from hostility and anger scales. Social exclusion was manipulated by changing the conditions

<sup>1</sup> Other studies on aggression using dyadic analyses have been conducted (e.g., Coie et al., 1999).

of the cyberball social exclusion task - a task where participants thought they were passing a virtual ball between two other participants. In the social inclusion condition, the ball was passed to the participant 50% of the time. In the social exclusion condition, the ball was passed to the participant for a total of 7 times, then not again for the remainder of the trial. Neural activity of the dorsal anterior cingulate cortex (dACC; area related to distress from rejection) was measured using fMRI in both conditions.

Consistent with past research, they found higher trait aggression was associated with low MAOA. They also found that low MAOA participants had higher dACC activity than high MAOA participants during social exclusion, and that the relationship between MAOA and aggression was mediated by both dACC activation and by self-reported social hypersensitivity. Their results suggest that MAOA predicts reactive aggression because low MAOA was related to brain activity in response to social rejection and to self-reported social hypersensitivity.

Unlike Caspi et al.'s study, their outcome measure of aggression was based on self-reported traits. Also, they did not measure changes in aggression after the social exclusion task, so causality could not be determined. Still, this line of research shows us how social information is processed in the brain. To the relief of biophobes, an interesting implication from this research is that it challenges biological determinism – just because there are genes that make aggression more likely does not mean aggression is inevitable because social factors are capable of deterring such acts. By understanding the development and interaction between social and biological processes, we can get a better grasp on identifying what cues will 'shut off' or inhibit psychological propensities for antisocial behavior. For more on the false dichotomy between nature and nurture, I recommend Ridley's (2003) book *Nature via Nurture* (paperback version renamed *The Agile Gene*).

*Killing begets killing: Evidence from a bug-killing paradigm that initial killing fuels subsequent killing (Martens, Kosloff, Greenburg, Landau, & Schmader, 2007)*

How could I possibly pass this one up? Not only does the title hold a record for use of the word "killing" (a PsycINFO search confirmed this fact), the paradigm used in this study offers an apparently ethical way to experimentally manipulate and measure killing. I will leave the ethics of perceived pesticide for psychological research to your discretion. Though the methods used in this study were unconventional, the behaviour being studied is rather important. Vendettas, retribution, and as the authors contend, genocide, are violent acts that are maintained by previous killing. Theoretically, they explain the non-retributive 'killing begets killing' process as resulting from witnessing or engaging in homicide, which

'fuels' the person for subsequent killing, herein referred to as the *fuelling hypothesis*. They extend this argument by saying that future killing is used to cope with the negative psychological consequences from past killing (e.g., guilt) via processes such as cognitive dissonance. The authors were also interested in testing individual differences that might influence the relationship between past and future killing. Rather than using one of the many psychological characteristics related to antisociality, the authors chose 'perceived similarity to the victim'. Following their logic, characteristics that increase the psychological harm from killing should enhance the fuelling for subsequent killing – being similar to the victim is one way to enhance psychological harm. Their study was therefore designed to test whether killing begets killing, and if perceived similarity to the victim influences this relationship.

In the first study, participants were told they were in a study on bug extermination. In one condition, participants were shown how to kill a pill bug (I grew up calling them potato bugs) using a bug-killing machine (funnel connected to a coffee grinder). To demonstrate how it works, a bug was dropped into the funnel and an activation button was pressed. Unknown to the participant, a stopper prevented the bug from being killed. In the other condition, participants were told how the machine worked, but a bug was not used to demonstrate how it worked. In the test condition, participants were told that in order to get the bug exterminator experience, they had 20 seconds to exterminate bugs. The number of bugs placed in the machine served as the dependent variable. Lastly, participants were asked how similar they felt they were to pill bugs. Martens and colleagues found no main effect for condition - there was no difference in the number of bugs killed between the 0 and 1 bug kill conditions. There was, however, an interaction between condition and similarity to bugs: lower similarity to bugs was related to more bug killing only among participants who did not view a bug killing demonstration.

In Study 2 they once again manipulated the number of initial killings: the conditions now included killing 1 bug and killing 5 bugs during the demonstration phase. Under these conditions they found participants in the 5 bug condition killed more bugs during the test condition than participants in the one bug condition. Again, there was a significant interaction between condition and perceived similarity to pill bugs. Consistent with results from Study 1, there was no relationship between similarity and bug killing frequency among participants in the 1 kill condition. There was, however, a significant positive relationship between perceived similarity and bug killing frequency in the 5 kill condition: the more similar to bugs a person viewed him or herself, the more bugs they killed. A third study was

conducted to look at the role of affect in these relationships (not discussed here).

Although the authors concluded that results supported their hypotheses, a number of questions remain unanswered. For example, they did not sufficiently explain why the null result between no killing and 1 killing conditions was not enough to falsify their hypothesis. Also, their theoretical discussion on the relationship between psychological trauma and killing seems counterintuitive. Feelings of guilt, shame, and post-traumatic stress, for example, should steer people away from further violence. Using homicide data, for instance, we know that crime severity is inversely related to violent recidivism (e.g., Quinsey, Harris, Rice, & Cormier, 2006).

Interpreting their results are also obfuscated by: finding participants who did not view a demonstration killing still killed bugs; treating killing and witnessing killing as the same experience; using an unvalidated measure of similarity; and not establishing that the characteristics of bug killers are the same as people killers. Despite these setbacks, this paradigm, with the proper validation studies, might be a useful way to understand the psychological causes and consequences of homicide. For an alternative perspective on this topic see Daly and Wilson's (1988) chapter on retaliation and revenge. On a side note, Daly and Wilson's seminal book on homicide was discussed recently in *Nature* (Jones, 2008).

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DISSERTATIONS & THESES



#### Matching Court-Ordered Services with Youths' Clinically-Identified Treatment Needs: Predicting Treatment Success with Young Offenders

Tracey Vieira, Ph.D.  
University of Toronto

Under Canada's youth justice legislation, rehabilitation and reintegration of young offenders are important goals. An empirically supported model of service delivery attending to the principles of risk level, criminogenic need, and responsivity provides direction in this regard. To date, research on this model has evaluated the principles broadly (i.e., at a group level) and has not incorporated youths' self-reported functioning. The current study evaluated the impact of matching youths with services according to their *individual* risk level, criminogenic needs, and responsivity factors on recidivism and subsequent self-reported functioning. The probation and clinical records of 122 youths who received comprehensive court-ordered assessments in a mental health facility in Ontario were reviewed to determine the percentage match between clinical recommendations, judges' orders, and services received via probation. Youths' criminal records were also reviewed to determine the time to their first re-offense and number of post-assessment conviction events. Difficulties associated with accurately capturing the duration and intensity of youths' services prevented risk matching; thus, youths' risk scores were controlled for in all analyses. Higher risk scores were associated with earlier and more frequent recidivism; however, lower percentage needs matching added to the predictive power of risk, and was associated with significantly earlier recidivism and a significantly greater number of new conviction events. Counter to expectation, responsivity matching did not contribute to re-offense prediction over and above the contribution of risk score and needs matching. A similar pattern of results was obtained during the self-report component of the study, for which 61 of the participants were located and completed a telephone interview regarding their functioning in criminogenic needs areas. Whereas youths' risk scores at the time of their assessments significantly

predicted their self-reported functioning approximately three years later, greater percentage needs matching significantly contributed to the predictive power of the model while responsivity matching did not. The present findings have the potential to enhance collaborative efforts between the youth justice system and clinical service providers, and in turn, aid in the development of an effective and comprehensive means of responding to youths' offending behaviours.

For further information, please contact Dr. Tracey Vieira at [traceyvieira@rogers.com](mailto:traceyvieira@rogers.com).

### **The Relationship between Beliefs, Strength of Evidence, Statistical Presentation, and Expert Testimony on Jury Decision-Making in DNA Cases**

*Julie M. T. Lemieux, Ph.D.  
Carleton University*

According to the literature on jury decision-making, many factors account for how jurors reach a final verdict decision in criminal trials, including their pre-conceived beliefs about evidence. Given the recent popularity of DNA evidence, it is important to understand the factors that influence jurors' verdict decisions in criminal cases where DNA evidence is involved. Besides jurors' beliefs about DNA, other potentially important factors include strength of the evidence (SOE), expert testimony, and how DNA evidence is statistically presented. These factors were examined across two studies. Participants in Study 1 were 71 undergraduate university students who were selected to take part in a mock-jury study based on their responses to a questionnaire assessing their beliefs about DNA. After reading a transcript of a mock murder trial in which SOE was manipulated, jurors were required to rate various aspects of the case and to give a verdict rating. Results found no interaction between jurors' pre-existing beliefs about DNA and SOE. However, SOE

impacted on jurors' verdict decisions with stronger DNA evidence leading to higher ratings of guilt than weaker DNA evidence. Participants in Study 2 were 228 undergraduate university students who agreed to take part in a mock jury study. They read a transcript of a mock murder trial manipulating SOE, expert testimony, and type of statistical presentation of DNA evidence. Jurors then rated various aspects of the case and gave a verdict rating. Results again found that when trial evidence was strong rather than weak, jurors gave higher guilt ratings. Furthermore, higher ratings of guilt, expert persuasiveness and usefulness of expert testimony were given by jurors who read DNA error rates presented as frequencies versus probabilities or ratios. There was also a significant interaction between type of expert testimony and statistical presentation. When expert testimony addressed how statistical information about DNA error rates can be presented in different, yet equivalent ways, jurors who read frequency error rates gave higher guilt ratings than those who read probability or ratio error rates. Overall, the results highlight the importance of ensuring that jurors are accurately educated about DNA evidence before entering the courtroom.

For further information, please contact Dr. Julie Lemieux at [julie.lemieux@psc-cfp.gc.ca](mailto:julie.lemieux@psc-cfp.gc.ca).

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### **SPECIAL FEATURES ...**

#### **Special Feature: Martinson Redux**

By Paul Gendreau & Francis T. Cullen  
*Division of Criminal Justice, University of Cincinnati*

At a conference recently, a psychologist excitedly pressed a preprint in the hand of the first author. He insisted that I read it at once. The article in question, by Hart, Michie, and Cook (2007), heralded a new epoch just as Martinson did in 1974 when he proclaimed "nothing works" in correctional treatment. In essence, Hart et al. said forget about prediction, or in their words, actuarial measures of risk to reoffend are "virtually meaningless" (p. 60) when predicting

the recidivism of an individual offender. Central to their claim was the use of confidence intervals (CIs) to determine the precision of an estimate to recidivate for an individual offender. They claimed that the CIs are so wide or imprecise in this case as to be almost useless. To illustrate their point, assume an offender received a score on the LSI-R that predicted a 50% chance of recidivating. By the Hart et al. calculations, the 95% CI around the point estimate would be something like 10% to 90%. This article is now becoming a cause celebre in some correctional circles and has been picked up by influential trade sheets like *The Economist* (June 21, 2007), which applauded the conclusions reached by Hart et al.

After sharing the publication with the second author, we spontaneously proclaimed, "here we go again"! We naively

thought that the nothing works virus had been “cured”, given that criminologists, the original supporters of “nothing works”, have abandoned the notion in recent years (cf. Cullen & Gendreau, 2001). Are we forever destined to be plagued by the Martinson nothing works treatment virus?” It’s like combating malaria, a pernicious disease that reinvents itself despite repeated prophylactics. Now, apparently, a variant of the virus has emerged, this time in the offender prediction literature. This is not entirely a novel occurrence; remnants of anti-prediction themes still occur in pockets of criminology and law from feminists, critical criminologists, and legal experts (see Andrews & Bonta, 2006). Before proceeding, space limitations dictate that our response be brief, so readers might consider consulting the Hart et al. article in the *British Journal of Psychiatry* and the two electronic mail responses to it (Mossman, July 5<sup>th</sup> and Harris, Rice, & Quinsey, August 15<sup>th</sup>) in the same journal.

Our comments are as follows. They concern how Hart et al. used CIs to support their cause. For a crash course on the use of CIs in our area of expertise, see Gendreau and Smith (2007). We have never encountered anyone generating CIs around a single case before (note that Mossman was less charitable saying that Hart et al. botched up their calculation of individual level CIs, while Harris et al. stated that the appropriate statistic to use was not the CI but the standard error of measurement). Rather, CIs are used for a variety of reasons and one of the most important is to estimate the precision of an effect size be it for primary studies or meta-analysis. All of us are in the knowledge cumulation business or at least we should be. We are not interested in the law of small numbers or, in the Hart et al. example, an extreme idiographic focus on one offender! If we pretend to be a science in terms of how we source, analyze, and integrate evidence, we must attend to the law of large numbers in order to generate useful guidelines for practice in our field.

Another way in which Hart et al. employ CIs is to use them as significance tests (NHST). This can be done but is not recommended because it leads to errors in thinking about the size of the effect and its meaning in applied situations (Schmidt, 1996). Just because two risk categories on a risk measure have overlapping CIs, a point raised by Hart et al., does not mean there is no meaningful difference between the two (Gendreau & Smith, 2007). CIs are most useful for estimating the precision of effects, not as ersatz NHST tests. Statistics such as the AUC or the Common Language Effect Size Statistic provide far more useful information as to how well different categories predict recidivism. There are instances where we found one risk measure predicted much better than another even though their two CIs overlapped (Gendreau & Smith, 2007). One has to be cautious here, replication of results leading to narrower CIs is needed when sample sizes are small within a risk category

Readers may ask, as Harris et al. did in their rebuttal, what exactly Hart et al. would recommend doing? The best we can ascertain is that the clinician must retreat to a common sense decision-making perspective. What this in effect means is to follow these three guiding principles: (a) derive knowledge from authority, testimonials, anecdotes, intuition, prejudices and morally superior visions; (b) employ analytical processes founded on judgmental heuristics, fundamental attributions, and false consensus summaries; and (c) integrate evidence by relying on “tell it like it is” statements, “what everybody knows” declarations, exceptions prove the rule and explanations by naming (see Gendreau, Goggin, Cullen, and Pappozzi, 2002, Table 1). Does that sound like a viable process that more satisfactorily addresses the ethical and legal concerns that worry Hart et al. when using the actuarial approach? Why do we need psychologists to carry out the tasks noted above? Anyone with common sense of the worst kind, for this is what these thinking processes exemplify (Gendreau et al., 2002), can conduct individual risk assessments.

