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EXPLORING THE INTERSECTION OF PSYCHOLOGY AND THE LEGAL SYSTEM: A COMPREHENSIVE STUDY

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ABSTRACT:

The topic itself tells how psychology and the legal system being two separate studies have influenced each other. This comprehensive study shows how human behavior and thinking have been influenced by the evolution of the legal field and vice-versa. Psychologists play a significant role in the courtroom, they can conduct mental health assessments of victims, accused, and eyewitnesses, thus helping the courts to reach a significant conclusion. The legal system can also play a significant role in influencing the field of psychology. It has been discussed how legal judgments, different acts, and provisions have helped in recognizing psychology in the legal landscape. Also, landmark cases are being researched from the view of psychology, thus leading to the growth of research and development in the field of psychology.

Later the article talks about the intersection of psychology and the legal system which is recognized by the growing importance of related fields of criminal, forensic, and legal psychology. The article also recognizes the ethical and legal dilemmas faced by psychologists and how improvising provisions or regulations can improve the situation. After this, the article also talks about various future prospects and shows how important it is to keep up with emerging AI and technologies. Becoming aware of scientific inventions can help in the growth of the relationship between psychology and the legal system.

INTRODUCTION:

Psychology studies the human mind and behavior while the legal system has laws that govern society and protect individuals. The intersection of Psychology and the Legal System is thus an intriguing and complex field that studies the correlation between human behavior and law. Forensic Psychology is one such result of the intersection of Psychology and the Legal System. In a decade, psychological developments have played an important role in reforming and

improving the legal system for public welfare and individual growth.¹ This article delves into various aspects of this intersection, and explores how psychology informs legal decisions and how the legal system, in turn, influences the practice of psychology.

SIGNIFICANCE OF PSYCHOLOGY IN SHAPING LEGAL LANDSCAPES:

A. Psychology in the Courtroom

Psychology played a crucial role in the Aarushi Talwar Case by shedding light on the behavior of both the accused and the victim. As Aarushi was a teenager, adolescent psychology was used to analyze Aarushi's emotional state and activities, which helped dispel stereotypes about teenage behavior. The parents' behavior was also analyzed to assess their innocence or involvement in the crime. Additionally, psychological profiling was an essential tool that was used to uncover potential motives and provide clarity about underlying family dynamics.

Eyewitness testimony and memory distortions are questioned by psychologists to determine the reliability of witnesses. Criminal profilers use psychological techniques to narrow down suspects and assist investigators, which helps shape the narratives presented in court. The application of a multidisciplinary approach in criminal cases is of utmost importance. This is emphasized by the concept of 'Psychology in the courtroom'. It is essential to have a diverse range of professionals with different areas of expertise working together to solve complex cases.

B. Eyewitness Testimony Evaluation

When there is no presence of physical evidence, eyewitness plays an important role in criminal trials. But eyewitness testimony might not be very reliable because many times the witnesses can suffer from memory distortion. This can lead eyewitnesses to give false opinions. This was only found after the psychologists conducted several studies about leading questions. One such study was that of an experiment, conducted in 1974, by Loftus and Palmer. In this lab experiment, students were shown a 1-minute film of a car accident and after the film ended, they were asked whether the car 'hit' or 'smashed' another car. After a week, they were asked if they saw any 'broken' glass during the film. In the film, there was no broken glass. Students

¹ psychonexus, <https://psychonexus.com/forensic-psychology-understanding-the-intersection-of-law-and-human-behavior/>, (last visited Dec. 04, 2024).

who said earlier that the car smashed, mostly said that they saw broken glass. This shows that language used in eyewitness testimony can alter memory.

Memory distortion can be attributed to questioning techniques and information acquired after the event can merge with original memory causing inaccurate recall or reconstructive memory. The addition of false details to a memory of an event is referred to as confabulation. This has important implications for the questions used in police interviews for eyewitnesses.² Owing to this fact, judges are becoming more aware of the potential for memory distortion.

