

PSY 420/520 – Psychology & Law

CRN: 25963/25964 (4 credits)

Lecture: UH 16:00pm-17:20pm

Location: 229 McKenzie

Revised: 4 January 2009

Instructor: Robert Mauro, PhD
Office: 311 Straub
Phone: 346-4917
Email: mauro@uoregon.edu
Office Hours: WH 1:00pm-3:00pm

Teaching Assistant: Christina Sheppler, MS
Office: 309 Straub
Phone: 346-4937
Email: sheppler@uoregon.edu
Office Hours: U 2:00pm-3:30pm

OVERVIEW

This course is devoted to an exploration of the intersection of social science and the law. We will discuss issues of identity (e.g., 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.

MATERIALS

- Greene, E., Heilbrun, K., Fortune, W., & Nietzel, M. (2007). *Wrightsmen's Psychology and the Legal System* (6th ed.). Belmont, CA: Thomson Wadsworth.
- Additional Readings on Blackboard (see syllabus)

SYLLABUS

Introduction

1/6 Law & Legal Systems

Required Reading

- Greene et al, Chapter 2
- US Constitution Bill of Rights
- Comparative Legal Systems

Additional Reading

- US Constitution

Required Reading

- Greene et al, Chapter 1
- Selective Summary of Evidence Law
- Overview of Criminal Justice System: *Bureau of Justice Statistics*

Actions and Actors: What happened and Who Did It?

1/13 Understanding Legal Writing & Court Decisions

Required Reading

- People v Lee (2001)

1/15 Memory & Eyewitness Testimony

Required Reading

- Greene et al, Chapter 5
- Kassir, S. (1998) Eyewitness identification procedures: The fifth rule. *Law & Human Behavior*, 22, 649-653.

1/20 Memory & Eyewitness Testimony

Required Reading

- Greene et al, Chapter 14
- Pansky, A., Koriath, A., & Goldsmith, M. (2005). Eyewitness recall and testimony. Brewer, N. & Williams, K. (Eds) *Psychology and Law: An Empirical Perspective*. New York: Guilford.
- Wogalter, M., Malpass, R. & McQuiston, D. (2004). A national survey of US police on preparation and conduct of identification lineups. *Psychology, Crime, & Law*, 10, 69-82.

Additional Reading

- Goodman, G. & Melinder, A. (2007). Child witness research and forensic interviews of young children: A review. *Legal and Criminological Psychology*, 12, 1-19

1/22 Profiling, Stops, Searches, Seizures & the Fourth Amendment

Required Reading

- Greene et al, Chapter 3
- *US v Lopez* (1971) 328 F.Supp. 1077

Additional Reading

- 4th Amendment Law

1/27

Criminal Personality Profiling

Required Reading

- Greene et al, pp 155-161
- 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.
- Kocsis, R. (2003). Criminal psychological profiling: Validities and abilities. *International Journal of Offender Therapy and Comparative Criminology*, 47, 126-146.

Additional Reading

- 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.
- Kocsis, R. (2004). Psychological profiling of serial arson offenses: An assessment of skills and accuracy. *Criminal Justice & Behavior*, 31, 341-363.
- Pinizzotto, A. & Finkel, J. (1990). Criminal personality profiling: An outcome and process study. *Law & Human Behavior*, 14, 215-234.

1/28

4:00PM – CASE PAPER #1 DUE (in Psychology Office for Ms. Sheppler)

4:00 PM – Term Paper Abstract Deadline (email to mauro@uoregon.edu)

1/29

Mind of a Murderer

2/3

Interrogation, Torture & the Fifth Amendment

Required Reading

- Greene et al, pp162-186
- *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.

Additional Reading

- *Law of War*, Torture Memoranda Analysis
- *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.

2/5

Interrogation and Lie Detection

Required Reading

- Granhag, P., & Vrij, A. (2005). Deception Detection. In Brewer, N. & Williams, K. (Eds) *Psychology and Law: An Empirical Perspective*. New York: Guilford.

2/10

Sheyne Benedict, Treatment Court Coordinator – Lane County Drug Court

2/12

Midterm Examination

States of Mind: Intent, Responsibility & Personal Decisions

2/17 Mens Rea & Legal Defenses

Required Reading

- Beneman, D. (2007). Understanding Affirmative Defenses. Office of Defender Services, Administrative Office of the United States Courts.
- *R. v. Dudley & Stephens* (1884) 14 QBD 273

2/18 4:00 PM – Term Paper Outline Deadline (email to mauro@uoregon.edu)

2/19 Competence and Insanity

Required Readings

- Greene et al, Chapters 8 & 9

Additional Reading

- *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.

Legal Procedure and Social Policy

2/24 Legal Decision-Making

Required Reading

- Greene et al, Chapters 7 & 10

2/25 4:00PM – CASE PAPER #2 DUE (in Psychology Office for Ms. Sheppler)

2/26 Jury Trials, Jury Decision-Making and the Sixth & Seventh Amendments

Required Reading

- Greene et al, Chapters 11 & 12

Additional Reading

- 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.