Allow us to riff off of this theme by using a sports example, which are readily understandable, and where predictions have been very successful (Gendreau & Smith, 2007; Schwarz, 2004). Steve Wormith, the most accomplished athlete correctional psychology has ever produced, has granted us permission to use him as an example. To sensitive readers concerned about Steve’s self-esteem, consider that when he played for Ted Garvin, a former coach, albeit briefly, of the Detroit Red Wings, Steve had to duck the pucks thrown at his head in the dressing room by the empathic Mr. Garvin when Steve was caught up ice. In any case, Cullen and I, joint GMs, want to draft a designated hitter in 2008 for our beloved Red Sox. It is Steve or Barry Bonds. Who do we recommend to the Bosox owner? Gee, we don’t know, because even though Barry is younger and has an incredible history of achievement in the sport, the individual CIs around their performance indices are very wide for both men. Frank and I have no idea. Flip a coin, we tell the owner. With this kind of advice, obviously, we would be fired in a nanosecond. Actually, we would choose Steve even if it is entirely likely, if one chose to attend to the data, he would hit .022, with 0 HRs, and 4 RBIs in contrast to Barry’s usual .300, 45 HRs, and 111 RBIs over a season. After all, Steve is much nicer than Barry who sometimes can be “difficult”.

The other suggestion Hart et al propose is to adopt a Bayesian subjectivist perspective towards risk assessments. They did not pursue this concept in any detail but our reading of this approach is that whoever is doing an assessment within this framework must be as well informed as possible by the risk prediction literature. Simply put, there is no way of

escaping what the best practices are in risk assessment and applying them to the case at hand.

A final comment is in order. The Hart et al. rationale is a triple whammy. Not only can we not predict offender recidivism but also it implies that prediction in general is fruitless and offender treatment is a guessing game. As to the second, we are left to conclude that huge bodies of prediction literature in all domains of psychology, some of which, like the personnel selection field, have proven to generate data that has had immense practical implications (see Schmidt & Hunter, 1998), can be discarded because individual level CIs are too wide. This conclusion makes little sense. In regard to treatment, how does one assign an offender to a treatment if we cannot predict risk level with any certainty although, curiously, Hart et al. suggest this strategy is now acceptable for “administrative decisions” (p. 64) such as risk management! Hart et al.’s contradictory stance aside, we know the consequences of the failure to classify by risk for treatment: more ineffective treatments, some of which will increase anti-social behaviour in inmates (cf. Andrews & Bona, 2006; Smith & Gendreau, 2008).

In closing, what can we make of the Hart et al. thesis? First of all, it has forced some of us to re-examine the reasons why we adhere to the statistical approach to assessment. That is always healthy. Secondly, it also reminds us never to underestimate the enduring mystical beliefs (held by more than a few clinicians) about how man is an “insoluble puzzle” (Hart et al. citing Sir Arthur Conan Doyle, p. 63). Granted, every individual is complex and prediction is never perfect, but to assert that there is little consistency in behaviour from both a situational and personality perspective denies a longstanding and highly credible literature that dates back over 30 years (cf. Bowers, 1973).

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## HAVE A COMMENT ON A SPECIAL FEATURE ARTICLE?

~ SEND US AN AFTER THOUGHT TO LET  
US KNOW WHAT YOU THINK ~

### Special Feature: What Statistics Should We Use to Report Predictive Accuracy?

By R. Karl Hanson, Ph.D., C.Psych.

The increasing use of actuarial risk tools by correctional psychologists merits close attention to the statistics used to report their predictive accuracy. As defined by Dawes, Faust, and Meehl (1989), an actuarial risk tool is one in which mechanical procedures are used to combine variables into a total score and these scores are linked to an outcome probability table. When evaluating the validity of actuarial tools for predicting recidivism, there are two features that need to be considered. First, how effective is a tool at ranking individuals in terms of their relative risk for recidivism? Second, how much confidence should be placed in the recidivism rates presented in the probability table associated with the actuarial measure. In this note, I will only address statistics meant to describe the first feature (i.e., relative risk rankings).

Traditionally, the standard statistic for reporting predictive validity was the correlation coefficient –  $r$ , which, when the outcome criteria is dichotomous (recidivist or not) becomes the point biserial correlation coefficient. The correlation coefficient is defined as the covariance of two standardized variables divided by the total sample size. Psychologists feel reasonably comfortable interpreting correlation coefficients as they are ubiquitous in the field. One limitation of correlation coefficients is that they are influenced by the amount of variability in both the predictor and predicted variables. As the variance of either variable decreases, so does the correlation coefficient. The variability would be

expected to vary across samples due to restriction of range in the predictor (e.g., the selection of high or low risk offenders), or due to variations in the base rates. For dichotomous variables, such as recidivism rates, the variance is greatest when the probability is .50, and decreases as the probability approaches 1 or zero. Given the well-known effect of base rates on *r*, it is not uncommon for researchers to correct for base rate differences when aggregating correlations for meta-analysis (Bonta, Law, & Hanson, 1998; Campbell, French, & Gendreau, 2007).

Currently, the area under the receiver operating characteristic curve (AUC) has gained wide acceptance as the preferred statistic for reporting the accuracy of relative risk rankings (Mossman, 1994; Rice & Harris, 1995; Swets, Dawes, & Monahan, 2000). The AUC is the plot of the hits (correctly identified recidivists) and false alarms (non-recidivists identified as recidivists) for the complete range of scores. The AUC can be interpreted as the probability that a randomly selected recidivist has a worse score than a randomly selected non-recidivist. Unlike correlation coefficients, the AUC has the desirable property that it is not expected to change based on changes in the recidivism base rate. What readers may not be aware of, however, is that AUC areas are highly influenced by the variability in the risk scores (Humphreys & Swets, 1991).

Logistic regression provides another approach to describing the predictive accuracy of risk assessments (Neter, Kutner, Nachtsheim, & Wasserman, 1996). Although rarely reported by psychologists examining actuarial risk, logistic regression is commonly used in criminology, medicine, and other fields when attempting to predict a dichotomous outcome. Logistic regression is a form of regression in which the dichotomous dependent variable is transformed into odds, and the regression coefficients correspond to odds ratios. The "odds" of recidivism is defined as the probability of recidivism divided by the probability of non-recidivism. For example, if there are 100 offenders in Category 1 of which 25 reoffend, the probability of recidivism would be .25 and the odds of recidivism would be .33 (.25/.75). If there are 100 offenders in Category 2, of which 33 reoffend, their probability of recidivism would be .33 and the odds of recidivism would be .50 (.33/.66). In this example, the odds ratio comparing offenders in Category 2 to Category 1 is 1.52 (.50/.33). Logistic regression further transforms odds into log odds because the variance of log odds is symmetrical and easily defined. For the purposes of interpretation, however, the log odds ratios are typically transformed back into odds ratios.

To demonstrate the extent to which the three statistics (*r*, AUC, logistic odds ratios) vary as a function of restriction of range in the predictor variable and variability in recidivism base rates, I re-analyzed the sexual recidivism rates observed in the Static-99 development samples (see Table 1;

Hanson & Thornton, 2000; Harris, Phenix, Hanson, & Thornton, 2003). Static-99 is a 10-item actuarial risk tool widely used in the evaluation of recidivism risk for sexual offenders. It has the following nominal categories: 0, 1 "low", 2, 3 "moderate-low", 4, 5 "moderate-high" and 6 to 12 are considered "high". To test the effects of restriction of range of the predictor variable, I artificially *decreased* the variability of the Static-99 scores by selecting only offenders with low scores or only offenders with high scores. I artificially *increased* the variability of the Static-99 scores by selecting extreme groups (moderate risk cases were eliminated). No other changes were made in the data.

Table 1  
*Sexual recidivism rates observed in the Static-99 development samples*

Static-99 Score	Sample Size	Sexual Recidivism		
		5 years	10 years	15 years
0	107 (10%)	.05	.11	.13
1	150 (14%)	.06	.07	.07
2	204 (19%)	.09	.13	.16
3	206 (19%)	.12	.14	.19
4	190 (18%)	.26	.31	.36
5	100 (9%)	.33	.38	.40
6+	129 (12%)	.39	.45	.52
Average				
3.2	1086 (100%)	.18	.22	.26

Source: Harris et al. (2003).

Table 2  
*Changes in the magnitude of prediction statistics based on restriction of range of Static-99 scores*

Static-99 scores of sample selected	Standard deviation	<i>r</i>	ROC AUC	Odds ratio from logistic regression
0-3	1.05	.12	.60	1.40
0-4	1.31	.19	.64	1.52
3-12	1.41	.26	.65	1.48
2-12	1.60	.30	.68	1.49
All (0-12)	1.97	.33	.71	1.49
0, 4-12	2.25	.30	.67	1.40
0-2, 5-12	2.43	.41	.75	1.48
0-2, 6-12	2.47	.44	.75	1.48
0,1, 5-12	2.79	.43	.76	1.48
0,1, 6-12	3.01	.49	.78	1.48
Correlation with standard deviation		.95	.94	.08

As can be seen in Table 2, there were strong associations between the variability in Static-99 scores and the observed magnitude of the AUCs ( $r = .94$ ,  $n = 10$ , AUC range of .60 to .78) and magnitude of the correlation coefficients ( $r = .95$ ,  $n = 10$ ,  $r$  range of .12 to .49). In contrast, restriction of range produced no meaningful change in the odds ratios generated from logistic regression ( $r = .08$ ,  $n = 10$ ; range of 1.40 to 1.52).

Table 3

*Changes in the magnitude of prediction statistics for Static-99 based on changes in base rates*

Follow-up period (years)	Recidivism rate	$r$	ROC AUC	Odds ratio from logistic regression
16+	25.8	.33	.710	1.49
5	17.1	.27	.715	1.48
3	11.8	.26	.725	1.49
2	8.9	.24	.729	1.49
1	6.0	.21	.735	1.52

Table 3 reports the extent to which the statistics change based on changing the base rate of recidivism. Changes in the base rate were calculated by varying the length of the follow-up period. As expected, the correlation coefficients decreased as the base rate decreased, and there is relatively little change in the AUCs or logistic regression coefficients for the different follow-up periods.

The implications are as follows:

1. The ROC AUC has important limitations as a measure of predictive accuracy. Although clearly preferable to its most popular predecessor (the correlation coefficient), variability in AUCs across studies would be expected even when offenders in the same risk categories reoffend at exactly the same rates.
2. The interpretation of both correlation coefficients and AUC needs to take account of the range of scores examined. For example, a relatively small AUC would be expected should a risk tool be used on offenders preselected to be low risk (or high risk).
3. Researchers in correctional psychology should consider new statistics for reporting predictive accuracy. Although I have used the standardized mean difference ( $d$ ) in recent meta-analyses, it is based on the same statistical model as ROC curves and share the same strengths and limitations. The logistic regression provides one alternative, for the odds ratios are not intrinsically biased by a restriction of range in either the predictor or the predicted. Logistic regression coefficients, however, are

only meaningful when the relationship between the scores and recidivism approximates a logistic distribution. As well, any new statistic faces the challenge of limited intuitive meaning to those unfamiliar with it.

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#### Special Feature:

#### “You can talk if you want to”: Is the Police Caution on the ‘Right to Silence’ Understandable?

By Timothy E. Moore & Karina Gagnier

Psychology Department, Glendon College, York University

There is a longstanding tension between law enforcement's interest in obtaining incriminating statements and a suspect's right to remain free from (possibly) coercive interrogation tactics. In Canada, sections 7 and 10(b) of the *Charter* are recognized as providing the right to silence. Madam Justice McLachlin (as she then was) explained in *R. v. Hebert*<sup>1</sup> that:

“[t]he most important function of legal advice upon detention is to ensure that the accused understands his rights, chief among which is his right to silence. The detained suspect, potentially at a disadvantage in relation to the informed and sophisticated powers at the disposal of the state, is entitled to rectify the disadvantage by speaking to legal counsel at the outset, so that he is aware of his right not to speak to the police and obtains appropriate advice with respect to the choice he faces. Read together, ss. 7 and 10(b) confirm the right to silence in s. 7 and shed light on its nature.”

<sup>1</sup> (1990) S.C.J.No. 64, at 52.

As Stuesser<sup>2</sup> has noted, when the right to confer with counsel has been exercised it is subsequently assumed that an informed choice has been made regarding the right to silence. This assumption is stated explicitly in *Hebert*<sup>3</sup>: “Presumably, counsel will inform the accused of the right to remain silent.” It is clear, however, that sections 7 and 10(b) of the *Charter* differ in terms of the obligations imposed on the police. Section 7 contains no reference to choice, silence, or interrogations:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

In contrast, 10(b) states unambiguously that the detained person has an absolute right to be *informed* of his right to instruct counsel:

Everyone has the right on arrest or detention to retain and instruct counsel without delay and to be informed of that right.

It is probable that a failure to alert the accused to his right to silence would influence considerations about the voluntariness of any subsequent confession, but the police are not deemed to have an absolute duty to deliver the caution.<sup>4</sup> Thus, while the right to silence is embedded in the *Charter*, it is not described to the accused as a “right” nor is there an accompanying right to be informed of it.

Over the last 10 years, it has become apparent that numerous DNA-exonerated innocent defendants had provided confessions prior to their trials.<sup>5</sup> A burgeoning body of social science research has documented the ease with which innocent people can be induced to produce false confessions of wrongdoing. Because of these worrisome findings the right to silence is receiving renewed scrutiny because a successful invocation of it could obviate an interrogation that could generate a false confession.

The standard Canadian caution is intended to inform detained or arrested suspects of their right to remain silent and their right to retain or instruct counsel without delay. While the right-to-counsel caution is often discussed in the context of disputes about the voluntariness of a confession, the two prongs of the caution (i.e., the right to counsel and the right to silence) are, in principle, distinct. A suspect could assert one, neither or both. The ‘right-to-silence’ caution<sup>6</sup> reads as follows:

“You are charged with X. Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you wish to do so, but whatever you say may be given in evidence”.