Even though eyewitness testimony is considered crucial during the investigation of criminal cases especially when direct and circumstantial evidence is not present, psychological researchers have found that there is fallibility of human memory. This means that if after some days the eyewitnesses are called for interview and questioning, there is a probability that there can be false representations of the crime scene in the minds of eyewitnesses. Or it can be that they heard something wrong from another eyewitness, and so the eyewitness can have memory distortion leading to false judgments. Thus eyewitness testimony cannot be always reliable and so this calls for better questioning formats such that two questions are asked in different words to check whether the same meaning is given in both cases.

C. Mental Health and Competency

On March 30, 1981, John Hinckley attempted to assassinate President Ronald Reagan outside the Hilton Hotel in Washington, D.C. He fired upon Reagan, Press Secretary James Brady, a police officer, and a Secret Service agent. Reagan's injuries were serious but not fatal.³ According to psychological evaluation, the motive behind the attack was Hinckley's intense and delusional infatuation with actress Jodie Foster and Hinckley thought that the attack would impress her. In the case *United States v. Hinckley* dated June 21, 1982, Hinckley was found not guilty by reason of insanity.⁴

² Saul Macleod, Loftus And Palmer (1974): Car Crash Experiment, SIMPLE PSYCHOLOGY, (Nov. 27, 2023, 9:29 PM), <https://www.simplypsychology.org/loftus-palmer.html>

³ MAHITA GAJANAN, What to Know About John Hinckley Jr., time.com, (Nov. 27, 2023, 9:29 PM), <https://time.com/4426013/know-about-john-hinckley-jr/>

⁴ *United States v. Hinckley*, 525 F. Supp. 1342 (D.D.C. 1981)

Thus Psychology plays an important role in determining the mental health and competency of victims, witnesses, and especially the accused. Forensic psychologists conduct mental health assessments of the defendant to evaluate his/her mental state to see whether they are really competent to appear at the trial. This is a matter of significance to the accused so that those individuals can get proper treatment and rehabilitation facilities. This ensures that justice is served properly.

D. Jury Selection and Decision-Making

In the case of ‘The People of the State of California v. Orenthal James Simpson, 1995⁵’, former NFL player and actor O.J. Simpson was accused of the murders of his ex-wife, Nicole Brown Simpson, and her friend, Ronald Goldman.⁶ For the jury selection of this case, 304 prospective jurors were given a questionnaire consisting of 294 questions so that jurors don’t have any potential biases or personal experiences that could affect Simpson’s trial. The questions were related to domestic violence, DNA testing, and interracial marriages. Simpson did have a set of knives in his possession, although there was no direct evidence linking any specific knife from his collection to the crime. So the jurors were asked whether the jury candidate owned any “special knives.” According to UCLA law professor Peter Arenella, “A person, who himself owns a collection of knives, would not draw any inference that Mr. Simpson would be violent merely because he owns knives.”⁷

Another research shows Black community members were also more likely to believe that O.J. Simpson was not guilty of murdering his ex-wife, Nicole Brown Simpson, than were White community members (Brigham & Wassermann, 1999).

Jury selection, also known as voir dire, is another fascinating aspect of the intersection of psychology and the legal system. It involves the careful consideration of potential jurors' biases,

⁵ State of California v. Orenthal James Simpson, 1995’

⁶ The People of the State of California v. Orenthal James Simpson, 1995

⁷ Andrea Ford, Simpson Jury Question List Probes Range of Attitudes, LOS ANGELES TIMES, (Nov. 27, 2023, 9:29 PM), <https://www.latimes.com/archives/la-xpm-1994-10-01-mn-45233-story.html#:~:text=%E2%80%9CA%20person%20who%20himself%20owns,collections%2C%20as%20Simpson%20reportedly%20does.>

beliefs, and attitudes. Psychologists have developed methods to assess juror attitudes and predict how those attitudes might influence their decision-making during a trial.⁸

THE LEGAL SYSTEM'S INFLUENCE ON PSYCHOLOGY:

While psychology informs many aspects of the legal system, the legal system also exerts its influence on psychology. This influence manifests in several ways:

A. Legal Provisions:

Section 84 of the Indian Penal Code - Act of a person of unsound mind.

