Chapter 2

Can Forensic Psychology Contribute to Solving the Problem of Cybercrime?

ABSTRACT

Considering the severity of the problem of cybercrime, it must next be deliberated whether forensic psychology can aid in the detection, prevention and governance of these crimes or not. While forensic psychology to date has generally focused on violent, sexual and juvenile offences, most of its theory and practice can also be applied to other offences, such as cybercrime. This chapter aims to investigate if forensic psychology can be useful in solving the problem of cybercrime, and briefly considers to what extent it has been applied to these crimes so far. Initially, definitions of forensic psychology will be discussed, and the primary responsibilities and activities of forensic psychologists will be described. Following this the authors will examine how each of these responsibilities and activities may be applied to cybercrime cases, before determining to what extent forensic psychology has been involved in cybercrime cases to date. Suggestions will be made for how to promote the benefits of forensic psychology in cybercrime cases, and finally proposals for future research and potential trends will be highlighted. In order to provide background to the reader who is not familiar with forensic psychology, a very brief overview of some of the key research in the field is provided in the appropriate sections below. However, the reader is encouraged to consult a textbook on the area in order to gain a more thorough appreciation of the breadth and depth of research in this field to date (see for example Davies, Hollin & Bull, 2008; Howitt, 2009 or Huss, 2009).

BACKGROUND

Forensic psychology is one of the fields of psychology of which the general public is most widely aware, thanks in part to the numerous television programmes and films that have portrayed the topic, such as *Cracker, Criminal Minds* and *Silence of the Lambs*. However, the area of offender profiling which is the most commonly portrayed activity of forensic psychologists in the media, is actually an area in which very few forensic psychologists engage, with the majority actually working in prison settings (British Psychological Society, 2010), and with only about

10% of forensic psychologists and psychiatrists ever having engaged in criminal profiling (Torres, Boccaccini & Miller, 2006). So, if the majority of forensic psychologists are not involved in offender profiling, it must be clarified what exactly forensic psychology is, and in what other activities its practitioners engage.

What is Forensic Psychology?

There have been numerous definitions offered for forensic psychology over the history of its existence. Howitt (2009) specifies that while "forensic psychology literally is psychology to do with courts of law" (p. 1), the actual use of the term is much broader. Howitt indicates that the term 'criminal psychology', referring to "the activities of all psychologists whose work is related to the criminal justice system" (p.1) can also be used. Between them, these two definitions cover the vast majority of the work of forensic psychologists. In truth, while most forensic psychologists work directly with offenders, often completing assessments or directing rehabilitation programmes, forensic psychology does involve almost every aspect of the criminal justice system. This includes everyone from the victim and eyewitnesses of the crime (perhaps offering counselling, support, or assisting in gathering witness statements), to the police (developing profiles, but also aiding in suspect interviewing and advising in staff recruitment, training and morale), to judges and lawyers (advising on how to select jury members, how to instruct juries when presenting evidence, and providing advice on human decision making strategies) and sometimes even extending their help to the general public in advising on how to persuade people to engage in crime reduction strategies.

Some definitions of forensic psychology can be quite broad, such as that of Wrightsman (2001) who indicates forensic psychology is "any application of psychological knowledge or methods to a task faced by the legal system" (p.2), whereas others have a considerably narrower focus, such as that of Blackburn (1996) who specifies that forensic psychology is "the provision of psychological information for the purpose of facilitating a legal decision" (p. 7). Howitt (2009) highlights that such narrow definitions are problematic, as they exclude the work of many psychologists who work in criminological settings such as prisons but do not work directly in courts. Such definitions also exclude the work of those who teach or research in topics related to psychology and crime. Davies, Hollin and Bull (2008) indicate that forensic psychology is a combination of both "*legal psychology* covering the application of psychological knowledge and methods to the process of law and *criminological psychology* dealing with the application of psychological theory and method to the understanding (and reduction) of criminal behaviour" (p. xiii), but they do note that the use of the term 'forensic psychology' to encompass both has been contentious. Nevertheless, it is the term that has generally been accepted by the profession, supported by the British Psychological Society's decision to change the name of their 'Division of Criminological and Legal Psychology' to the 'Division of Forensic Psychology' in 1999.

For the purposes of this book, the broadest definition of forensic psychology will be used, and it will be considered to include any way by which psychology can be of assistance at any stage in the criminal justice process. With this in mind, an overview will be provided of some of the main roles of forensic psychologists, and how they can be applied specifically to cybercrime.

Principal Roles of Forensic Psychologists and Their Application to Cybercrime

As outlined above, few forensic psychologists are engaged in offender profiling, despite its popularity in the media. Nevertheless, it is an area where some work has been completed in cybercrime cases, and as such is of interest for this book. In addition, there are a wide variety of

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