The caution is linguistically complex. The second sentence is an interrogative but the caution is read in its entirety. This violates discourse pragmatics that would expect a pause after the question is posed. The third sentence contains a passive without an expressed agent. Presumably it is the police who are “not obliging” but agency is implicit, not explicit. Research has demonstrated that passive constructions without an identified agent are more difficult to process. “Unless” can be difficult for non native speakers and “obliged” is a low frequency word. “In evidence” is also troublesome because such legal jargon is fertile ground for miscommunication. A suspect could easily infer (falsely) that they have an opportunity to get an exculpatory statement on record. Such statements, however, can be of no assistance to the accused at trial. As McIntyre J. stated in *R. v. Simpson*<sup>7</sup>: “As a general rule, the statements of an accused person made outside court ... are receivable in evidence against him *but not for him*” (emphasis added).

In contrast to the Canadian caution, the *Miranda* warning used in the United States explicitly states that any elicited statement will be used *against* the suspect in a court of law.<sup>8</sup> Despite this clarification, research shows that a large proportion of suspects fail to understand the warnings and waive their right to silence.<sup>9</sup> In this light, it is possible that the Canadian caution in its current form places suspects at even greater risk of self-incrimination than does the *Miranda* warning because it fails to specify that what is said during an interrogation can be used in only one way: *against* the suspect.

We collected some data in order to evaluate the extent to which changes in wording and style might affect how individuals of average (or above) intellectual ability understand the current Canadian police caution. We also investigated the impact of participants’ perceived guilt or innocence on their decision to remain silent. Previous research<sup>10</sup> has shown that innocent people tend to believe that their innocence is protective and self-evident to others, thus rendering them more likely to waive their right to silence.

### Method

The study consisted of a 2 x 4 between-subjects design ( $n = 96$  undergraduate students), with the independent variables

<sup>2</sup> Stuesser, L. (2002). The accused’s right to silence: No doesn’t mean no. *Manitoba Law Journal*, 29, 149-171.

<sup>3</sup> *Supra* note 1, at 73.

<sup>4</sup> Stuart, D. (2005). *Charter Justice in Canadian Criminal Law*, 4e. Toronto: Carswell; Quigley, T. (1997). *Procedure in Canadian Criminal Law*. Toronto: Carswell; *R v W.(W.R.)* (1992), 15 C. R. (4<sup>th</sup>) 383 (B.C. C.A.).

<sup>5</sup> Drizin, S. & Leo, R. (2004). The problem of false confessions in the post-DNA world. *North Carolina Law Review*, 82, 891-1007; Scheck, B., Neufeld, P., Dwyer, J. (2000). *Actual Innocence: Five days to execution and other dispatches from the wrongly convicted*. Garden City, NJ: Doubleday.

<sup>6</sup> In practice, the suspect may also be asked if he or she understands the caution, but the inquiry into its comprehension is not part of the caution itself.

<sup>7</sup> [1988] 1 S.C.R. 3 (S.C.C.) at 22.

<sup>8</sup> *Miranda v. Arizona* (1966), 384 U. S. 436.

<sup>9</sup> *Supra* note 5.

<sup>10</sup> Clare, I. C. H., & Gudjonsson, G. H. (1995). The vulnerability of suspects with intellectual disabilities during police interviews: A review and experimental study of decision-making. *Mental Handicap Research*, 8 (2), 110-126; Kassin, S. M., & Norwick, R. J. (2004). Why suspects waive their *Miranda* rights: The power of innocence. *Law and Human Behavior*, 28, 211-221.

being: (1) the nature of the participant's involvement in the offense (innocent vs. guilty), and (2) the version of the right-to-silence caution they received. Two dependent measures were of interest: (1) the participant's decision to remain silent or not when asked whether he or she would like to say anything in response to the charge, and (2) the comprehension score regarding their understanding of the caution.

The experimenter provided each participant with a written scenario that assigned him or her to either the innocent or the guilty condition. The scenarios were written to establish context and to place participants in a particular frame of mind with respect to their assumed guilt or innocence. More precisely, both scenarios invited participants to imagine that they were sitting in an interrogation room at the police station, waiting for a detective to arrive and deliver the "caution to a charged person" prior to the beginning of an interrogation. The scenarios differed in that one explicitly specified that the participant was under arrest for an offense he or she had indeed committed, whereas the second script indicated that the participant had been arrested for a crime he or she knew for certain they had not committed. The actual offence was "breaking and entering".

Four cautions were used. Each participant was exposed to only one version of the caution. The first, or standard caution, was the caution to a charged person that police typically use before interviewing a suspect. The right to counsel portion of it was constant across all conditions. Improvisations were applied only to the right to silence component. The first improvisation substituted "you don't have to" for "you are not obliged", but was otherwise identical to the standard caution. The second improvisation contained an additional change, in that the question "Do you want to say anything about the charge?" was moved to the end of the caution. The third improvisation maintained these changes but also altered the second sentence so that it read: "... whatever you say may be used against you", as opposed to "used in evidence". All versions of the caution were comparable in terms of overall ease of readability and comprehensibility according to the Flesch Reading Ease Formula.<sup>11</sup>

The cautions were presented to participants in the form of a video recording, in which an actor delivered the various versions of the caution. The actor was a white middle-aged male, formerly in the RCMP, who read the cautions clearly, at a conversational pace, and in a confident, non-judgmental tone of voice. The extent to which participants understood

the meaning of, and consequences associated with the caution to which they were exposed was assessed by means of a short questionnaire.

### Results

Within each group, decisions to speak (or not) were unaffected by the version of the caution received ( $\chi^2 < 1$  in both instances), nor were comprehension scores influenced by the version of the caution (all  $F$ 's  $< 1$ ). The overall mean comprehension score was 1.4 (out of a maximum of 2). Fourteen (14) participants (15%) received a score of zero, while another 36 (39%) received a score of 1. Poor comprehension was not accompanied by an awareness of misunderstanding. For those respondents who demonstrated no comprehension (a comprehension score of zero), the mean Likert ratings for clarity, complexity, difficulty, and pace were indistinguishable from the comparable means of those respondents ( $n = 43$ ) who received perfect comprehension scores. There was an overall effect of guilt status, in that innocent participants were more likely to waive their right to silence. Remarkably, 17 participants (18%) reported that the purpose of the caution was to notify them of their right to speak to the officer, as opposed to their right to remain silent.

### Discussion

The goal of the present study was to assess comprehension of the current police caution by individuals of average intellectual ability. Changes to the wording of the standard caution did not improve its comprehensibility, nor did the changes influence the likelihood that mock suspects would waive their right to silence.

'Innocent' suspects were significantly more likely to waive their right to silence than were their 'guilty' counterparts, thus replicating similar findings by other investigators.<sup>12</sup> Eight participants explicitly stated that they would have talked to the police because they wanted to appear cooperative, they felt that they had nothing to hide and that they perceived the situation as an opportunity to give their side of the story. Most importantly, they believed that their statements could later be used in their defence. Previous research<sup>13</sup> has shown that even educated individuals of average intellectual ability hold the illusory belief that their innocence will protect them or that it will be obvious to others. 'Guilty' participants were more likely to remain silent than were innocent participants, regardless of the version of the caution to which they were exposed, indicating that guilty individuals exercise their right to silence for strategic purposes. Indeed, 28 of the guilty participants reported that they would have remained silent out of fear of saying something self-incriminating,

<sup>11</sup> RFP Evaluation Centers (2006). *Flesch reading ease readability, other readability scores*. Retrieved November 30, 2006, from <http://www.rfp-templates.com/Readability-Scores/Flesch-Reading-Ease-Readability-Score.html>; University of Memphis (2006). *Readability formulas*. Retrieved November 30, 2006, from <http://csep.psyc.memphis.edu/cohmetrix/readabilityresearch.htm>.

<sup>12</sup> Kassin, S. (2005). On the psychology of confessions: Does *Innocence* put innocents at risk? *American Psychologist*, 60, 215-228.

<sup>13</sup> *Supra* note 10.

because they felt that they needed legal advice, and that they were aware that anything they said to the police could be used against them. 'Innocent' participants were no more likely to exercise their right to silence when presented with an improvised caution making it explicit that statements could be used *against* them than they were for the standard caution.

Overall, participants were unaffected by the changes in wording, both in terms of their comprehension, and in terms of their choice to remain silent, suggesting that the problem of the caution may lie not only in its vocabulary, but elsewhere. Notwithstanding the relatively high Likert ratings (all means > 3.5 on a 5-point scale) fewer than half (43%) of the participants received perfect comprehension scores. Considering that 34% of participants indicated that they would waive their right to silence, it is plausible that some portion of this group simply failed to understand the purpose and consequences of the caution. Some respondents conflated the "right to counsel" information with the "right to silence", as the following examples illustrate:

"It is saying that you may get a lawyer and if you want to say anything, you can."

"That you can receive counsel if you want, and also you can talk."

"The opportunity to speak and also to get legal advice was presented."

"The investigator said that I had permission to say anything that I wanted to."

While our tinkering with the wording had no effect, it is possible that larger sample sizes might reveal some salutary effect of the improvisations.

#### *The social psychology of the interrogation room*

False confessions can lead to wrongful convictions because the major players in the legal system - police, jurors, and judges - have a strong tendency to believe that confessions are true<sup>14</sup> and they are given considerable weight in the final decision. Nevertheless, before suspects can produce false confessions, they must first either waive their right to silence or have this right violated. If the right to silence is not understood from the outset, it is more likely to be waived. The data described above are worrisome because they suggest that even under optimal conditions of language comprehension, the standard caution is misunderstood by a significant minority of high functioning respondents. Some interpreted the caution as an invitation to talk. We would expect comprehension to be even worse amongst suspects who are fatigued, intoxicated, afraid, or suffering from a mental disorder or deficit.

Custodial interrogation is inherently coercive. Even if the right to silence caution is understood, the subsequent actions

and statements on the part of the police could easily cause a suspect to doubt their initial interpretation of it. There is ample documentation of police continuing to question suspects repeatedly, no matter how often their right to silence may have been asserted.<sup>15</sup> Section 7 challenges are sometimes successful<sup>16</sup>, but the appellate courts do not appear to be providing clear guidance. As Yau<sup>17</sup> recently noted: "... there is no shortage of instances where it seems an accused person, having expressed a wish to remain silent, can do nothing except endure relentless so-called "persuasion" methods that may or may not be legitimate, depending on the court that happens to be hearing a particular *Charter* application".

In summary, the protection that the right to silence is supposed to provide is largely spurious for the following reasons:

- (1) The caution is not well understood in the first place.
- (2) It may or may not be properly delivered.
- (3) If it is properly delivered and understood, subsequent police statements and actions belie the caution's essential purpose.
- (4) Appellate reviews of interrogation tactics provide little guidance regarding what constitutes coercion during a custodial interrogation.

A social science perspective<sup>18</sup> on the determinants of informed choice shows that some social contexts are psychologically disabling and thus thoroughly compromise the assumption of free and independent choice. The social dynamics of the interrogation room constitute one such context. The single most important lesson from the last few decades of research in social psychology has been the demonstration of the power of the situation as a determinant of people's behavior. The *fundamental attribution error* consists of our strong tendency to underestimate the influence of the situation and overestimate the import of dispositional factors.<sup>19</sup>

There is a Kafkaesque quality to the suspect's situation at the outset of an interrogation. He has been instructed (presumably) by counsel not to speak to the police. Minutes (or hours?) later, the police (presumably) caution the suspect that (s)he is "not obliged to say anything". If the suspect then asserts his or her unwillingness to speak, the police are

<sup>14</sup> White, W. S. (2003). *Miranda's waning protections: Police interrogation practices after Dickerson*. Ann Arbor: The University of Michigan Press.

<sup>15</sup> McArthur, H. (2006). The right to silence: An overview. In Alan D. Gold Collection of Criminal Law Articles ADGN/RP-208 (April 2007).

<sup>16</sup> *R v Reader* (2007) M.J. No. 225.

<sup>17</sup> Yau, B. (2007). Making the Right to Choose to Remain Silent a Meaningful One. *Criminal Reports*, 38 C.R. (6th) 226 at 240.

<sup>18</sup> Ross, L., & Shestowsky, D. (2003). Contemporary Psychology's challenges to legal theory and practice. *Northwestern University Law Review*, 97(3), 1081-1114.

<sup>19</sup> Zimbardo, P. (2007). *The Lucifer effect: understanding how good people turn evil*. New York: Random House.

nevertheless permitted to proceed as if the suspect had *not* asserted their right to silence. As Alan Gold has noted<sup>20</sup>, the police practice of continuing questioning, despite the suspect's expressed aversion to talk, produces "a dangerous and unconstitutional encouragement of police persistence that ignores the inherently coercive and intimidating setting of the police interrogation room". Richard Litowski<sup>21</sup> views the practice as a blatant attempt to subvert the defendant's expressed right to remain silent.

The fact that the interrogator is usually the same agent who delivers the caution, which, if properly grasped, is going to preclude any interrogation taking place, does not augur well for the diligence with which the police ensure that the caution is understood.<sup>22</sup> The issue of outright deceit<sup>23</sup> or trickery is, for the most part, moot. An interviewer who is eager to move on to case-specific questions may deliver the caution hurriedly and perfunctorily, and make little or no effort to confirm that the caution has been properly understood.<sup>24</sup> The conflict of interest produces a social dynamic that would be comical were the stakes not so high. Most interrogations are guilt presumptive, rather than investigative. The purpose of the exercise is to extract a confession from a recalcitrant law-breaker. The confession, however, may be inadmissible without a bow in the direction of a 'right-to-silence' caution. From the perspective of the police, an ideal caution would be one that meets the letter of the law, but which is also incomprehensible and thus not likely to be acted on by the suspect. In addition to its already awkward wording, further confusion can be sown by adding extraneous information, speeding up the delivery, and feigning deafness<sup>25</sup> if and when the suspect expresses a wish to remain silent. From the interrogator's point of view, the "ideal" caution is the one in place today and the incentives for the police to continue with current practices are numerous.

