

PSY 420/520 – Psychology & Law

CRN: 25096/25109 (4 credits)

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

Location: 242 Gerlinger

Syllabus

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| Instructor: Robert Mauro, PhD Office: 311 Straub Phone: 346-4917 Email: mauro@uoregon.edu Office Hours: TR 2:00pm-3:00pm & by appointment | Teaching Assistant: Amber Thalmayer Office: 309 Straub Phone: 346-4937 E-mail: athalmay@uoregon.edu Office Hours: F 1300-1350 & by appointment |
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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 have been addressed by 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 | |
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| 1/4 | Law & Legal Systems <u>Required Reading</u> <ul style="list-style-type: none">• Greene & Heilbrun, Chapter 2• US Constitution Bill of Rights• Comparative Legal Systems <u>Additional Reading</u> <ul style="list-style-type: none">• US Constitution |

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| 1/6 | <p>Social Science and Law: Confluence & Conflict</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Greene & Heilbrun, Chapter 1 |
| Actions and Actors: What happened and Who Did It? | |
| 1/11 | <p>Memory & Eyewitness Testimony</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Greene & Heilbrun, Chapter 5 Kassin, S. (1998) Eyewitness identification procedures: The fifth rule. <i>Law & Human Behavior</i>, 22, 649-653. People v Lee (2001) |
| 1/13 | <p>Memory & Eyewitness Testimony</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Pansky, A., Koriati, A., & Goldsmith, M. (2005). Eyewitness recall and testimony. Brewer, N. & Williams, K. (Eds) <i>Psychology and Law: An Empirical Perspective</i>. New York: Guilford. Wogalter, M., Malpass, R. & McQuiston, D. (2004). A national survey of US police on preparation and conduct of identification lineups. <i>Psychology, Crime, & Law</i>, 10, 69-82. <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> Goodman, G. & Melinder, A. (2007). Child witness research and forensic interviews of young children: A review. <i>Legal and Criminological Psychology</i>, 12, 1-19 |
| 1/18 | <p>Law of Evidence & Finding the Law</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Selective Summary of Evidence Law Guide to Finding the Law |
| 1/20 | <p>Profiling, Stops, Searches, Seizures & the Fourth Amendment</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> <i>US v Lopez</i> (1971) 328 F.Supp. 1077 <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> 4th Amendment Law |
| 1/25 | <p>Criminal Personality Profiling</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Greene & Heilbrun, Chapter 3 & 6 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. <i>Psychology, Public Policy & Law</i>, 8(1), 115-135. Kocsis, R. (2003). Criminal psychological profiling: Validities and abilities. <i>International Journal of Offender Therapy and Comparative Criminology</i>, 47, 126-146. |

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| | <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • Canter, D., Alison, L., Alison, E., & Wentink, N. (2004). The organized/disorganized typology of serial murder: myth or model? <i>Psychology, Public Policy & Law</i>, 10(3), 293-320. • Kocsis, R. (2004). Psychological profiling of serial arson offenses: An assessment of skills and accuracy. <i>Criminal Justice & Behavior</i>, 31, 341-363. • Pinizzotto, A. & Finkel, J. (1990). Criminal personality profiling: An outcome and process study. <i>Law & Human Behavior</i>, 14, 215-234. |
| 1/27 | Midterm 1 |
| 2/1 | Mind of a Murderer |
| 2/3 | <p>Interrogation, Torture & the Fifth Amendment</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Fiske, S., Harris, A., & Cuddy, A. (2004). Why Ordinary People Torture Enemy Prisoners. <i>Science</i>, 306, 1482-1483. • Kassir, S. (1997). The psychology of confession evidence. <i>American Psychologist</i>, 52, 221-233. <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • <i>Law of War</i>, Torture Memoranda Analysis • <i>Miranda v. Arizona</i> (1966) 384 US 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 • Ofshe, R. (1989). Coerced confessions: The logic of seemingly irrational action. <i>Cultic Studies Journal</i>, 6, 1-15. |
| 2/8 | <p>Interrogation and Lie Detection</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Granhag, P., & Vrij, A. (2005). Deception Detection. In Brewer, N. & Williams, K. (Eds) <i>Psychology and Law: An Empirical Perspective</i>. New York: Guilford. |
| States of Mind: Intent, Responsibility, Competence, and Insanity | |
| 2/10 | <p>Mens Rea & Legal Defenses</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Beneman, D. (2007). Understanding Affirmative Defenses. Office of Defender Services, Administrative Office of the United States Courts. • <i>R. v. Dudley & Stephens</i> (1884) 14 QBD 273 |
| 2/15 | <p>Competence and Insanity</p> <p><u>Required Readings</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapters 8 & 9 <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • <i>R v M'Naghten</i> (1843) 8 Eng. Rep. 718. • Finkel, J. (1991). The insanity defense: A comparison of verdict schemas. <i>Law & Human Behavior</i>, 15, 533-556. |

