PSY 420/520 – Psychology & Law

CRN: 38775 (4 credits)
Lecture: UH 2:00pm-3:20pm
Location: Deady 208

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OVERVIEW

This course is devoted to an exploration of topics at the intersection of social science and the law. We will discuss issues of identity (such as problems with eyewitness identification, interrogation, lie detection, and profiling), state of mind (competency, insanity, and other legal defenses based on the defendant's state of mind), legal process (e.g., jury decision-making), social policy (e.g., legal sanctions, capital punishment, discrimination), and the use of social science methods in legal contexts. In each of these areas, we will focus on understanding the practical problems that people have sought to address through the law and how social science knowledge and methodology can be used to illuminate these issues.

OBJECTIVES

By the end of the course, students should have a broad familiarity with a variety of legal issues and the ways in which social science research and methodology have been applied to address these issues. They should understand the differences in the ways that jurists and social scientists approach issues and be able to perform simple legal and scientific analyses of issues.

TEXTBOOKS

- Dershowitz, A. (2005). *Rights from wrongs: A secular theory of the origins of rights.* Basic Books.
- Wrightsman, L., Greene, E., Nietzel, M., & Fortune, W. (2002). *Psychology and the legal system* (5th ed.). Belmont, CA: Wadsworth.
- Additional Readings on line (see syllabus)

SYLLABUS

Introduction

4/4 Law & Legal Systems

<u>Required Reading</u>

- US Constitution Bill of Rights

<u>Additional Reading Material</u>

- *US Constitution*

4/6 Science and Evidence Law: The Search for Truth & Order

Required Reading
- Wrightsman, Chapters 1 – 4
- Evidence Law Summary

Additional Reading Material
- Overview of Criminal Justice System: *Bureau of Justice Statistics*

Actions and Actors: What happened and Who Did It?

4/11 Interrogation, Torture & the Fifth Amendment

Required Reading
- Wrightsman (pp. 221-233)
- *Newsweek*: Tortures Path
- Fiske, S., Harris, A., & Cuddy, A. (2004). Why Ordinary People Torture Enemy Prisoners. *Science*, *306*, 1482-1483.
- Kassin, S. (1997). The psychology of confession evidence. *American Psychologist*, *52*, 221-233.

ISSUE PAPER #1 ASSIGNED – Case: *Dickerson v. US* (2000) 530 U.S. 428; 120 S. Ct. 2326

Additional Reading Material
- *Law of War*, Torture Memoranda Analysis
- Wikipedia on *Torture*
- *Miranda v. Arizona* (1966) 384 US 436, 86 S.Ct. 1602, 16 L.Ed.2d 694
- Ofshe, R. (1989). Coerced confessions: The logic of seemingly irrational action. *Cultic Studies Journal*, *6*, 1-15.

4/13 Interrogation and Lie Detection

Required Reading
- Wrightsman (pp. 212-220)
- Dershowitz (pp. 1-98)

4/18 Profiling, Stops, Searches, Seizures & the Fourth Amendment

Required Reading
- Wrightsman, Chapter 9
- Dershowitz (pages 99-154)

ISSUE PAPER #2 ASSIGNED – Case: *US v Lopez* (1971) 328 F.Supp. 1077

4/20 Guest Speaker: Dave Fidanque, Director of Oregon ACLU

ISSUE PAPER #1 DUE

4/25 Criminal Personality Profiling

Required Reading

- Wrightsman, (pp. 206-211, 291-310), Chapter 5 & Chapter 12

Additional Reading Material

- Alison, L., Bennell, C., Mokros, A., & Ormerod, D. (2002). The personality paradox in offender profiling: A theoretical review of the processes involved in deriving background characteristics from crime scene actions. *Psychology, Public Policy & Law, 8*(1), 115-135.
- Canter, D., Alison, L., Alison, E., & Wentink, N. (2004). The organized/disorganized typology of serial murder: myth or model? *Psychology, Public Policy & Law, 10*(3), 293-320.
- Pinizzotto, A. & Finkel, J. (1990). Criminal personality profiling: An outcome and process study. *Law & Human Behavior, 14*, 215-234.