Nothing is an offense which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.⁹

This section helps the accused get proper treatment and rehabilitation facilities by reason of insanity, which can be seen by psychologists by conducting polygraph examinations, mental health assessments, and risk assessments.

B. Legislations impacting Psychology:

Rehabilitation Council of India Act, 1992:

This act is significant for creating a number of psychologists per year. This act sets the standards of education (Psychology degrees) and regulates the training of clinical psychologists and other rehabilitation professionals. At the same time, it also ensures the provision of quality services for individuals with disabilities.¹⁰

Juvenile Justice (Care and Protection of Children) Act, 2015:

This legislation outlines the guidelines regarding the protection, and rehabilitation of children, conflict in law. Thus psychologists are required to assess the mental health conditions of juvenile offenders and help them to reintegrate into society.¹¹

Rights of Persons with Disabilities Act, 2016:

⁸ Margaret Bull Kovera, Jason J. Dickinson and Brian L. 11 Cutler, Voir Dire and Jury Selection, HANDBOOK IN PSYCHOLOGY, www.researchgate.net/publication/229798733_Voir_Dire_and_Jury_Selection

⁹ Indian Penal Code, 1860, Sec. 86, No. 45, Acts of Parliament, 1860 (India).

¹⁰ Rehabilitation Council of India Act, 1992, No. 34, Acts of Parliament, 1992 (India)

¹¹ Juvenile Justice (Care and Protection of Children) Act, 2015, No.2, Acts of Parliament, 2015 (India)

From a psychological context, the act emphasizes the rights and dignity of individuals with psychosocial disabilities. Psychologists are thus required to provide mental health support to individuals with disabilities and advocate for their rights.¹²

Mental Healthcare Act, 2017:

This legislation emphasizes providing proper mental healthcare facilities to people with mental illnesses and taking care of them during their period of treatment. The act also emphasizes spreading mental health awareness among the people to remove any potential biases toward patients with mental disorders.¹³

C. Indian Case Judgments

In *Selvi vs the State of Karnataka*, the court held that police officers must not conduct polygraphs or other neuroscientific assessments if they don't have the required certifications. It was highlighted that every person has the right to self-incrimination.¹⁴

The judgment in *Gian Kaur v. State of Punjab (1996)* decriminalized suicide attempts in India¹⁵, reflecting a more compassionate and psychological understanding of mental health issues. This legal shift reduced the stigma around mental health and paved the way for mental health support rather than punitive measures.

Navtej Singh Johar v. Union of India (2018) judgment¹⁶ is a landmark judgment that decriminalized homosexuality. This legal transformation defied societal prejudices and positively impacted the mental health of LGBTQ+ individuals, reducing stigma and encouraging acceptance.

D. Influence on Research

The legal system also helped in the development of the field of psychological research. For instance, high-profile cases may draw attention to specific psychological phenomena, leading researchers to investigate them more thoroughly. Additionally, legal requirements for the use

¹² Rights of Persons with Disabilities Act, 2016, No. 49, Acts of Parliament, 2016 (India)

¹³ Mental Healthcare Act, 2017, No. 10, Acts of Parliament, 2017 (India)

¹⁴ *Selvi v. State of Karnataka*, AIR 2010 SC 1974, (2010) 7 SCC 263

¹⁵ *Gian Kaur v. State of Punjab*, 1996 AIR 946, 1996 SCC (2) 648

¹⁶ *Navtej Singh Johar v. Union of India (2018)* INSC 790

of certain assessment tools or methodologies can shape the field of psychology by encouraging the development of standardized measures and assessment protocols.

INTERSECTION OF THE PSYCHOLOGY AND LEGAL SYSTEM:

A. Criminal Psychology

- Focuses on criminal behavior analysis and finds out the motive behind committing a crime.
- Has less involvement in legal proceedings but the study indirectly helps the legal system by helping forensic psychologists get an in-depth knowledge of 'why criminals commit crimes'.

