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**Written Statement: Committee to Review the  
Criminal Justice Act Program Hearing  
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**Personal Introduction.** I am a Clinical and Forensic Psychologist with a Bachelor's degree in Psychology, and Master's and Doctoral degrees in Clinical Psychology. I graduated Phi Beta Kappa at the undergraduate level, received honors during my Ph.D. program, and have been in full time private practice as a Clinical and Forensic Psychologist for twenty seven years. In my clinical practice I have primarily focused on the psychological assessment and treatment of adolescents and adults with significant mental health issues. I have also conducted approximately five hundred comprehensive forensic psychological evaluations of individuals facing serious criminal charges in both state and federal court. Criminal Justice Act panel attorneys have represented many, perhaps close to half, of the defendants in the federal cases on which I have worked so I have considerable experience working with CJA attorneys and their clients.

In my forensic work I specialize in performing forensic psychological evaluations in complex cases, especially those involving individuals with cognitive and/or psychological impairments as well as women who commit serious offenses. I also have a special interest in fraud and embezzlement cases. I am on the psychology faculty of the School of Professional Psychology at Pacific University where I have taught graduate courses in psychology and, for the last ten years, have supervised a team of advanced doctoral students specializing in forensic psychology. I have written articles and delivered professional presentations on topics related to forensic psychology, including domestic violence, grooming of individuals for sex trafficking, and embezzlement among others.

**What is Forensic Psychology?** Forensic psychology is, quite simply, the application of psychological principles, research, and techniques in the context of a judicial proceeding in order to reach a specific psycho-legal opinion. Increasingly courts also utilize forensic psychological experts to provide information regarding perspectives and research relevant to a specific case, e.g. eyewitness testimony, the accuracy of memory, adolescent cognitive development, false confessions, etc.

Highly publicized insanity cases occupy a huge presence in the public's mind when they think about psychological experts in criminal cases but these cases actually represent a tiny fraction of cases in which forensic psychological examinations are conducted, especially in federal court. In my practice, 90% of the forensic psychological examinations that I do are for the purposes outlined by *18 U.S. Code § 3553*, specifically to develop a three-dimensional picture of a defendant's personal history as well as their cognitive, psychological, and behavioral functioning and articulate how these may have affected their offense behavior as well as factors related to post-offense rehabilitation and risk for recidivism.

In essence, an effective forensic psychological evaluation introduces the human element into the judicial process by providing accurate, comprehensive, and relevant information regarding the psychological characteristics of the defendant. I see the purpose of the forensic psychological examination as assisting the defense attorney, prosecutor, and judge by providing information related to a defendant's offense behavior in order for them to utilize that information to make judicial decisions, including those related to sentencing, and to identify potentially viable approaches to the rehabilitation of the defendant and to reduce her/his risk for recidivism.

**Process of a forensic psychological evaluation.** My approach to forensic psychological evaluations related to sentencing in federal court is guided by relevant professional and ethical standards in the field of forensic psychology and by *18 U.S. Code § 3553 - Imposition of a sentence* which specifies the following:

**A) FACTORS TO BE CONSIDERED IN IMPOSING A SENTENCE.** The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider:

- (1) The nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) The need for the sentence imposed to:
  - (a) Reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
  - (b) Afford adequate deterrence to criminal conduct;
  - (c) Protect the public from further crimes of the defendant; and
  - (d) Provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

In general, a forensic psychological examination involves the following components:

- Clarification of the referral question(s), e.g., capacity of the defendant to aid and assist in her/his defense, criminal responsibility/sanity issues, and, most frequently, identification of developmental, cognitive, and psychological factors that may be relevant to sentencing decisions by the court.
- Review of relevant documents pertaining to the case, including charging instruments, police/FBI reports, criminal history, as well as mental health, medical, academic, military, and employment records, investigation reports and any other documents pertinent to the alleged offense.
- Diagnostic interviews with the defendant and collateral interviews with individuals familiar with the defendant.
- Standardized psychological testing focused on cognitive, psychological, and behavioral variables.
- Preparation of a written report with case-relevant conclusions and psycho-legal opinions with testimony if requested.