ISSUE PAPER #1 RETURNED

4/27 Guest Speaker: Phil Barnhart, Forensic Psychologist & State Legislator

5/2 Memory & Eyewitness Testimony

Required Reading

- Wrightsman, Chapter 7
- Kassin, S. (1998) Eyewitness identification procedures: The fifth rule. *Law & Human Behavior, 22*, 649-653.

ISSUE PAPER #2 DUE

5/4 Midterm Examination

States of Mind: Intent, Responsibility & Personal Decisions

5/9 Mens Rea & Legal Defenses

Required Reading

- Dershowitz (pp. 155-232)
- *R. v. Dudley & Stephans* (1884) 14 QBD 273

ISSUE PAPER #2 RETURNED
ISSUE PAPER #3 ASSIGNED – Case: *US v. Holmes* (1842) 26 Fed360

5/11 Mind of a Murderer

5/16 Competence and Insanity

Required Readings

- Wrightsman, Chapters 11 & 16

Additional Reading Material

- *R v M'Naghten* (1843) 8 Eng. Rep. 718.
- Finkel, J. (1991). The insanity defense: A comparison of verdict schemas. *Law & Human Behavior, 15,* 533-556.

5/18 Guest Speaker: Paul Slovic, Decision Researcher & Expert Witness in Tobacco Suit

ISSUE PAPER #3 DUE

Legal Procedure and Social Policy

5/23 Legal Decision-Making

Required Reading

- Wrightsman, Chapters 10, 13, 14 & 15

5/25 Jury Trials, Jury Decision-Making and the Sixth & Seventh Amendments

ISSUE PAPER #3 RETURNED
ISSUE PAPER #4 ASSIGNED – Case: *Lockhart v. McCree* (1986) 106 S. Ct. 1758

Additional Reading Material

- Ellsworth, P. & Reifman, A. (2000). Juror comprehension and public policy: Perceived problems and proposed solutions. *Psychology, Public Policy, & Law, 6,* 788-821.
- Elliot, R. (1991). Social science data and the APA: The Lockhart brief as a case in point. *Law & Human Behavior, 15,* 59-76.
- Ellsworth, P. (1991). To tell what we know or wait for Godot. *Law & Human Behavior, 15,* 77-90.

5/30 Stanford Prison Study

6/1 Abu Ghraib, Guantanamo, the Constitution & International Law

Required Reading

- *Hamdan v. Rumsfeld*, 05-184
- A Summary of United Nations Agreements on Human Rights: http://www.hrweb.org/legal/undocs.html
- http://en.wikipedia.org/wiki/Abu_Ghraib_prisoner_abuse

6/6 Discrimination & the 14th Amendment: Due Process & Equal Protection of the Law

Required Reading

- Norton, M., Sommers, S., Vandello, J., & Darley, J. (2006). Mixed motives and racial bias: The impact of legitimate and illegitimate criteria on decision-making. *Psychology, Public Policy, and Law*, *12*, 36-55.
- Excerpts from *Brown v Board of Education* (1954)
- Excerpts from *Civil Rights Act of 1964, Title VII*
- Excerpts from *Griggs v Duke Power Co* (1971)
- Excerpts from *Village of Arlington Heights v Metropolitan Housing Corp* (1977)

Additional Reading Material

- Barrett, G. & Morris, S. (1993). The APA amicus curiae brief in Price Waterhouse v Hopkins: The values of science versus the values of the law. *Law & Human Behavior*, *17*, 201-216.
- Fiske, S., Bersoff, D., Borgida, E., Deaux, K. & Heilman, M. (1993). What constitutes scientific review? A majority retort to Barrett and Morris. *Law & Human Behavior*, *17*, 217-234.
- Saks, M. (1993). Improving APA science translation amicus briefs. *Law & Human Behavior*, *17*, 235-248.
- Goodman, J. (1993). Evaluating psychological expertise on questions of social fact: The case of Price Waterhouse v. Hopkins. *Law & Human Behavior*, *17*, 249-256.

ISSUE PAPER #4 DUE

6/8 Social Science in Law: Death Penalty

Required Reading

- Wrightsman Chapter 17
- Ogloff, J.R.P, Chopra, S.R. (2004). Stuck in the dark ages: Supreme Court decision-making and legal developments. *Psychology, Public Policy & Law. 10*(4), 379-416.