### Conclusion

McArthur<sup>26</sup> has recommended a number of steps that defence counsel could take to ensure that the rights of their clients are protected. She suggests that: (a) counsel inform clients not only of their right to silence, but also warn them that the police may ignore a stated wish to remain silent; (b) clients should be advised to clearly state that they no longer

wish to be held in the interrogation room; (c) clients should be informed that they can request and receive legal advice more than once, and should not hesitate to do so once their wish to remain silent is disregarded; and (d) counsel should seek to have the statement excluded if it emerged from a Section 7 violation. Stuesser<sup>27</sup> goes further in recommending that an accused be given the right to have counsel present during any police interview, and that the interrogation be terminated upon an accused's refusal to answer questions.

One need not be developmentally delayed in order to misunderstand the purpose and consequences of police cautions pertaining to one's right to remain silent. The right is not described as a 'right' in the first place, nor is there any requirement that it be respected<sup>28</sup> when a suspect attempts to invoke it. Even educated individuals may find the Canadian police caution ambiguous (without realizing that they have misconstrued the message). The subsequent behavior of the police further jeopardizes comprehension. Language difficulties and cognitive deficits further exacerbate an already confusing scenario. The inevitable conclusion to all this is that the protection that the right to silence is supposed to afford is illusory.

This is an abridged version of an article with the same title, published in *Criminal Reports* Vol. 51 Part 2 January 2008 51 C.R. (6<sup>th</sup>) 233-249. [copyright Thomson – Carswell].

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<sup>20</sup> Gold, A. (2002). Charter rights – and wrongs. Alan D. Gold Collection of Criminal Law Articles (ADGN/RP-160, October 25, 2002).

<sup>21</sup> Litowski, R. (2008) Silencing the right to silence. *For the Defence*, Vol 29, part 1.

<sup>22</sup> Leo, R. A. (1996). *Miranda's revenge: Police interrogation as a confidence game.* *Law & Society Review*, 30(2), 259-288.

<sup>23</sup> Ibid.

<sup>24</sup> Baldwin, J. (1993). Police interview techniques: Establishing truth or proof? *British Journal of Criminology*, 33(3), 325-352.

<sup>25</sup> Or, alternatively, engaging in an argument with the suspect about whether, notwithstanding counsel's advice, it is *really* in his or her best interests to remain silent.

<sup>26</sup> Supra note 15.

<sup>27</sup> Supra note 2.

<sup>28</sup> *R. v. Singh*, 2007 SCC 48 (CanLII).

**Special Feature:**  
**Positive Reframing: The Benefits of Incorporating  
 Protective Factors into Risk Assessment Protocols**

By Natalie J. Jones & Shelley L. Brown  
 Carleton University

*"Persons are judged to be great because of the positive qualities they possess, not because of the absence of faults."* (Anonymous)

*Protective Factors: Context and Definitions*

Within correctional psychology, risk management is viewed as the ultimate goal of current interventions, with low recidivism rates used as a benchmark for treatment success (Andrews & Bonta, 2006). The assessment of risk/need factors is a central component, the latter essentially defined as deficits in one of several realms (personal, interpersonal, or community) that effectively increase the probability an individual will engage in criminal activity (Hart, O'Toole, Price-Sharps, & Shaffer, 2007; Thornberry, 1998). Through its demonstrated success in the reduction of recidivism, a vast body of literature has supported the empirical validity and clinical value of adopting this risk-needs framework (e.g., Andrews & Bonta, 2006; Gendreau & Andrews, 1990).

In no way does the present article aim to dispute the basic tenets of the risk-needs model, nor do the authors question its merit. However, we, like others, (e.g., Ward & Brown, 2004) do propose the addition of a complementary perspective so as to derive a more comprehensive theoretical framework that might ultimately inform corrections research and practice. Despite the paramount importance of identifying risk and need factors salient to issues of prediction and treatment, a principal focus on deficit-based constructs precludes the understanding of certain fundamental questions pertinent to the etiology of criminal behaviour. Namely, why do certain individuals exposed to an array of negative circumstances from a young age (e.g., abused in a conflict-ridden home) manage to overcome such obstacles to become healthy, successful, law-abiding citizens?

Individuals who strive to defeat such odds are often termed *resilient* – a construct discussed at length in the literatures respective to health and developmental psychology (e.g., Rutter, Giller, & Hagell, 1998). Resilient individuals are said to experience one or more protective factors that serve to inoculate them from the onset or development of a negative outcome. Relative to the study of risk factors in correctional psychology, there is a dearth of research on the range of potential protective factors that may buffer the onset of antisocial behaviour in at-risk youth. Of the extant literature, there are inconsistencies in the very manner in which a protective factor is conceptualized and measured. A protective factor is often broadly defined as a positive correlate of a desirable outcome – or contrariwise, the negative correlate of an undesirable outcome (e.g.,

Farrington, 2003). A variable is then labeled a risk or protective factor depending on the direction of its correlation to the outcome variable (e.g., delinquency), after which these independent variables are simply combined into an additive model. Notably, according to this conceptual framework, a factor determined to be "protective" is defined as such *across all levels of risk*.

In contrast to the inclusive interpretation offered above, the present authors prefer to employ the definition originally adopted in the study of resilience – that is, a protective factor denotes a variable that *interacts* with one or more risk factors to reduce the probability of a negative outcome (Masten, 2001). According to this particular definition, a variable is deemed protective if and only if it yields a statistical interaction or moderating effect (Rutter et al., 1998). In other words, the variable serves to significantly attenuate the risk of offending in a high-risk group but has relatively little or no effect in a low-risk group.

The emphasis on moderation effects is the chief point of contrast between these two basic conceptualizations. Farrington (2003) actually underscores this difference and as such, he employs the term *promotive factor* in reference to the study of variables that have a "protective" effect irrespective of risk level. While an equally valid avenue of inquiry, Farrington is admittedly measuring a different construct than that which dominates the literature on resilience (Rutter et al., 1998). Although there is probable overlap between these constructs, it is paramount that researchers strive for consistency in the terminology they adopt as to avoid misnomers.

*Empirical Evidence for "Protective" Factors?*

Although the literature is still in a relative stage of infancy, certain protective factors have been identified in forensic research as effective buffers against criminal outcomes. The current article is by no means intended as an exhaustive review. Rather, the following is just a brief summary outlining certain notable empirical associations. It bears noting that some research claiming to identify *protective* factors is actually providing evidence for *promotive* factors. Such promotive factors that are negatively associated with adolescent delinquency across all levels of risk include the following: rewards and/or opportunities for involvement in prosocial activities (within the school, family, or community), an appropriate repertoire of social skills, commitment to school, and religiosity (Arthur et al., 2007; Herrenkohl, Tajima, & Whitney, 2005).

Certain researchers have in fact adopted the definition of a protective factor customarily employed in the literature on resilience. As such, variables found to *moderate* the relationship between risk and criminal outcome comprise certain predispositional factors including positive

temperament, high intelligence, and certain genotypes that serve to buffer aggressive impulses (Kandel et al., 1988; Masten, 2001; Moffitt, 2005). Notably, the protective effects of these factors are most highly revealed in the presence of adversity (e.g., childhood maltreatment and abuse).

Environmental factors can also act as important protective agents. For instance, a recent study determined that for children exposed to a number of risk factors at age 10, a strong bond to school (as measured by subjective reports of one's enjoyment of and commitment to school) was found to attenuate the likelihood of engaging in violent and non-violent delinquency two years later (Spratt, Jenkins, & Doob, 2005). While the school bond acted as a buffer for all children, it was especially salient for high-risk youth.

*Generalizability of protective factors?* Some research has begun to address gender differences with respect to the impact of protective factors. For example, school attendance has been found to moderate criminal outcomes in early adulthood for young males; however, this variable does not offer the same protective effect for females (Hart et al., 2007). Hart and colleagues highlighted specific gender differences in protective factors found within the school environment. Notably, the presence of a caring adult mentor at school acted as a significant protective factor for females but not for males. On the other hand, a high GPA buffered delinquency for males but did not protect females to the same degree. These findings are compatible with literature emphasizing the vital significance of relationships in the lives of women (Chesney-Lind & Sheldon, 1998) and in contrast, the importance of achievement-oriented goals for men (Maccoby & Jacklin, 1974).

Certain protective factors may be more or less relevant as a function of the developmental period considered. Stouthamer-Loeber and colleagues (2002) found that the influence of certain promotive factors do vary with age (Stouthamer-Loeber, Loeber, Wei, Farrington, & Wikstrom, 2002). For example, affiliation with prosocial peers yielded a strong promotive effect in an older cohort (13-19 years), but not in a younger cohort (7-13 years). This particular finding underscores the importance of peer influence in adolescence (Steinberg & Monahan, 2007). Hence, the relationship between protective (and risk) factors and a criminal outcome may indeed depend upon the point in development at which these are assessed.

#### *Theoretical and Practical Implications*

The idea of complementing the study of risk factors with the study of protective factors is a compatible adjunct to a number of theoretical perspectives. From a general standpoint, this framework aligns itself quite well with Seligman's (2002) movement towards *positive psychology*, whereby research and practice issues are fundamentally

grounded in a strength-based approach. One chief criticism of the risk-needs model lies in its inherently negative framework that tends to focus primarily on an individual's deficiencies (Ward & Brown, 2004). Through their Good Lives Model of offender rehabilitation, Ward and colleagues advocate a more explicit emphasis on one's strengths in structuring the attainment of prosocial goals. In turn, it is argued that such positive reframing will inherently serve to increase an individual's responsivity to treatment. Additionally, developmental pathway theorists such as Farrington (2003) have emphasized the importance of examining the impact of both risk and promotive factors at various points in development.

Although the identification and targeting of risk factors in offender treatment contexts is clearly paramount, it appears sensible for interventions to additionally target developmentally and gender appropriate protective factors across several domains, both within the correctional system and in community settings (Herrenhohl, Tajima, Whitney, & Huang, 2005). Evidence suggesting that promotive factors are particularly prevalent in young samples of school-aged children (Stouthamer-Loeber et al., 2002) provides a sound basis for the argument that more resources should be allotted to primary prevention programs. Such efforts can focus predominantly on enhancing protective factors in youth identified as high-risk. By nurturing young people's strengths and promoting resilience early on, the objective is ultimately to thwart the pathway to criminal behaviour and effectively reduce the number of individuals who come into contact with the criminal justice system in the first place.

#### *Future Research Directions*

*Exploring the school bond.* Given the empirical significance of school bonding as a protective factor (Spratt et al., 2005), future research must elucidate the specific aspects of the school setting that are most integral to a youth's subjective feelings of prosocial bonding and attachment (e.g., mentors within the school, a specific teaching approach, etc.). Considering its capacity to act as protective agent, the goal should be to research and develop strategies that encourage affiliation to the school and/or other prosocial institutions within the community.

*Research design.* Further research is required to determine whether protective factors have a differential impact at various points in development. Rather than adopting cross-sectional designs, prospective longitudinal research examining both within-individual and between-individual differences is imperative insofar as establishing the causal impact of given variables on criminal outcomes (Stouthamer-Loeber et al., 2002).

*Protective versus promotive.* Earlier, the authors outlined basic differences between protective and promotive factors,

remarking that these terms are sometimes used interchangeably. Beyond ensuring consistency in the terminology adopted, it is also important to establish whether a factor determined to be promotive (i.e., a negative correlate of criminal outcome) will also act as a protective factor (i.e., a particularly significant buffer of criminal activity for high-risk cases).

*Differences across demographics?* Admittedly, most of the research stemming from developmental and life-course criminology has been limited to samples of lower class males (Farrington, 2003). Further longitudinal designs must be employed to study differences in risk and protective factors across demographics (e.g., gender, social class, race, ethnicity) and across outcome variables (e.g., delinquency, violent offending, property crime, etc.).

*Focus on gender.* It is recommended that future studies explicitly consider gender as a moderator of criminal outcome. A greater understanding of how female delinquents differ from their male counterparts and how protective (and risk) factors may affect females differently is crucial for implementing intervention and prevention programs tailored to female populations (Hart et al., 2007).

*Developing assessment tools.* As a requisite to developing any form of programming, it is important to develop and refine assessment instruments that measure a broad array of both risk and protective factors. Some such measures have notably been published by Canadian researchers. For example, the Youth Assessment and Screening Instrument (YASI; Orbis Partners, 2000) is a tool that explicitly quantifies risk, need, and protective factors to predict recidivism in the context of juvenile probation. While the above is typically administered in forensic settings to guide intervention, there is a need to develop similar instruments designed to direct prevention efforts among youth populations (Arthur et al., 2007). Such assessment protocols could potentially be administered in schools to identify individuals with high levels of risk and low levels of protection. When considering the etiology of criminal behaviour, one should logically attempt to identify and target protective factors in the developmental period during which they exert their greatest impact.

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**Special Feature:**  
**Using a Gender-Informed Lens to Advance Theory and Practice for Female Offenders**

By Shelley L. Brown, Ph.D., & Kelley Blanchette, Ph.D.  
*Carleton University & Correctional Service of Canada*

Historically, girls and women have been considered 'correctional afterthoughts', excluded either implicitly or explicitly from criminological theories of crime, incarcerated alongside male offenders, offered stereotypical 'female-oriented' correctional programs (e.g., cooking, hairdressing), and classified using male-derived risk assessment tools (Hannah-Moffat & Shaw, 2000). Fortunately, scholarly interest in female offenders has grown considerably over the last 15 years. A formerly 'gender neutral' (androgynous) criminological lexicon is now replete with terms acknowledging that gender matters in the delivery of correctional interventions. Accordingly, terms such as 'gender informed', 'gender sensitive', 'gender responsive', and 'gender specific' are commonly used to describe new interventions for female offenders.

Similarly, researchers have conducted four different meta-analytic reviews examining either correctional treatment outcomes with female offenders or the predictors/correlates of crime among females (see Dowden & Andrews, 1999; Green & Campbell, 2006; Hubbard & Pratt, 2002; Simourd & Andrews, 1994). In sum, these reviews have demonstrated that the correlates and in some cases, the predictors of crime in girls are markedly similar to those in boys. However, consistent with feminist pathways explanations, childhood abuse does appear to be a gender specific correlate of crime - substantially more important for girls relative to boys (Green & Campbell, 2006). Additionally, the meta-analysis by Dowden and Andrews demonstrated that the Risk-Need-Responsivity (RNR) model of offender rehabilitation holds promise for female offenders.