As outlined by *18 U.S. Code § 3553*, the court is asked to consider “the nature and circumstances of the offense and the history and characteristics of the defendant” and this directive guides my

work when doing a forensic psychological examination in a federal criminal case. In addition, forensic examinations can, and often do, provide information regarding factors related to “adequate deterrence to criminal conduct” and to “protect the public from further crimes of the defendant.”

Another critical component of an effective forensic psychological examination in federal court is explication of cultural factors and relevant research that assists the court’s understanding of the defendant’s behavior. For example, Oregon has a significant Native American population and alleged criminal behavior on the reservation results in potential prosecution by both the tribal court system, but also in federal court. The cultural realities of poverty, drug and alcohol abuse, and the dynamics between individuals and families on the reservation are often very relevant to an understanding of a person’s alleged behavior offense. For example, during several evaluations of young Native American women charged with violent offenses it became clear to me that histories of inter-family hostility, alcohol use, and a reservation culture of solving conflict via aggression and violence were critical to understanding the young defendant’s behavior motivations and behavior. My forensic students reviewed the psychological literature regarding violence among young women on reservations and this research was included in my report to the court.

Similarly, sex trafficking is a significant problem in Oregon and southern Washington, and defendants in these cases are often (though certainly not exclusively) African-American girls and women who are being trafficked at quite young ages. In these cases the developmental histories (especially histories of neglect and sexual abuse), cognitive and psychological vulnerabilities, and the role of coercion, now increasingly identified as “grooming,” become critical to a full understanding of the relative culpability of a young woman who has been trafficked and subsequently charged with bringing other young women into a criminal enterprise.

As a final example, my evaluations of women charged with embezzlement and the still limited research literature on this topic indicate that there are a variety of motivations for women who engage in fraud and/or embezzlement. It is becoming clear that the motivations of women who engage in fraud in order to provide necessities such as food, clothing, and shelter for their families are very different than those of individuals who embezzle money in order to fund a lavish lifestyle, e.g. frequent purchases of luxury items, taking exotic vacations, etc. Accurate identification of these motives leads to more case-specific determinations regarding potential efforts regarding rehabilitation and reduction of a defendant’s risk of recidivism.

**Conclusion.** It is my experience that Criminal Justice Act panel attorneys’ representation of clients vis a vis mental health issues is consistently superior. I can confidently say that, in the years of my practice in federal court, I have rarely received a referral for a forensic psychological examination that I did not believe had merit as related to the potential to provide the court with relevant information regarding a criminal defendant. In addition, CJA attorneys consistently articulate their referral questions clearly, provide all documentation requested, and are available for consultation during a forensic psychological examination. At the same time, CJA attorneys have been uniformly respectful of the independence of my work and very clear that they want the most accurate findings that I can provide, regardless of the potential impact of those findings on their client’s case.

In addition, I have found that both federal public defenders and CJA panel attorneys are typically quite sophisticated with respect to their understanding of cognitive and psychological aspects of human functioning, mental health issues that their clients might be experiencing, and the proper and the appropriate application of information gathered in a forensic psychological examination to the criminal proceedings and judicial process. Also, in my experience, CJA panel attorneys are quite conscientious about costs while respectful regarding the amount of professional time required to do a thorough evaluation that is actually relevant and potentially helpful to the judicial stakeholders. In addition, it is been my experience that the Office of the Federal Public Defender in Oregon and the CJA panel attorneys work in a collaborative and effective manner, both with each other and with experts asked to become involved in a case.

In summary, it is my experience as a practicing psychologist for almost thirty years that the Criminal Justice Act panel attorneys with whom I have worked are, almost to a person, extremely sophisticated regarding their understanding of how developmental, cognitive and mental health factors may have affected their client's criminal behavior. Their use of psychological experts in judicial proceedings is equally sophisticated and also ethical, judicious and conscientious. As a Forensic Psychologist I am honored to work with CJA panel attorneys in my jurisdiction as well as attorneys in the Office of the Federal Public Defender, prosecutors, and federal judges and to be a resource and play what I believe to be an important role in the judicial process in federal criminal matters.