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| 2/17 | Midterm 2 |
| Legal Procedure and Social Policy | |
| 2/22 | <p>Legal Decision-Making</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Greene & Heilbrun, Chapters 7 & 10 |
| 2/24 | <p>Jury Trials, Jury Decision-Making and the Sixth & Seventh Amendments</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Greene & Heilbrun, Chapters 11 & 12 <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> Ellsworth, P. & Reifman, A. (2000). Juror comprehension and public policy: Perceived problems and proposed solutions. <i>Psychology, Public Policy, & Law</i>, 6, 788-821. Elliot, R. (1991). Social science data and the APA: The Lockhart brief as a case in point. <i>Law & Human Behavior</i>, 15, 59-76. Ellsworth, P. (1991). To tell what we know or wait for Godot. <i>Law & Human Behavior</i>, 15, 77-90. |
| 3/1 | <p>Discrimination & the 14th Amendment: Due Process & Equal Protection of the Law</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Norton, M., Sommers, S., Vandello, J., & Darley, J. (2006). Mixed motives and racial bias: The impact of legitimate and illegitimate criteria on decision-making. <i>Psychology, Public Policy, and Law</i>, 12, 36-55. Excerpts from <i>Brown v Board of Education</i> (1954) Excerpts from <i>Civil Rights Act of 1964, Title VII</i> Excerpts from <i>Griggs v Duke Power Co</i> (1971) Excerpts from <i>Village of Arlington Heights v Metropolitan Housing Corp</i> (1977) <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> 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. <i>Law & Human Behavior</i>, 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. <i>Law & Human Behavior</i>, 17, 217-234. Saks, M. (1993). Improving APA science translation amicus briefs. <i>Law & Human Behavior</i>, 17, 235-248. Goodman, J. (1993). Evaluating psychological expertise on questions of social fact: The case of Price Waterhouse v Hopkins. <i>Law & Human Behavior</i>, 17, 249-256. |
| 3/3 | Robert Rocklin, Staff Attorney, Oregon Court Appeals |
| 3/8 | <p>Oregon Supreme Court @ Oregon Law School (instead of class)</p> <ul style="list-style-type: none"> 0900 Not yet scheduled 1030 State of Oregon v. Jesse Vance Moss - S058860 (A141464) |

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| 3/10 | Social Science in Law: Death Penalty; Term Papers Due <u>Required Reading</u> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapters 15 • Ogloff, J.R.P, Chopra, S.R. (2004). Stuck in the dark ages: Supreme Court decision-making and legal developments. <i>Psychology, Public Policy & Law</i>. 10(4), 379-416. • <i>Furman v GA</i> (1972) 408 US 238, 92 S.Ct. 2726, 33 L.Ed.2d 3 |
| 3/16 | Final Examination 1:00pm |

CLASS REQUIREMENTS

There will be three examinations – two midterm examinations and a comprehensive final examination. Each examination will be composed of two parts – a multiple choice section designed to test declarative knowledge of the course material and an essay section designed to test your ability to apply your knowledge by analyzing cases and research and communicating your analysis clearly. Midterm examinations will occur on Thursdays. The material to be analyzed will be provided to you on the previous Tuesday so that you may read and think about it prior to the examination. The final examination will occur on a Wednesday. The material to be analyzed will be provided to you on the previous Monday.

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, each midterm examination will be worth 25% of your final grade and the Final Examination will be worth 50% of your final grade. If you desire to receive only a “C” or “Pass” in this course, you will not need to write a paper.

B- or Better

If you desire to receive a grade higher than a “C”, you must complete the midterms and final examinations and complete a term paper. If you select this option, the midterm examinations will be worth 20% of your final grade. The Final Examination will be worth 30% of your final grade. The paper will be worth 30% of your final grade. To obtain a “B”, your weighted average score on the examinations and paper must be 80% or better. To obtain an “A”, your weighted average score on the examinations and paper must be 90% or better. If your weighted average score is over 70% but less than 80%, you will receive a “C”.

Term Paper

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. For the paper, you are encouraged to consider designing an experiment or conducting a pre-test of an experiment that you might be interested in pursuing as an honors project. The paper should include a 100-250 word abstract describing what the paper will cover, a detailed outline of the paper, and a reference list that goes beyond the assigned readings. Students who

are interested in similar areas are encouraged to work together but they should still write separate papers.

If you opt to write a term paper, you are strongly encouraged to discuss your paper with the instructor and/or teaching assistant during the term.

Term papers should be 10-15 pages long double-spaced and printed on 8 ½" X 11" sheets of paper with 1" margins using Times New Roman font. Final term papers should be sent by e-mail to Robert Mauro before the due date listed on the syllabus. Unexcused late papers will not be accepted.

Paper Grading Criteria

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.

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| 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:

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| 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 |

Graduate Class Requirements

Graduate students will be expected to take the midterm examinations and final examination 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.