Although meta-analytic reviews have provided some insight into female criminal conduct, the lack of rigorously designed primary studies involving female offenders (i.e., absence of prospective, multi-wave studies, absence of male comparison groups, absence of strong quantitative evaluations of gender-informed programs/assessment protocols) has precluded the formulation of definitive conclusions regarding: (1) whether or not female-specific risk factors genuinely exist (i.e., those that predict crime/recidivism in females but not males, or at the very least, factors that demonstrate a significantly stronger (or weaker) effect for females than males; Hollin & Palmer, 2006); (2) to what extent hypothesized 'gender specific' risk factors are more or less important than 'gender neutral' risk factors and (3) whether or not gender-responsive assessment and treatment approaches outperform readily available, 'off-the-shelf' gender neutral approaches.

*So, where should we go from here?*

Not surprisingly, different schools of thought have different visions for the future of corrections for girls and women. For example, feminist criminology firmly posits that "malestream criminological theories have questionable applicability to girls' offending..." (Belknap & Holsinger, 2006, p.49) and that "the overwhelming bulk of women's crime is directly linked to social, cultural, economic, sexual, and political oppression..." (Maidment, 2006, p.39). Consequently, these authors argue that future solutions to dealing with female criminality exist at the societal level. In contrast, 'What Works' advocates argue that the most potent predictors of crime *for both genders* rest within the individual and include factors such as criminal attitudes, criminal associates, antisocial personality, and criminal history (Andrews & Bonta, 2006; Gendreau, Smith, & French, 2006). Consequently, future solutions to female criminality can be found within the RNR model of offender rehabilitation.

Although it may seem that the field has reached an impasse, we argue that this does not have to be the case. It is our contention that theory and practice for girls and women in conflict with the law can be enhanced through the integration of various schools of thought. This means that researchers must incorporate all relevant disciplinary perspectives when studying female offenders. This translates into integrating diverse theories as well as multiple methodological approaches (e.g., quantitative and qualitative) even if it takes us out of our 'comfort zone'.

In practice, it is somewhat more difficult to reconcile seemingly divergent perspectives. Should we just 'add women' to the RNR model and 'stir'? Or should we be developing assessment protocols and treatment paradigms from the ground up for girls and women? If so, how should these differ from the traditional, gender-neutral models? In the interim, augmenting traditional models with gender-informed criteria for girls and women is a good strategy (e.g., Wright, Salisbury, & Van Voorhis, 2007). However, for humane, ethical and empirical reasons, long-term solutions require that we build female-specific tools and treatment programs from the ground up using a gender-informed lens. Importantly, a gender-informed lens allows for *both* gender-specificity and gender-neutrality to come into focus; this lends well to a unanimous vision for correctional intervention for girls and women.

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## RESEARCH BRIEFS

### Studying the Cognitions of Sexual Offenders: Going Beyond Self-Report Measures

By Kevin L. Nunes and Kelly Babchishin  
*Carleton University*

Sexual offending affects a large number of children and adults (Finkelhor, 1994; Kolivas & Gross, 2007; Koss, 1993) and is associated with a host of negative outcomes for victims (Beitchman et al., 1992; Browne & Finkelhor, 1986; Paolucci, Genuis, & Violato, 2001; Resick, 1993). Attempts at reducing sexual offending are clearly important, but they will be most effective when based on a better understanding of why some people commit sexual offences. Although knowledge of the causes of such offending has been increasing through theory and research (e.g., Bumby, 1996; Hanson, Gizzarelli, & Scott, 1994; Lalumière, Harris, Quinsey, & Rice, 2005; Malamuth, 2003; Marshall & Barbaree, 1990; Thornton, 2002; Ward, 2000; Ward, Gannon, & Keown, 2006), little empirical work has addressed the potential role of implicit cognitions.

Implicit cognition refers to automatic associations that are not accessible through introspection (i.e., outside of conscious awareness; Greenwald & Banaji, 1995). Explicit cognition, in

contrast, is accessible through introspection. Implicit cognition is typically assessed with response latency (or reaction time) measures, whereas explicit cognition is usually assessed with self-report measures (Hofmann, Gawronski, Gschwendner, Le, & Schmitt, 2005). Sexual offenders' cognitions have most commonly been examined with self-report measures. Although self-report measures have many strengths (Loza & Loza-Fanous, 2003; Mills, Kroner, & Hemmati, 2004; Taforodi & Ho, 2006; Westen & Weinberger, 2004), they likely do not provide complete information about the constructs of interest. These measures require respondents to access their cognitions through introspection and to report them accurately. However, some or all aspects of the cognitions of interest may not be consciously accessible or, if they are accessible, may not be accurately articulated or reported honestly (Andrews & Bonta, 2006; Beech, 1998; Fazio & Olson, 2003; Horley, 2000; Marshall, Anderson, & Fernandez, 1999; Nosek & Smyth, 2007; Ward, Hudson, Johnston, & Marshall, 1997). In contrast, implicit measures can assess unconscious associations and they are generally much less vulnerable to deliberate attempts at dissimulation (Asendorpf, Banse, & Mücke, 2002; Greenwald & Farnham, 2000; Poehlman, Uhlmann, Greenwald, & Banaji, 2005; Steffens, 2004).

Even when valid self-report measures are available, assessments can be strengthened by incorporating multiple methods. The validity of research and clinical assessment is generally improved through multi-method measurement of the construct of interest (Kazdin, 2003). Implicit and explicit cognition appear to be correlated but distinct constructs (Nosek & Smyth, 2007), which means that implicit and self-report measures can provide independent information. Thus, complementing self-report measures with implicit measures may provide a more complete understanding of the cognitions associated with sexual offending (Hanson & Morton-Bourgon, 2004; Ward et al., 1997).

#### *Implicit Association Test*

A promising and relatively simple procedure for measuring implicit cognitions is the Implicit Association Test (IAT; Greenwald, McGhee, & Schwartz, 1998). The IAT is a relative measure of association strengths, which are inferred from response latencies (or reaction times) on various categorization tasks. Since its introduction, the IAT procedure has been used to assess a wide variety of implicit cognitions in nonoffenders (for a review, see Nosek, Greenwald, & Banaji, 2007). More recently, IAT measures have been used with forensic and correctional samples to assess implicit cognitions associated with violence (Gray, MacCulloch, Smith, Morris, & Snowden, 2003; Snowden, Gray, Smith, Morris, & MacCulloch, 2004) and child molestation (Brown, Gray, & Snowden, 2008; Gray, Brown, MacCulloch, Smith, &

Snowden, 2005; Milhailides, Devilly, & Ward, 2004; Nunes, Firestone, & Baldwin, 2007).

An IAT measure of sexual interest in children that we created (Nunes et al., 2007) is described here to illustrate the procedure. Participants were presented with a stimulus word (e.g., old, young, naked, ugly) in the centre of a computer screen that they sorted into one of four categories (adult, child, sexy, or not sexy) by pressing a computer key with either their left index finger (*d* key) or their right index finger (*k* key). Thus, two categories were indicated by one key while the remaining two categories were indicated by the other key. Response speed is expected to depend on the extent to which the categories that share one key are associated in one's memory. For someone who is primarily sexually attracted to adults, response speed should be quicker when *adult* and *sexy* share the same response key than when *child* and *sexy* share the same response key. Conversely, for someone who is sexually attracted to children, the reverse would be expected.

Nunes et al. (2007) administered this IAT measure to child molesters and nonsexual offenders and found that the child molesters viewed children as more sexually attractive than the nonsexual offenders. This finding is consistent with research using similar IAT measures (Brown et al., 2008; Gray et al., 2005; Mihailides et al., 2004). Effect sizes across studies have been in the medium to large range. Nunes et al. (2007) also found preliminary evidence that their IAT measure of sexual attraction to children may be associated with maintenance of sexual offending. Specifically, among child molesters, viewing children as more sexually attractive was associated with greater risk of sexual recidivism as measured by a validated risk assessment instrument (Static-99;  $r = .43$ ). The results from the studies published so far are very encouraging and demonstrate that implicit measures, such as IAT measures, may be valuable tools with which to study the cognitions of sexual offenders.

The fact that there is currently little published research on implicit measures of sexual offenders' cognitions is due to the novelty of the approach rather than a lack of interest and activity. A growing amount of research is being conducted in this area and much of the work is in press, under review, or in progress. Our current work and that of some key researchers in this emerging area is outlined below.

#### *Our Current Research*

Nunes and students in his lab (Kelly Babchishin, Nicolas Kessous, and Katie Ratcliffe) are currently conducting research examining sexual interests and attitudes associated with sexual offending. One project aims to refine and validate our IAT measure of sexual attraction to children. It is very similar to the IAT measure described above, with the exception that participants categorize a series of pictures,

rather than words, as *adult* or *child*. These pictures are faces of adults and children from digitally morphed photographs (Laws & Gress, 2004). Incarcerated child molesters will be compared to men who have not sexually offended against children on this IAT measure. In addition, among the child molesters we will examine the relationship between our IAT measure and other measures of sexual interest (e.g., physiological, viewing time, and self-report) and risk of sexual recidivism (e.g., Static-99, Stable-2007). This study will address important questions concerning the construct validity of our IAT measure. If our IAT measure really is assessing sexual attraction to children, then it should be correlated with at least some of the other measures of sexual interest.

We are also examining other implicit cognitions that may be associated with sexual offending. Specifically, we have developed an IAT measure of attitudes towards child sexual abuse. As with the project described above, child molesters will be compared to nonmolesters on this IAT measure and self-report measures of attitudes towards child sexual abuse. Among the child molesters, intercorrelations between this IAT measure, self-report measures, and risk of sexual recidivism will also be assessed. For both projects described above, we are currently collecting data from federal penitentiaries in Ontario. Our data collection has been facilitated by the generous assistance and support from many people at Correctional Service Canada (CSC), such as Bill Bailey, Carolyn Bourgeois, Brian Grant, Daryl Kroner, Jan Looman, Greg Maillet, Jeremy Mills, Geris Serran, Ed Peacock, and Bill Walker, to name a few. These projects are funded in part by grants to the first author (Social Sciences and Humanities Research Council Institutional Grant) and second author (Pre-doctoral Research Grant from the Association for the Treatment of Sexual Abusers).

In addition to research with correctional samples, we are also conducting studies with samples of male undergraduate students. One of these projects examines the extent to which implicit attitudes towards rape are associated with sexually coercive behaviour. Another examines the association between sexually coercive behaviour and implicit gender attitudes and stereotypes.

In all of these studies, we are particularly interested in the extent to which IAT measures complement and interact with the other measures. For example, does our IAT measure of sexual attraction to children provide independent or redundant information about group membership (i.e., child molester vs. nonmolester) when considered in combination with other measures of sexual interests?

#### *Innovators and Leaders*

A number of innovative researchers have adapted well-established cognitive procedures, such as the IAT, rapid serial visual presentation task, Stroop task, and viewing time,

to measure sexual offenders' implicit cognitions. What follows is by no means an exhaustive list of the important past and present research in this area; we apologize in advance for anyone we have left out. Nicola Gray, Robert Snowden, Anthony Brown, and their colleagues at Cardiff University in the U.K. were among the first to adapt the IAT procedure to assess implicit cognitions of sexual offenders (Gray et al., 2005). This group of researchers has been refining their IAT measure of sexual interest in children, replicating and extending their findings, and exploring other implicit measures (Brown, 2006; Brown et al., 2008). Brown et al. (2008) found that sexual offenders with victims under age 12 associated *child* with *sex* more strongly than did sexual offenders with victims between age 12 and 16. They also found that these differences remained even for offenders who denied their sexual crimes. This is consistent with evidence that IAT measures are relatively unaffected by attempts at dissimulation (Asendorpf et al., 2002; Greenwald & Farnham, 2000; Poehlman et al., 2005; Steffens, 2004).

David Thornton has been using the IAT measures of sexual interest described above (Gray et al., 2005; Nunes et al., 2007) along with several other measures as part of a comprehensive experimental assessment battery administered to civilly committed sexual offenders at the Sand Ridge Secure Treatment Center in Wisconsin. The data collected over the next year or two will undoubtedly lead to important advances in this area. David Thornton and Richard Laws are currently working on an edited book entitled *Cognitive Approaches to the Assessment of Sexual Interest in Sexual Offenders*. This book features many of the researchers mentioned in this article. It will be an excellent resource for anyone interested in this area.

Researchers have also adapted and studied other measures of sexual offenders' implicit cognitions. Tony Beech, Vanja Flak, and colleagues (Beech, Kalmus, Tipper, Baudouin, Humphreys, & Flak, 2008) recently developed a Rapid Serial Visual Presentation (RSVP; Potter & Levy, 1969) task to assess sexual interest in children and administered it to child molesters and nonsexual offenders. The RSVP task involves the identification of target images, which are presented as part of a series of rapidly presented images. If two targets are among the series of images, identification of the first image reduces the accuracy with which the second image is identified when the time between intervals is short (Raymond, Shapiro, & Arnell, 1992) or when the first image is of particular interest to the observer (Kyllingsbaek, Schneider, & Bundesen, 2001). Beech et al. (2008) presented participants with pictures of children and neutral images (e.g., animals). They found that, compared to the nonsexual offenders, child molesters were more likely to miss the second target image when the preceding target image was of a child. This suggests greater interest in children

among the child molesters. This group has projects currently underway to further examine the RSVP as a measure of deviant sexual interest.

The classic Stroop colour-naming task (Stroop, 1935) has also been modified to assess automatic processing biases for sexual words with samples of sexual offenders and various comparison groups (Price & Hanson, 2007; Smith & Waterman, 2004). Research currently underway is using coloured pictures of adults and children instead of words as stimuli in a Stroop task designed to assess sexual interest in children (Ó Ciardha & Gormley, 2007). Offenders with greater interest in sexual or deviant stimuli (words or pictures) should experience greater interference with naming the colour of those stimuli.