6/13 Final Examination 1:00pm

UNDERGRADUATE CLASS REQUIREMENTS

Midterm Examination

The midterm examination will include multiple choice and short answer questions covering assigned readings and classroom presentations scheduled on the syllabus before 5/4/2006.

Final Examination

The final examination will be comprehensive. It will be comprised of multiple choice and short answer questions covering all assigned readings and classroom presentations.

Issue Papers

Each week, several major court cases will be discussed. Four times during the course, one of these cases has been selected as the topic for an Issue Paper. Students may choose to write papers briefly analyzing these cases in the context of the other materials. These papers should be divided into eight sections:

1. Facts
   - What are the facts of the case?
2. Legal Issues
   - What are the legal issues raised by the case?
3. Science
   - What are the social science issues and the relevant science?
4. Decision
   - What did the court decide?
5. Holding
   - How was the law changed or amplified by the court's decision?
6. Majority argument
   - What were the key points in the majority's argument?
   - How did it follow precedent?
   - How did it follow the science?
7. Dissent argument (if any)
   - What were the key points in the dissent's argument?
   - How did it follow precedent?
   - How did it follow the science?
8. Analysis
   - Discuss why the court decided as it did (e.g., what would have happened had the case been decided differently?)
   - In light of all you know about this issue, discuss why you think that the court's decision was or was not appropriate.

Papers should be 5-10 pages in length double-spaced and printed on 8 ½" X 11" sheets of paper with 1" margins using Times New Roman font size 12. The papers should be divided into 8 sections titled as above. Papers are due at the beginning of class on the dates listed in the syllabus. Unexcused late papers will not be accepted.

Issue Paper Grading Criteria

Papers will be graded on a 15-point scale:

15 – A	10 – B-	5 – D
14 – A	9 – C+	4 – D
13 – A-	8 – C	3 – F
12 – B+	7 – C-	2 – F
11 – B	6 – D	1 – F

These values will be composed of evaluations on three dimensions:

Writing
The writing should be grammatical, using properly spelled words in a clear, concise, and precise manner.

Content
Each section should be covered completely using all of the appropriate references available in the course material. All of the material used should be properly cited.

Analysis
Analyses should be based on clearly stated assumptions and/or cited facts. Each step in each argument should be clearly based on previously stated assumptions or cited facts or be a logical deduction from the assumptions or facts previously stated in the paper.

Each dimension will be scored on the 5-point scale below and the values summed to produce a total score for the paper.

5 – Excellent; no major faults that need to be corrected
4 – Very good; there are minor faults but no major faults that should be corrected.
3 – Good; some major faults, but good overall.
2 – Needs improvement; many major problems that must be corrected
1 – Poor; large number of problems, a major rewrite would be necessary

GRADING

P or C
To obtain a C or a Pass in this course, you must average 70% or better on the examinations. The Midterm examination will be worth 40% of the final grade. The Final examination will be worth 60% of the final grade. Students wishing only to pass or receive a "C" in this course need not complete the Issue Papers.

B
To obtain a "B" in this course, you must average 80% or better on the examinations AND average a "B" or better on three of the four Issue Papers. The Midterm examination will be worth 40% of the examination score. The Final examination will be worth 60% of the examination score. The scores on the best three Issue Papers will be averaged to determine the Issue Paper grade. This means that you may choose not to complete one of the papers at your discretion. Simply completing the papers is not sufficient to receive a "B" in this course. If you complete the Issue Papers but fail to average a "B" or better, you will receive a lower grade.

A
To obtain an "A" in this course, you must average 90% or better on the examinations AND average an "A" or better on three of the four Issue Papers. The Midterm examination will be worth 40% of the examination score. The Final examination will be worth 60% of the examination score. The scores on the best three Issue Papers will be averaged to determine the Issue Paper grade. This means that you may choose not to complete one of the papers at your discretion. Simply completing the papers is not sufficient to receive a "A" in this course. If you complete the Issue Papers but fail to average an "A" or better, you will receive a lower grade.

GRADUATE CLASS REQUIREMENTS

Graduate students will be expected to take the Midterm and Final examinations and to complete a term paper on a topic in psychology and law. Before beginning your paper, be sure to have your topic approved by the instructor. We will also meet every other week outside of class to discuss issues in psychology and law related to your interests.