3/3 Stanford Prison Study

3/4 4:00 PM – Term Paper Optional Draft Deadline (email to mauro@uoregon.edu)
(if you want comments before you turn in the final version)

- 3/5 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_Ghraid_prisoner_abuse
- 3/6 *Notable Event:* Oregon Supreme Court @ UO Law School
- 09:00 AM State of Oregon v. John Frederick Luman - S056470 (A132197)
- 3/10 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
- 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.
- 3/11 **4:00PM – CASE PAPER #3 DUE** (in Psychology Office for Ms. Sheppler)
- 3/12 Social Science in Law: Death Penalty
- Required Reading
- Greene et al, Chapter 15
 - 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.
- 3/16 **Final Examination 1:00pm**
Term Paper Due in class

UNDERGRADUATE CLASS REQUIREMENTS

Depending on the grade you wish to receive, you may choose one of several different options to complete the requirements for this course.

P or C Only

If you desire to receive only a “C” or “Pass” in this course, your only requirement is to demonstrate your understanding of the course content by receiving a weighted average score of 70% or better on the examinations. If you select this option, the Midterm Examination will be worth 40% of your final grade and the Final Examination will be worth 60% of your final grade. If you desire to receive only a “C” or “Pass” in this course, you will *not* need to write any papers.

B- or Better

If you desire to receive a grade higher than a “C”, you must complete the Midterm and Final examinations and complete either the short paper sequence or term paper option (see below). If you select this option, the Midterm Examination will be worth 25% of your final grade. The Final Examination will be worth 35% of your final grade. The paper(s) will be worth 40% of your final grade. To obtain a “B”, your weighted average score on the examinations and paper(s) must be 80% or better. To obtain an “A”, your weighted average score on the examinations and paper(s) must be 90% or better. If your weighted average score is over 70% but less than 80%, you will receive a “C”.

Paper Options

To satisfy the paper requirement for the “B- or Better” option, you may either complete a series of short case papers or a single larger term paper.

Case Paper Option

Each week, several court cases will be discussed. Three of these cases will be selected as the topic for a case paper. The cases will focus on a topic that we have selected to illustrate a different issue at the intersection of psychology and the law. While there are three opportunities to write the papers, only two out of the three will be used to calculate your paper grade (your average will be calculated using your two highest scores). This means that you may choose to not complete one of the papers at your discretion. It is ***highly recommended*** that you complete the first two case papers and then decide whether or not to complete the third (based on your average performance at that point). Simply completing the papers is not sufficient to receive a “B- or better” in this course; if you complete the papers but fail to average a “B- or better”, you will receive a lower grade in the course.

If you select this option, your task will be to analyze the psychological and legal issue(s) raised in each case using what you have learned from the course materials and any sources that you obtain on your own. Each paper must be divided into eight sections: (1) Facts, (2) Legal Issues, (3) Social Science Issues, (4) Holding, (5) Outcome, (6) Majority Argument, (7) Dissenting Argument (if applicable), and (8) Discussion. *For a detailed overview of the information that each section should contain, see the “Case Paper Requirements” document in the “Paper Options” folder on Blackboard.*

Each case paper should be 8-12 pages in length. All papers should be double-spaced, typed in Times New Roman size 12 font, and the margins should be 1” all the way around. The papers should be divided into the 8 sections outlined above. Papers should be sent by e-mail to Christina Sheppler before the due date/time listed on the syllabus. Unexcused late papers will not be accepted.

Term Paper Option

If you select this option, you will be asked to write a single paper on a topic of interest to you that lies at the intersection of psychology and the law. If you select this option, you must complete a project plan and have that plan approved by the instructor before the deadline specified on the syllabus. The project plan should include a 100-250 word abstract describing what the paper will cover, a detailed outline of the paper, and an initial reference list that goes beyond the assigned readings.

If you opt to write a term paper, you are strongly encouraged to discuss your paper with the instructor during the term. If you turn in a penultimate draft of your paper by the draft deadline, you will also receive detailed comments on your paper without jeopardy.

Term papers should be 20-30 pages long double-spaced and printed on 8 ½" X 11" sheets of paper with 1" margins using Times New Roman font. Project plans, drafts, and final term papers should be sent by e-mail to Robert Mauro before the due dates/times listed on the syllabus. Unexcused late papers will not be accepted.

Paper Grading Criteria

Both the case papers and the term papers will be evaluated on three dimensions:

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

Content. Each issue should be covered completely using all of the appropriate references available in the course material and any other materials you obtain. All materials that you use should be properly and consistently cited using APA, ALA, or Law Review styles.

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: | there may be a few minor faults but there are no substantial problems that need to be corrected |
| 4 | Very good: | there are multiple minor faults or a substantial problem but no major faults that need to be corrected |
| 3 | Good: | there are many minor faults or more than one substantial problem or a major fault, but no fundamental errors |
| 2 | Needs improvement: | there are many major problems or a fundamental error that need to be corrected |
| 1 | Poor: | there are a large number of serious problems; a major rewrite of the paper would be necessary |

By combining the scores on each dimension, total paper scores will be obtained 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

Midterm Examination

The midterm examination will include multiple choice and short answer questions covering assigned readings and classroom presentations scheduled on the syllabus before the Midterm date.

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.

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.