Sexual interest in children has also been assessed with viewing time measures, which unobtrusively record the time spent viewing deviant (e.g., pictures of nude or partially clothed children) and nondeviant (e.g., pictures of adults) stimuli. Viewing pictures of children longer than pictures of adults would suggest greater sexual interest in children. Richard Laws and Carmen Gress (Gress, 2005, 2007; Laws & Gress, 2004) as well as Gene Abel (Abel, Lawry, Karlstrom, Osborn, & Gillespie, 1994) and David Glasgow (Glasgow, Osborne, & Croxen, 2003) are among the leaders in developing and studying viewing time measures of deviant sexual interests.

There is clearly growing interest in research on sexual offenders' implicit cognitions. Implicit measures like the IAT make it possible to examine many intriguing hypotheses (e.g., Hanson, 1999; Mann & Beech, 2003; Ward et al., 1997; Ward & Keenan, 1999) that have, as of yet, received little empirical attention. Given the promising results so far, implicit measures may eventually become valuable complements to more commonly used measures (e.g., self-report) and thereby: (1) advance our understanding of the initiation and maintenance of sexual offending; (2) improve the effectiveness of assessment, treatment, and management of sexual offenders; and, ultimately, (3) increase the safety of the community.

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## STAYING CONNECTED ...

### SECTION BUSINESS

Greetings Everyone!

Just a few things to update everyone on ...

First, the conference proceedings document from last year's NAACJP conference will be out soon. Details on how to obtain a copy will be available on our website by the end of April.

Second, the time has come to begin discussions on the feasibility of another NACCJP conference in 2011. We received many positive comments on the first NACCJP conference and we thank all those who were involved. Hosting a conference of that magnitude is a tremendous amount of work, and this is a major consideration when discussing whether another one will be held. At the moment, we are seeking volunteers who are able to make a firm commitment to assist with conference planning, from now till 2011 – should a decision be made to go ahead. At this stage, we are asking for comments and volunteers. Please contact Jeremy Mills if you are interested.

Third, this year's annual conference is right around the corner. Keynote speaker and award recipient Dr. Stephen Wong will be speaking on Thursday June 14. Our Section

reception will also be held that day, beginning at 5:30pm in the Premier Suite of the Marriott Hotel. This year, the reception will be more informal than it has been in past years; we have rented a hotel suite for mixing and mingling – please feel free to bring your own beverages. Friday June 15 brings several great talks, along with the Section Business Meeting and the Poster Session. The CPA CJP Section Invited Speaker, Dr. Jim Bonta, will be speaking the morning of Saturday June 14. These are just some highlights – there are many interesting sessions that will surely keep you engaged for the entire conference!

### Your Section's Executive

Your Section's Executive currently consists of 14 people. Each Executive member plays a specific role, and each member is elected at the Annual Convention's Section Business Meeting (SBM). Perhaps you are interested in serving on next year's Executive?

Currently, each Executive member has expressed an interest in staying in their respective position for the upcoming year (there is still one DAL position vacant); however, each position is open to all those interested as each position is voted in at the Annual Section Business Meeting. Below you will find a short description of the various positions, should you be thinking about expressing interest in one of them.

<b>POSITION</b> (Running for 2008)	<b>POSITION DESCRIPTION</b>
<b>CHAIR</b> (Jean Folsom)	Liaise with CPA. Develop and guide objectives set by the Executive. Develop mechanisms for the planning of Section objectives. Contribute to each <i>Crime Scene</i> with the <i>View from the Top</i> column.
<b>PAST CHAIR</b> (Not elected)	Be a bastion of sober second thought and assume the duties of Chair in the event of his/her inability to perform his/her duties due to illness or mental defect.
<b>SECRETARY/ TREASURER</b> (Karl Hanson)	Responsible for financial matters and recordings of the Section proceedings (e.g., writing cheques, and serving as a memory for the Section). Contribute to <i>Crime Scene</i> at least once per year. Prepare a report for circulation prior to next year's SBM on year's accomplishments.
<b>CRIME SCENE EDITORS</b> (Tanya Rugge & Chantal Langevin)	The <i>Crime Scene</i> Editorial Team is responsible for the publication of <i>Crime Scene</i> , twice each year (September and April). Production of this newsletter involves solicitation of submissions, reviewing of articles, correspondence related to submissions, revisions, writing the Editors' Note and other components of the newsletter, as well as formatting and distribution of the final product.
<b>DIRECTOR-AT-LARGE: NAACJ</b> (Steve Wormith)	Liaise with National Associations Active in Criminal Justice (NAACJ) and maximize the Section's representation at funded meetings. Prepare a report for circulation prior to next year's SBM on year's accomplishments. Contribute to <i>Crime Scene</i> at least once per year.
<b>DIRECTOR-AT-LARGE: CLINICAL &amp; TRAINING</b> (Mark Olver)	Identify CJS clinicians (target of 15 CJS members), foster discussion of clinical issues, identify training needs and potential pre-conference workshops addressing those needs, encourage and develop one symposium on clinical issues for the Annual conference. Contribute to <i>Crime Scene</i> 's dedicated column by either writing the column or soliciting appropriate pieces from others. Prepare a report for circulation prior to next year's SBM on year's accomplishments.
<b>DIRECTOR-AT-LARGE: POLICE PSYCHOLOGY</b> (Dorothy Cotton)	Identify CJS members with interests in Police Issues (target 15 members), foster discussion of related issues, encourage and develop one symposium and/or pre-conference workshop on police issues for the CPA annual conference. Contribute to <i>Crime Scene</i> 's dedicated column by either writing the column or soliciting appropriate pieces from others. Prepare a report for circulation prior to next year's SBM on year's accomplishments.

<b>DIRECTORS-AT-LARGE: PSYCHOLOGY IN THE COURTS</b> (David Nussbaum & Garry Fisher)	Identify CJS members with interests in Court Issues (target 15 members), foster discussion of related issues, encourage and develop one symposium and/or pre-conference workshop on court-related issues for the CPA annual conference. Contribute to <i>Crime Scene</i> 's dedicated column by either writing the column or soliciting appropriate pieces from others. Prepare a report for circulation prior to next year's SBM on year's accomplishments.
<b>DIRECTOR-AT-LARGE: CONTINUING EDUCATION</b> (vacant)	Investigate possible strategies to develop CE credits for the Section, and mutually recognized CE credits with the CJS of Division 18 of APA. Provide a report to the Executive on recommendations, as well as a report for circulation on year's accomplishments. Contribute to at least one <i>Crime Scene</i> per year.
<b>DIRECTOR-AT-LARGE: CONFERENCE PROGRAMME</b> (Guy Bourgon)	Oversee the CJS convention program to include reminders for submissions to next year's conference. Work with DAL's to identify specific pre-conference workshops and symposiums. Oversee evaluation of student posters and respective prizes at the conference. Contribute to at least one <i>Crime Scene</i> per year.
<b>DIRECTOR-AT-LARGE: WEB COORDINATOR</b> (Joe Camilleri)	Responsible for maintaining the Section's website in a timely fashion and for liaising with the web staff at CPA. Prepare a report for circulation prior to next year's SBM on year's accomplishments.
<b>STUDENT REPRESENTATIVE</b> (Leslie Helmus)	Represent student issues to the Executive. Contribute to <i>Crime Scene</i> 's dedicated column for students, by either writing the column or soliciting appropriate pieces from others. Prepare a report for circulation prior to next year's SBM on year's accomplishments.
<b>MEMBERSHIP COORDINATOR</b> (Natalie Jones)	Oversee the Section membership list and email distribution list. Update list as required and send various materials via email to Section memberships as appropriate. Assist with <i>Crime Scene</i> as required, and contribute to at least one <i>Crime Scene</i> per year.

Hope to see you at the SBM (8:00am Friday morning) and if you are interested in a seat on the Executive, you can express your interest to any of the current Executive members now, or at the SBM. Not only will serving on the Executive keep you connected, it enables you to represent and assist the whole Section. Here's your opportunity to make a difference!

**HAVE AN  
AFTER THOUGHT?  
WE WANT TO HEAR FROM YOU!**

## RECENT PUBLICATIONS

Do you have a recent publication? List it here.



Augimeri, L. K., Farrington, D. P., Koegl, C. J., & Day, D. M. (2007). The SNAP™ Under 12 Outreach Project: Effects of a community-based program for children with conduct problems. *Journal of Child and Family Studies, 16*, 799-807.

We examined the immediate, short- and long-term effectiveness of the SNAP™ Under 12 Outreach Project (ORP)-a community-based program for children under the age of 12 at risk of having police contact. Sixteen pairs of children were matched on age, sex and severity of delinquency at admission, and randomly assigned to the ORP or to a control group which received less intensive treatment. Level of antisocial behavior was assessed pre- and post-intervention (immediate effects) and at three follow-up periods (up to 15 months post treatment) to investigate maintenance of possible treatment effects. A search of criminal records was also performed to assess long term effects. Results indicated that ORP children decreased significantly more than controls on the Delinquency and Aggression subscales of the Child Behavior Checklist pre- to post-intervention, and these effects were maintained over time. For statistically significant differences, effect sizes were large (.79 to 1.19). Fewer ORP children (31%) had criminal records at follow-up compared to controls (57%), although this difference was not statistically significant. Overall, the ORP appears to be an effective cognitive-behavioral program for antisocial children in the short term, with possible effects that extend into adolescence and adulthood.



Camilleri, J. A., & Quinsey, V. L. (2008). Pedophilia: Assessment and treatment. In D. R. Laws & W. O'Donohue (Eds.), *Sexual deviance: Theory, assessment, and treatment* (2nd ed.). New York: Guilford.



Hanson, R. K., Helmus, L., & Bourgon, G. (2007). *The validity of risk assessments for intimate partner violence: A meta-analysis*. (Corrections User Report No. 2007-07). Ottawa: Public Safety Canada.

This meta-analysis reviews the predictive accuracy of different approaches and tools that are used to assess the risk of recidivism for male spousal assault offenders. In total, 18 studies were found that examined the relationship between an initial assessment of risk and subsequent spousal assault or general violent recidivism. The various approaches to predicting spousal assault recidivism showed, on average, moderate predictive accuracy. The structured tools specifically designed to assess spousal assault risk showed similar levels of accuracy (average weighted *d* of .40, 10 studies) as tools designed to predict general or violent recidivism (average weighted *d* of .54, 4 studies) and global assessments of risk provided by the female partners (average weighted *d* of .36, 5 studies). The most accurate tools were those in which the items were selected empirically (i.e., based on observed predictors in group data). Further research is needed to determine the extent to which the spousal specific risk tools provide useful information not included in the already well-established risk tools designed for general recidivism or violence. Furthermore, it is possible that increased structure could improve the accuracy of the partners' assessment of risk.



Helmus, L. M. D., & Hanson, R. K. (2007). Predictive validity of the Static-99 and Static-2002 for sex offenders on community supervision. *Sexual Offender Treatment, 2*, 1-14.

The Static-99 is the most commonly used actuarial tool for sexual offenders. Although it has shown acceptable predictive accuracy in a large number of studies, all these studies involved researchers scoring the instrument retrospectively. Consequently, it is unclear whether similar results would be obtained when used in routine practice. The authors of the Static-99 have proposed a new scale, the Static-2002, but there has been insufficient research to determine whether it is an improvement over the Static-99. This study examined the predictive accuracy of the Static-99 in a prospective study of 706 Canadian sexual offenders on community supervision. All assessments were conducted by the probation and parole officers responsible for supervising the cases. The Static-99 was compared with the Static-2002, which was scored retrospectively from criminal history records. After an average 3 year follow-up, the Static-99 and Static-2002 were equally accurate in predicting sexual recidivism (ROC of .76 for both). The Static-2002, however, was better than the Static-99 at predicting violent and general recidivism. There were no significant differences in the accuracy of the measures for rapists, child molesters, or non-contact offenders. Overall, the Static-99 and Static-2002 are both reliable and valid measures of recidivism risk for sexual offenders.



Koegl, C. J., Farrington, D. P., Augimeri, L. K., & Day, D. M. (in press). Evaluation of a targeted cognitive-behavioural program for children with conduct problems – the SNAP™ Under 12 Outreach Project: Service intensity, age, and gender effects on short and long term outcomes. *Clinical Child Psychology and Psychiatry*.

This study tested the effectiveness of a multifaceted, CBT program for antisocial children - the SNAP™ Under 12 Outreach Project (ORP) - in relation to age, sex and indices of treatment intensity. Study participants were 80 clinic-referred children (59 boys and 21 girls) under the age of 12 assigned to one of the following groups: Control (CG;  $n = 14$ ) who did not receive the ORP; Matched (MG;  $n = 50$ ) who received the ORP; and Experimental (EG;  $n = 16$ ) who received a slightly enhanced version of the ORP. Results indicated significant pre-post changes for the EG and MG for CBCL-measured delinquency and aggression, but no improvement for the CG. Positive relationships between the amount of individual ORP components received and CBCL change scores were also found. In this regard, statistical associations tended to be larger for girls and older children (i.e., 10-11 years old) who may have been more cognitively advanced. Despite some limitations, findings from this study support the effectiveness of the ORP, but also highlight the need to take into account client characteristics when offering clinical treatment.



Nunes, K. L., & Cortoni, F. (2008). Dropout from sex-offender treatment and dimensions of risk of sexual recidivism. *Criminal Justice and Behavior*, 35, 24-33.

The extent to which general criminality and sexual deviance are associated with dropout or expulsion from a sex-offender treatment program was examined. Participants were 52 offenders who dropped out of, or were expelled from, their last sex-offender program and a comparison group of 48 program completers. As expected, the general criminality items of the Static-99 were significantly associated with dropout/expulsion but the sexual deviance items were not. Thus, risk for sexual recidivism and risk for dropout/expulsion from sex-offender programs do not appear to be synonymous. Basing estimates of risk for dropout/expulsion on general criminality rather than sexual deviance may be a more effective and efficient strategy for managing sex offenders.



Nussbaum, D., Hancock, M., Turner, I., Arrowood, J., & Melodick, S. (2007). Fitness/Competency to Stand Trial: A Conceptual Overview, Review of Existing Instruments and Cross-Validation of the Nussbaum Fitness Questionnaire. Available Online: <http://brief-treatment.oxfordjournals.org/cgi/reprint/mhm026>.