B. Forensic Psychology

- This field is the most vital intersection of psychology and the legal system. Here psychologists deal with both criminal and civil matters.
- They play a vital role in legal proceedings. They are responsible for conducting mental health and risk assessments, finding out the competency of the victim or offender to stand trial, providing expert testimony, and conducting eyewitness testimony evaluations.
- Not just in the courtroom, but forensic psychologists engage directly within the criminal justice system. For example, helping offenders to rehabilitate.
- Forensic psychologists also work in civil cases, such as child custody disputes and personal injury cases.

C. Legal Psychology

- Legal psychology is another intersection of psychology and the legal system, that examines the broader impact of legal processes and legal reforms upon society.
- Helps in jury selection, witness testimony, and legal reforms.

D. Legal and Ethical Dilemmas

Let us say there is a client, who has a history of domestic violence and is currently in an abusive relationship. During a therapy session, the client informs the psychologist about the mental and physical abuse the client receives from his/her partner and how dangerous can it be for him/her

to reveal this trauma. The psychologist faces a grave ethical dilemma here. On one hand, the psychologist has a duty to respect the client's confidentiality, which is the ethics considered in psychology. Meanwhile, the client's safety cannot be denied, thus there would be a need to inform the police. But if there is any delay in actions taken by the police then the client might even face death at the hands of his/her partner. There is a need for psychologists to understand the seriousness of the situation. But another consideration for the psychologist can be to inform the client of his/her rights and help the client to muster up courage and speak for him/her to the police.

FUTURE PROSPECTS OF THE INTERSECTION:

In the previous section, we learned about the intersection of psychology and the legal system. This presents us with the question of whether there will be any more developments in this field. The future prospects are discussed as follows:

A. Advancement in Technology

- Advancements in Lie Detection – Traditional lie detection methods, such as the polygraph, have long been criticized for their lack of accuracy and susceptibility to manipulation.¹⁷ With developments in the field of science and technology, there can be more advanced lie-detector technologies that can assist in improving the accuracy of accused, victims, and witness testimony.
- Virtual Reality (VR) Simulations – Virtual Reality (VR) technology will allow psychologists at far-off places to share their expertise and opinions about court matters.
- Neuroimaging Techniques – There will be an increased usage of neuroimaging techniques like electroencephalography (EEG) and functional magnetic response imaging (fMRI) to study the minds of offenders to get a detailed view of their criminal patterns and motives.

B. Advancement in Forensic Psychology

- Forensic Psychology is the intersection of Psychology and the Legal System. Advancements in this field are going to improve both the fields of Psychology and Law.

¹⁷ Marcin Frackiewicz, The Growing Impact of AI on Forensic Psychology Practices, TS 2, (Nov. 27, 2023, 9:29 PM), <https://ts2.space/en/the-growing-impact-of-ai-on-forensic-psychology-practices/>

- Big Data Companies can start investing their resources in this field so that the several criminals' behavior profiling can be managed in a proper manner.
- With the increase in the number of cases, research and development will get a boost, providing solutions to future cases.

C. Ethical Considerations

Ethical considerations are something that psychologists will have to deal with in the future. Rules and regulations can be improved if there is anything that threatens the ethical integrity of the psychologists while protecting the client.

D. Criminal Justice Reform

Psychologists can join hands with legal professionals and law enforcement authorities to develop better policies and programs for better justice reforms for victims and the accused.

CONCLUSION:

Psychology and law are growing in their respective fields. But both combined can lead to great developments in the fields of Forensic, criminal, and legal psychology. In the legal context, whether it is a victim or an accused, no matter who the people are justice must be served equally. Thus psychologists play an important role in helping the victims of mental trauma or in proving the insanity of the accused. Even psychology plays an important role in jury selection so that no innocent becomes guilty under the rule of law. Thus it can be said that the two separate fields' intersection can lead to several benefits for society, along with certain challenges arising from it. This calls for the need for psychologists, advocates, judges, and government and law enforcement agencies to join hands to navigate through ethical and legal challenges that arise from the intersection of psychology and the legal system, thus contributing to the creation of a more equitable society for all.