

## INFORMATION SHEET 2

# Writing reports for court

### Psychologists as expert witnesses

Psychologists provide expert evidence in family, civil, administrative, or criminal proceedings. Expert evidence from a forensic psychologist can assist a court, or other tribunal, to understand any psychological matters that are considered relevant to the legal proceedings. It is important to remember that the psychologist has an overriding duty to the tribunal - expert witnesses are not permitted to act as advocates for any particular party in the proceedings. The credibility of the psychologist, as well as the psychological profession, is under scrutiny during court proceedings and it is essential that recommendations are based on empirical data and psychological theory.

An expert forensic psychology witness will commonly provide evidence to the court in the form of a written report. A psychological report for court differs from a report written for another purpose (e.g., a clinical report) in so far as it should be written in a manner that assists the court (or other tribunal) to test the psychologist's evidence (this means that the reasoning behind any opinion is outlined, the scientific basis of any opinion is well documented, and a comprehensive record of the interview/s is preserved). Raw test data and test manuals should be made available to the court if requested.

### Contents of a court report

The source of referral should be indicated at the start of the report, including the purpose of the report, followed by the data relied upon in preparing the report. A statement of the expert's qualifications should also be provided, as well as an indication of the author's awareness of the relevant Court rules or practice directions. Relevant background information on the person or persons being evaluated is then reported, followed by the assessment findings and the expert's opinion on issues relevant to the legal matter under consideration. Finally, the report should outline any recommendations that are appropriate to make (e.g., relating to treatment needs, risk-management, whether or not children's contact with a non-resident parent should be supervised).

### Important points

- It is essential that the report is written in a manner that assists the court or other tribunal to test the psychologist's evidence.
- Guidelines for expert witnesses are published by the Courts, and any psychologist who assumes the role of an 'expert', should be fully acquainted with those guidelines.
- The report must provide an opinion that is relevant to the legal issue under consideration.
- Psychological tests with sound psychometric properties, full normative data, and measures of response bias should be used where available.

### How do I find out more?

Forensic psychologists receive intensive training in psychological assessment and the writing of reports for legal purposes. For more information contact the Forensic College.

### Further reading

White, J., Day, A., & Hackett, L. (2007). *Writing reports for court: A practical guide for psychologists working in forensic contexts*. Australian Academic Press: QLD, Aus.