Competency to Stand Trial or Fitness to Stand Trial (FST) is the most frequent referral issue facing forensic mental health professionals (FMHPs) and consumes considerable scarce resources in the process. This article summarizes minimalist and expanded legal approaches to FST and briefly describes

three instruments developed by FMHPs to structure FST assessments. We then present evidence supporting the validity of the Nussbaum Fitness Questionnaire for efficiently screening individuals for fitness and blatant or subtle malingering. The paper ends with a number of suggestions to optimize use of these instruments within the current set of forensic mental health practices. Specifically, it is suggested that use of the screening instrument could reliably eliminate up to 70% of current referrals for complete assessments while the more in-depth semi-structured interviews be utilized to confirm unfitness, especially when the mental health professional has more than trivial doubt regarding an individual's FST.



Schneider, R. D., & Nussbaum, D. (2007). Can the bad be mad? *The Criminal Law Quarterly*, 53 (2), 206-226.



Price, S., & Hanson, R. K. (2007). A modified stroop task with sexual offenders: Replication of a study. *Journal of Sexual Aggression*, 13(3), 203-216.

Cognitive behavioural treatment of sexual offenders assumes that sexual offenders are motivated by deviant attitudes, perceptions and values. Although aspects of deviant schema can be assessed by questionnaires, self-report measures are limited by the respondent's willingness to be forthright and by the fact that these cognitive processes typically occur quickly, revealing signs of automaticity. Recent research by Smith and Waterman (2004) has suggested that the deviant schema of sexual offenders could be assessed using a version of the Stroop colour-naming task. Long latency periods to sexual color words imply a longer information-processing route and evidence of pre-established (deviant) sexual cognitive schema. Stroop techniques may offer the advantage of eliminating limitations that arise when using self-report techniques, such as fakeability and social desirability concerns. The current study replicates and extends Smith and Waterman's results using samples of sexual offenders, non-sexual violent offenders, and non-violent offenders. The cumulative results of the two studies suggest that Stroop techniques have promise, but that further work is required before measures are available that have sufficient reliability and validity to be used in applied contexts.



Whitaker, D. J., Le, B., Hanson, R. K., Baker, C. K., McMahon, P., Ryan, G., Klein, A., Rice, D. D., & Ingram, E. (in press). Risk factors for the perpetration of child sexual abuse: A review and meta-analysis. *Child Abuse & Neglect*.

Since the late 1980s, there has been a strong theoretical focus on psychological and social influences of child sexual abuse perpetration. This paper presents the results of a review and meta-analysis of studies examining risk factors for child sexual abuse perpetration published since 1990. Eighty-nine studies published between 1990 and April of 2003 were reviewed. Results were classified into one of six broad categories of risk

factors: family risk factors, externalizing behaviors, internalizing behaviors, social deficits, sexual problems, and attitudes/beliefs. Child molesters were compared to three comparison groups identified within the 89 studies: rapists, non-sex offenders, and non-offenders with no history of criminal or sexual behavior problems. Results for the six major categories showed that child molesters were not different from rapists (all  $d = -.02 - .14$ ) other than being less antisocial ( $d = -.24$ ). Child molesters were somewhat different than non-sex offenders, especially with regard to sexual problems and attitudes ( $d = .83$  and  $.51$ ). Child molesters showed substantial differences from non-offenders with medium sized effects in all six major categories ( $d$ 's range from  $.39$  to  $.58$ ). Discussion of findings focuses on the potential primacy of early family risk factors, and research gaps apparent from this review.

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## INFORMATION REVIEWS

Have you read a book, article or research on which you would like to provide commentary – good, bad, provocative, or humorous? If so, write us and it could be included in this new Information Reviews section.

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## BOOK REVIEW

### The Lucifer Effect: Understanding How Good People Turn Evil

Author: Philip Zimbardo  
 Publisher: Random House, New York (2007)  
 ISBN: 978-1-4000-6411-3 (hardcover)  
 Reviewer: Otto Driedger, Ph.D.  
 Professor Emeritus  
 Department of Human Justice and Social Work,  
 University of Regina

In "The Lucifer Effect", Philip Zimbardo addresses the impact of societal structures and organizations on persons working in a system by discussing the 36 year old "Stanford Prison experiment" he conducted and its parallels to experiences in Abu Graib and other more current events.

His thesis is that systems have a profound effect on the behaviour of individuals. As he says "The traditional view is to look within for answers - for pathology or heroism.....Social psychologists [such as himself] tend to avoid this rush to dispositional judgment when trying to understand the causes of unusual behaviours.....The dispositional approach is to the situational as a medical model of health is to a public health model." He also uses a more down to earth metaphor: "It is not that there are a few bad apples in the barrel, but that it is a bad barrel". The power to create the bad barrel sets the context for the situation.

The Stanford (University) Prison Experiment was designed by Dr. Zimbardo in 1971 and has been written up and used in social

psychology and sociology as a classic example. In this book he provides much more detail of the experiment and its implications. The experiment consisted of 20 volunteer university students chosen at random, selecting half of them to be prison guards and the other half to be prisoners. This was to be a 2 week study but was aborted after 6 days because of the violence and degradation that occurred.

The precipitating factor in writing this book was the dramatic parallel to the real life Abu Graib event. Zimbardo was involved as an expert in analyzing the events of incarceration, not only in Abu Graib, but also in Guantanamo Bay and other prisons in the Iraq war. He also comments on events in Rwanda, Nanking China and others.

Zimbardo does a masterful job of presenting the information and drawing out the principles and implications in the events. Issues such as power and control, dehumanization, oppression, moral disengagement, crimes against humanity, genocide, rape, and terror emerge as major issues in his analysis.

The book should be a "must read" for persons involved in Corrections. It would be of special interest to social scientists and also to theologians and ethicists. While it is a book that would be of interest to the general public, it does get academic in some sections.

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## KUDO KORNER

Want to give kudos to a Section Member?  
Contact us.



Congratulations to Kelly M. Babchishin,  
who was awarded the Predoctoral Grant Award by the  
Association for the Treatment of Sexual Abusers (ATSA)  
for her proposal entitled "Using the Implicit Association  
Test to Assess Sexual Attraction to Children".  
Kelly is currently working on her Masters degree with  
Dr. Kevin Nunes at Carleton University.  
Well done Kelly!



Congratulations to Samantha Balemba, who was awarded  
the Pearson Education Forensic Psychology Thesis Award  
for her honours thesis entitled  
"Implicit and Explicit Attitudes Towards Violence".  
Samantha is a fourth-year honours student in the Institute of  
Criminology and Criminal Justice at Carleton University and  
is completing her thesis under the supervision  
of Dr. Kevin Nunes.  
Great work Samantha!



Congratulations to Dr. Steve Wong,  
who will be receiving the annual Career Contribution Award  
at the upcoming CPA conference!




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### MEMBERS ON THE MOVE

Dr. Vicki Mowat has taken the position of  
Manager of the Labour Market Information and Research Unit  
in the Research and Planning Branch of the  
Ontario Ministry of Training Colleges and Universities.

Dr. Robert Cormier, formerly the Senior Director of the  
Corrections Research and Development Unit at Public Safety  
Canada, accepted a new challenge as the Executive Director  
of the National Crime Prevention Council.

Dr. Brian Grant has moved from his position as the Director  
of the Addictions Research Centre in Montague, PEI, to  
become the Director General, Research for the Correctional  
Service of Canada, located in Ottawa.

Terri Scott and her husband welcomed a little boy,  
Caleb, into the world in January!  
Congratulations Terri!

Dr. Sandy Jung has left her full-time  
Forensic Psychologist position at Forensic Assessment &  
Community Services in Edmonton and is now at the  
Department of Psychology at Grant MacEwan College.

Dr. Kelley Blanchette recently accepted the position of  
Senior Director of Correctional Research at  
Correctional Services Canada, where she is responsible for  
the oversight of the Senior Statistician as well as all  
Directors in the Research Branch at the NHQ site, including:  
Women Offenders, Programming, Operational Research,  
and Special Projects.

Dr. Christa Gillis has left her position as Director of  
Operational Research at Correctional Services Canada after  
16 years at NHQ. She is now returning home to Moncton to  
work at CSC Regional Headquarters Atlantic as Senior  
Project Manager of Policy and Planning.

Any more news? Contact us.

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**HAVE A PUBLICATION THAT'S  
JUST BEEN RELEASED?**

**LET US KNOW.**

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### EMPLOYMENT OPPORTUNITIES

**Employment Opportunity:  
Psychologist, East Coast Forensic Hospital (ECFH)  
Dartmouth, NS**

This spring a vacancy will be created at the East Coast  
Forensic Hospital due to the retirement of one of the three  
current psychologists at the facility. The ECFH is comprised  
of a pre-trial assessment unit and rehabilitation service for  
individuals found Not Criminally Responsible by Reason of  
Mental Disorder. The hospital serves the entire province and  
is an integral part of the Capital Health Mental Health  
program. The work of Psychology focuses on violence risk  
assessment, psychodiagnostic/cognitive assessment, group  
and individual therapy, involvement in multidisciplinary  
teams, provision of testimony to the Criminal Code Review  
Board, and training/supervision of Psychology students and  
interns.

It is expected that a posting for a PhD psychologist eligible  
for registration in Nova Scotia will be posted toward March  
or April 2008.

Please contact Dr. Andrew Starzomski  
([andrew.starzomski@cdha.nshealth.ca](mailto:andrew.starzomski@cdha.nshealth.ca)) or Dr. Brad Kelln  
([brad.kelln@cdha.nshealth.ca](mailto:brad.kelln@cdha.nshealth.ca)) for more information. You  
can learn about the health authority, including various  
mental health and forensic services, via the various links at  
[www.cdha.nshealth.ca](http://www.cdha.nshealth.ca).

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**KNOW OF ANY EMPLOYMENT  
OPPORTUNITIES THAT MAY INTEREST  
YOUR COLLEAGUES?**

**LET US KNOW.**

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### **CAREER OPPORTUNITY**

Simcoe Psychology is a small and rapidly growing practice that provides professional forensic and clinical psychological services. We are known particularly for our expertise in the assessment and treatment of sexual offenders, and for trainings provided to other professionals working with this population.

We are seeking an individual to provide full-time therapy and assessment services for a clinical and forensic population of clients, including sex offenders. Most work will be provided at the office site in Barrie, as well as at the client penitentiary site in Gravenhurst, Ontario. The salary range is 65 to 80K, commensurate with experience and qualifications plus bonus structure. Flexibility with scheduling, attendance at conferences and/or trainings, practicing in a close-knit and supportive team environment, and opportunities to participate in research projects are some additional advantages of this position.

#### **Qualifications:**

Minimum M.A. from Clinical or Forensic Psychology program. Experience in providing diagnoses is desirable. Minimum 1 year experience working with clinical and/or forensic population providing therapy. Must have a valid driver's license and access to own vehicle. Must pass security check.

#### **Additional Information:**

Simcoe Psychology is located in Barrie, Ontario, a beautiful city on the shores of popular Lake Simcoe. Barrie affords a lifestyle suitable to those who enjoy water sports, snow activities, clean air, and the great outdoors in general – all while being less than a one hour drive from Toronto and on the GO Train line. Please visit our website: [www.simcoepsychology.com](http://www.simcoepsychology.com)

*Review of applications will begin immediately, and will continue until the position is filled. Please fax applications to 416-913-1540 or email to [resumes@simcoepsychology.com](mailto:resumes@simcoepsychology.com). We look forward to hearing from you.*

### **EMPLOYMENT OPPORTUNITIES**

The Research Branch at Correctional Services Canada will be seeking to fill a number of positions in the next month or two.

The Director of Addictions Research manages all addictions-related research and develops treatment programs in addictions for the Correctional Service of Canada. The Director is responsible for the management of the Centre which is located in Montague, PEI and has a staff of 20 researchers and support staff. The four divisions at the Centre include Program Development, Assessment and Measurement, External Research (program research), and Operations and Knowledge Management. A Ph.D. in a social science discipline related to the work is required, as is experience in managing research teams. This position is in the executive group (EX-01). More details about the Centre may be found at:

<http://www.csc-scc.gc.ca/text/rsrch/addictions/index-eng.shtml>

<http://www.csc-scc.gc.ca/text/rsrch/addictions/index-fra.shtml>

Several positions at the Director and Associate Director level will also be staffed. In general, these positions will require a Ph.D. and extensive experience in research or program development. Experience in criminal justice or addictions will also be needed. Some of these positions are located at the Addictions Research Centre in Montague, PEI and some are located in the Ottawa offices of the Research Branch. These positions are classified at the ES-06 level. More information about the Research Branch can be found at:

<http://www.csc-scc.gc.ca/text/rsrch-eng.shtml>

<http://www.csc-scc.gc.ca/text/rsrch-fra.shtml>

Information on these positions will be posted officially on the Public Service Commission website:

[http://jobs-emploi.gc.ca/menu/home\\_e.htm](http://jobs-emploi.gc.ca/menu/home_e.htm)

[http://jobs-emploi.gc.ca/menu/home\\_f.htm](http://jobs-emploi.gc.ca/menu/home_f.htm)

Please check the website regularly for notifications that the positions are posted.

If you have any questions about these positions, please contact Brian Grant at 613-995-4694, or [grantba@csc-scc.gc.ca](mailto:grantba@csc-scc.gc.ca).

**HAVE COMMENTS ON WHAT  
YOU HAVE READ?**

***EMAIL US.***

**WE WANT TO HEAR FROM YOU!**

If you know of any employment opportunities,  
contact us!

## UPCOMING CONFERENCES



### The 2<sup>nd</sup> Annual Risk and Recovery Forensic Conference

April 28-29, 2008 Hamilton, Ontario

To register, contact Carin Kelley at 905.522.1155 ex.36493



### The 7<sup>th</sup> Annual Psychiatrists in Blue Conference

*"Psychiatrists in Blue ... Around the World"*

May 4-6, 2008 Regina, Saskatchewan

[www.pmhl.ca](http://www.pmhl.ca)



### Canadian Psychological Association 69<sup>th</sup> Annual Convention

June 12-14, 2008 Halifax, Nova Scotia

[www.cpa.ca](http://www.cpa.ca)



### British Society of Criminology Annual Conference

July 9-11, 2008 Huddersfield, England

[www.britsoccrim.org](http://www.britsoccrim.org)



### 138<sup>th</sup> Congress of Corrections

August 9-14, 2008 New Orleans, Louisiana, U.S.A.

[www.aca.org](http://www.aca.org)



### American Psychological Association 116<sup>th</sup> Annual Conference

August 14-17, 2008 Boston, Massachusetts, U.S.A.

[www.apa.org](http://www.apa.org)



### The 8<sup>th</sup> Annual Conference of the European Society of Criminology

*"Criminology in the Public Sphere"*

September 2-5, 2008 Edinburgh, Scotland

[www.eurocrim2008.org](http://www.eurocrim2008.org)



### Association for the Treatment of Sexual Abusers 27<sup>th</sup> Annual Research and Treatment Conference

*"Teamwork in Trying Times: Improving Our  
Response to Sexual Abuse"*

October 22-25, 2008 Atlanta, Georgia, U.S.A.

[www.atsa.com](http://www.atsa.com)



### The 11<sup>th</sup> International Institute for Restorative Practices World Conference

October 22-24, 2008 Toronto, Ontario

[www.iirp.org.php](http://www.iirp.org.php)



### American Society of Criminology Annual Meeting

November 12-15, 2008 St. Louis, Missouri, U.S.A.

[www.asc41.com](http://www.asc41.com)



### STATIC AND DYNAMIC RISK ASSESSMENT OF SEXUAL OFFENDERS 2-DAY TRAINING WORKSHOP

June 6 & 7, 2008 – Toronto, ON, Canada

Presenter: Dr. Andrew Harris, C.Psych.

Sponsored by Simcoe Psychology, Barrie, Ontario

This 2-Day workshop includes a research overview, specific instructions for administering and scoring the STATIC-99, STABLE-2007 and ACUTE-2007, and incorporates several hands-on exercises. In addition to large group discussions, the workshop utilizes role-play, and small-group and individual exercises to become proficient in using the risk measures for both incarcerated and community-supervised offenders. The workshop is designed for all stakeholders in best practices risk assessment of sexual offenders including treatment providers, supervising officers, managers, and researchers. Participants will not only learn the administration and scoring of the measures, but will also receive feedback and suggestions for obtaining information in adversarial contexts. Participants will also receive all of the measures, interview guides, and scoring sheets, with no restrictions on duplication for their own use.

To register or for further information go to  
[www.simcoepsychology.com](http://www.simcoepsychology.com).

### TIPS FOR STUDENTS!

ARE YOU PRESENTING A POSTER AT  
THE UPCOMING CONFERENCE?

VISIT THE SECTION'S WEBSITE FOR  
HELPFUL TIPS ON HOW TO CREATE  
THE PERFECT POSTER

**WHAT'S HAPPENING AT THE UPCOMING  
CPA 69<sup>TH</sup> ANNUAL CONVENTION  
≈ CJP SECTION HIGHLIGHTS ≈**

**Thursday June 12, 2008**

**Keynote Speaker & Award Recipient Dr. Stephen Wong**  
Marriott Main Floor, Acadia C  
1:00-1:55pm

**Criminal Justice Psychology Section Reception**  
Marriott Hotel Premier Suite  
5:30pm-9:00pm

**Friday June 13, 2008**

**Criminal Justice Psychology Poster Session**  
Marriott Second Floor, Nova Scotia Room  
2:00pm-3:55pm

**Saturday June 14, 2008**

**CPA CJP Section Invited Speaker Dr. Jim Bonta**  
Compass Room, Pedway Second Floor  
10:00am-10:55am

**AND LOTS MORE!!!**

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**STUDENTS' WATER COOLER**

The Students' Water Cooler is a forum designed to give students a voice. If you have any information, advice or would like to communicate with other students through a submission, please contact us or Leslie (your Student Representative!

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**And from your Student Representative ....**

Hi everyone!

As the student representative for the Criminal Justice Section, my job mainly consists of representing student issues to the Section Executive. I invite you to contact me if you have any questions/concerns or if there is something you would like to discuss. Furthermore, I want to make sure the Students' Water Cooler always has exciting content for students so if there is anything you would like to write for the column, please contact me. Also, if there is any topic you would like to see covered (such as advice or information),

please let me know and I will do my best to solicit that content myself.

I hope everyone has a great summer and I look forward to seeing many of you in Halifax!

Sincerely,

*Leslie Helmus*

lesliehismus@yahoo.ca

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**Advice for Finding a Thesis Supervisor:  
What Professors Have To Say**

Leslie Helmus, B.A.(Hons)  
Carleton University

Whether you are doing an honours thesis or applying to grad school, one of the hardest and most important tasks for a student is to find a potential thesis supervisor and convince them to take you on as their student. The official part of this process is usually the grad school application, including your statement of research interest. However, the process of getting a supervisor often starts long before the application is submitted.

When students first identify who they want to work with, they will often contact them (via email or a face-to-face visit) to get a feel for what the professor is like, to ask if the professor will be accepting students, and to discuss their common research interests. For many students, this process can be just as important and scary as a job interview. Advice on how to navigate this process is often vague and superficial (i.e., get good grades). However, what many students do not realize is that good grades can be a small part of a professor's decision.

I wanted to offer advice to students by getting the "inside scoop" on this process from several professors. So, I contacted a variety of forensic psychology professors (from different fields and in different universities) and asked them some questions to hopefully give students some insight into how professors view this process and what they are looking for in a student. Additionally, I decided to keep the contributors anonymous in the hopes that it would solicit more frank and honest answers.

Overall, I contacted seven professors and received five responses. While this is by no means a random sample of professors, I hope that the information I obtained is helpful to many students.

Instead of summarizing their comments I chose to include all responses as provided (the uncensored version). It may feel as though there is some redundancy but I think recurring themes or comments are useful in signaling important factors and in showing agreement among different professors. In this

article, each question I posed is written in bold. Underneath the question are the responses provided by professors. Paragraphs are used to separate the responses of different professors.

*Question: I am sure many of you have had a time when you thought you had too many students and you promised yourself you wouldn't accept any more, but then one student was able to convince you to take them. What did they do to get you to change your mind?*

*Professor A:* Exceptions: (1) conducted research directly in my area, (2) worked with a close colleague, (3) had skills that filled a gap in my lab, and (4) breadth - more than just high grades.

*Professor B:* I'm just starting in the business, but if my plate was full and there was a very strong applicant whose training goals and interests were matched with what we could offer them, then there is a good chance I would consider.

*Professor C:* First, person comes off as totally passionate about the area and has taken some real time to look into my research and has some interesting ideas for projects (even if the ideas are a bit off, the fact that they've given it some serious thought can sway me). Second, person comes off as extremely competent (in terms of statistical knowledge, writing abilities, and overall confidence in themselves) so that I can be relatively sure that (a) the student will produce a high quality product on time and (b) the student won't be an extremely serious burden in terms of supervision time.

*Professor D:* Stellar GPA and/or other impressive qualities; e.g., exceptionally strong research methods/stats skills; exceptional knowledge of research-related issues in my area; clear passion for research in my area, demonstrated by past behaviour, such as courses taken, volunteer work, reading, etc.; exceptional scientific writer.

*Question: What are your deal-breakers? (What can students do WRONG that will immediately knock them out of the running?)*

*Professor A:* First, students interested in clinical careers but applying to an applied program. Second, marginal grades as the area is very competitive. Third, students not having a specific interest in my area (instead they express a general interest in forensic issues - this is too broad).

*Professor B:* If they have no prior forensic research experience (e.g., honours degree or otherwise), or if their grades are too low.

*Professor C:* First, we get so many applicants that are on the ball, so if they don't come to interviews somewhat prepared they are most likely out. They don't need to have their whole MA or PhD sorted out, but they should know something about the program and about my research. If they can't impress me during the initial meetings, god knows what they are going to be like when they are here and no longer have to impress me. Second, at the graduate level, if I don't believe that the student will get funding they are most likely out. I want my students to

get as much research done as possible when they are here. In my opinion, they can't do this without external funding. Also, in today's age of funding I'm not guaranteed to have any external funding myself. So, I have to be confident that the student will be able to take care of themselves financially. Third, as I've indicated below, a bad personality will definitely knock them out of the race.

*Professor D:* Lack of conscientiousness; arrogance; being too pushy; too casual/rude/clueless in initial communication (e.g., first email requesting supervision starts out with "Dude, what's up? I gotta do some thesis thing and your area seems wicked cool"); initial communication clearly indicates lack of interest in (or even awareness of) my research (e.g., mass email to all psychology profs requesting supervision); proposing a research project in initial contact that indicates complete ignorance of any existing psychological theories, findings, and research methods; low GPA (i.e., anything below an A-); consistently weak references; exceptionally weak scientific writing skills; clearly does not value or care at all about psychological research.

*Question: Personality obviously matters. I have heard many professors cryptically say that they consider whether a student's personality is the right "fit" for their lab. What does that actually mean? What personality traits do you look for?*

*Professor A:* Fit refers to complementing the general approach within the lab. It also means fit with me. I like independent students (in their work and thinking). Sometimes a really strong personality makes other students uncomfortable; hence it disrupts the climate in the lab. This is counterproductive even though the student themselves may be exceptional.

*Professor B:* Conscientious, hardworking, humble, down to earth, confident (but not obnoxious), willing to take initiative (but appropriately so), flexible, able to get along with others.

*Professor C:* To me, this matters more at the graduate level than the undergraduate level. Honours students are just here for a year so personality issues can't cause too many problems, but for students that are going to be here between 2 and 6 years, I think personality is a big thing. I look for the following:

(1) A personality that will mesh with mine. I want great students but it's going to be a long haul if they don't like me and I don't like them.

(2) A personality that will mesh with the lab (so obviously the traits that one looks for will vary from lab to lab). Supervisors have different models, but I expect my students to get external funding so that they can spend as much time as possible in the lab. This means that there will always be a big group of (usually stressed out) people working together for extended periods of time. For things to run smoothly, people in the lab have to like and respect one another. So, I personally look for people that I think will be excellent team players, people that are fairly easygoing, but very hard workers, people that are fairly sociable, and people that are generally going to be respectful of others in the lab (you'd be surprised how

many applicants don't come off this way when I have interviews with them).

(3) A personality that will get things done - conscientious, extremely hard working, a bit neurotic (a supervisor's dream!).

*Professor D:* I would like to work with conscientious, polite, respectful, meticulous, hard-working students for whom research is a top priority.

*Question:* If you had to rank-order the things you are looking for, what is the #1 most important? (Or, you can list your top two or top three, as long as they are ranked in order of importance).

*Professor A:* Most important: (1) research interests, (2) grades, and, (3) accomplishments (breadth). These are essentially tied.

*Professor B:* Hard to do: I'd say grades, relevant research experience, and personality.

*Professor C:* (1) Someone who is fundable (basically high GPA) and wants to stay for a PhD. (2) Someone who is a good writer, statistically knowledgeable, and has a good critical eye for research (reading, writing, and doing research). (3) Someone who is interested in publishing and presenting their work. (4) Someone whose personality meshes with mine and the lab.

*Professor D:* This isn't set in stone, but it's generally the case for me. Interpersonal fit is probably number 1 for me. I'd pass over a top student who was abrasive for a slightly weaker student who had the qualities listed above (under personality question). Number 2 is probably work ethic and passion for my research area. I want a student who can eventually become a collaborator, motivated, and willing to work as hard as I do on this research. Number 3 is fundamental psychological knowledge and research skills; i.e., stats, research methods, psychometrics, critical thinking, scientific writing, knowledge of psychology fundamentals. Number 4 is knowledge of my specific area.

*Question:* If you have any additional comments or advice for students, please feel free to add.

*Professor A:* Research the faculty, write a specific email to each faculty (more than search and replace), limit your faculty approaches (we talk to each other and will ascertain if the student has told 3-4 faculty they believe each of the faculty's research interest is their "true" interest), check out websites (departmental and faculty) for info on their current work and publications. Refer to these in your correspondence to ensure your interest is up to date.

*Professor C:* (1) Scan faculty interest pages to narrow down choices. Read a few papers from each potential supervisor. (2) Once you've done 1, contact potential supervisors to see if they are accepting students and what their current research is all about. Make it clear that you have put some work in already by reading some of their stuff. (3) I believe that students

should put all their eggs in one basket when applying to a particular institution. Make it obvious who you want to work with most and hope it works out, rather than making it seem like you're equally interested in working with a lot of different people at the institution. I know lots of faculty who won't even consider students unless they are put front and centre in statements of interest. (4) Apply for funding before grad school starts. Bringing funding with you is almost a free pass into grad school. (5) Talk to the grad students of potential supervisors. They will give you the real story typically.

*Professor E:* (1) Make sure you have a good experience with your honour's thesis supervisor - work hard, meet deadlines, etc etc... their letter will carry a lot of weight with potential graduate supervisors. (2) don't send out a blanket email to the entire faculty of a particular university indicating that you are interested in graduate work. (3) apply for SSHRC/OGS in your 4<sup>th</sup> year. (4) know your potential supervisor's area of research well!! (5) marks are important but personality suitability counts for a lot (e.g., similar research interests, easy to work with, takes feedback well, etc).

I hope this article was useful in highlighting some of the things that professors are looking for in students. I was personally amazed at how much importance professors placed on factors other than grades. I was also struck by how much consistency there was across professors. There were no clear disagreements (i.e., what one professor wants to see in a student is a deal-breaker for another professor) and there were many common themes emerging (i.e., many professors want students to be explicit and specific about who they want to work with as opposed to casting a wide net). I'd like to thank all the anonymous contributors for their thoughtful comments. If anybody has any feedback or responses on this article or suggestions for future articles, please feel free to email me ([lesliehelmus@yahoo.ca](mailto:lesliehelmus@yahoo.ca)).

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## COMING SOON...

The next CPA convention is right around the corner! We hope to see you there and we expect to have another interesting issue of *Crime Scene* for you in September! Wishing you all a fabulous spring filled with energy and new growth!

*Tanya & Chantal*

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## HAVE A MINUTE?

Think of how you can  
contribute to *Crime Scene*.

Email us.

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