

PSY 420/520 – Psychology & Law

Winter 2012

CRN: 25256/25270 (4 credits)

Lecture: MW 10:00-11:20

Location: 142 Straub

Syllabus

Instructor: Robert Mauro, PhD Office: 311 Straub Phone: 346-4917 Email: mauro@uoregon.edu Office Hours: MUH 11:30-12:30 & by appointment	Teaching Assistant: Zhen Cheng Office: 445 Straub Phone: 346-4086 E-mail: zcheng@uoregon.edu Office Hours: F 1:30-2:30 & 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. Students will be provided with exercises designed to help them develop basic skills in understanding case law and social science research.

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. (2011). *Wrightsmen's Psychology and the Legal System* (7th ed.). Belmont, CA: Wadsworth
- Additional Readings on Blackboard (see syllabus)

SYLLABUS

Introduction	
1/9	<p>Law & Legal Systems</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapter 1 • Comparative Legal Systems • Outline of the US Legal System: Introduction pp 4-17 <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • Outline of the US Legal System (Remainder)
1/11	<p>Social Science and Law: Confluence & Conflict</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapter 2 • US Constitution Bill of Rights <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • US Constitution
Actions and Actors: What happened and Who Did It?	
1/16	Martin Luther King Day – No Class
1/18	<p>Memory & Eyewitness Testimony</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Aronson, E., Ellsworth, P., Carlsmith, J., Gonzales, M. (1990). Chapter 1: An introduction to experiments. <i>Methods of Research in Social Psychology</i>, 2nd Ed., McGraw Hill: San Francisco. • Charman, S., & Wells, G. (2008). Can eyewitnesses correct for external influences on their lineup identifications? The actual/counterfactual assessment paradigm. <i>Journal of Experimental Psychology: Applied</i>, 14, 5-20.
1/23	<p>Memory & Eyewitness Testimony</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapter 5 • APA Brief in <i>Perry v New Hampshire</i> (2011) <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • Kassin, S. (1998) Eyewitness identification procedures: The fifth rule. <i>Law & Human Behavior</i>, 22, 649-653.

1/25	<p>Memory & Eyewitness Testimony</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> 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. Wells, G. & Quinlivan, D. (2009). Suggestive Eyewitness Identification Procedures and the Supreme Court's Reliability Test in Light of Eyewitness Science: 30 Years later. <i>Law & Human Behavior</i>, 33, 1-24. <p><u>Additional 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. 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
1/25	Memory & Eyewitness Testimony
1/27	Online Quiz: Applied Scientific Research Methods
1/30	<p>Law of Evidence, Reading Cases, & 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 <i>People v Lee</i> 96 N.Y.2d 157
2/1	Mind of a Murderer
2/6	<p>Criminal Personality Profiling</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Greene & Heilbrun, Chapter 3 & 140-147 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. <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.

2/8	<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
2/9	Online Quiz: Reading Cases and Evidence Law
2/13	<p>Interrogation & Confessions</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, 148-169 • Kassir, S., Drizin, S., Grisso, T., Gundjonsson, G., Leo, R., & Redlich, A. (2010). Police-Induced Confessions: Risk Factors and Recommendations. <i>Law & Human Behavior</i>, 34, 3-38.
2/15	<p>Interrogation & Confessions</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Kassir, S. (1997). The psychology of confession evidence. <i>American Psychologist</i>, 52, 221-233. • <i>Miranda v. Arizona</i> (1966) 384 US 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • <i>Law of War</i>, Torture Memoranda Analysis • Fiske, S., Harris, A., & Cuddy, A. (2004). Why Ordinary People Torture Enemy Prisoners. <i>Science</i>, 306, 1482-1483. • Ofshe, R. (1989). Coerced confessions: The logic of seemingly irrational action. <i>Cultic Studies Journal</i>, 6, 1-15.
2/20	<p>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. • Warmelink, L., Vrij, A., Mann, S., Leal, S. Forrester, D., & Fisher, R. (2011). Thermal imaging as a lie detection tool at airports. <i>Law & Human Behavior</i>, 35, 40-48.

States of Mind: Intent, Responsibility, Competence, and Insanity	
2/22	<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 & Stephans</i> (1884) 14 QBD 273
2/24	Online Quiz: Actions & Actors

2/27	<p>Competence and Insanity</p> <p><u>Required Readings</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapters 8 & 9 • <i>R v M'Naghten</i> (1843) 8 Eng. Rep. 718. <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • Finkel, J. (1991). The insanity defense: A comparison of verdict schemas. <i>Law & Human Behavior</i>, 15, 533-556.
2/29	Insanity Defense
Legal Procedure and Social Policy	
3/5	<p>Legal Decision-Making</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapters 7 & 10
3/7	<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 • Smith, A. & Haney, C. (2011). Getting to the Point: Attempting to improve juror comprehension of capital penalty phase instructions. <i>Law & Human Behavior</i>, 35, 339-350. <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.
3/12	<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.
3/14	<p>Social Science in Law: Death Penalty; Term Papers Due</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Greene & Heilbrun, Chapters 14 & 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
3/23	Final Examination 10:15

CLASS REQUIREMENTS

There will be four on-line quizzes and a comprehensive final examination. Each quiz will be devoted to a particular subject matter and will be designed to test declarative knowledge of the course material and/or particular skills as identified on the syllabus. The final examination will be composed of a multiple choice section designed to test declarative knowledge and a short essay section designed to test your ability to apply your knowledge by analyzing cases and research and communicating your analysis clearly.

UNDERGRADUATE CLASS REQUIREMENTS

Depending on the grade you would like to receive, you may choose one of two 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 quiz will be worth 15% of your final grade and the Final Examination will be worth 40% of your final grade. If you desire to receive only a “C” or “Pass” in this course, you do not need to complete the term project.

B- or Better

If you desire to receive a grade higher than a “C”, you must complete the quizzes and final examination and complete the term project. If you select this option, each quiz will be worth 10% of your final grade. The Final Examination will be worth 30% of your final grade. The project will be worth 30% of your final grade. To obtain a “B”, your weighted average score on the examinations and project must be 80% or better. To obtain an “A”, your weighted average score on the examinations and project must be 90% or better. If your weighted average score is over 75% but less than 80%, you will receive a “B-”. If your weighted average score is over 70% but less than 76%, you will receive a “C”.

Term Project

Overview. If you select this option, you will be asked to engage in a mock “evidentiary hearing” for a case. At the hearing, two students will take a position arguing in favor of introducing specific psychological evidence in the case and two students will take a position arguing against introducing that evidence. Within each group of two (you can pick your own teammates if you wish), one student in each group will take the role of the “lawyer” and be in charge of researching and presenting the relevant legal issues. The other student will take the role of the “expert” and be charged with researching and presenting the relevant psychological issues. Each student will be asked to summarize his/her work in a 5-page paper. At the mock hearing, the

lawyer will argue for or against introducing the expert testimony and will ask the expert questions that will elucidate the relevant scientific issues.

Paper. Papers will be developed in three steps:

1) Quasi-final draft. You must finish a draft of the paper by 2/15. At this point, the paper should be complete, grammatical, and well written. It should be ready for submission. On this date, upload your paper to Blackboard using the **** utility, provide a copy to the “opposition,” and send a copy of the paper to your readers – your teammate and anyone else you wish. Give your readers the “Suggestions for Writing” below and ask them to help you edit your paper and give you their comments by 2/22.

2) Semi-final draft. Incorporate your readers’ comments as needed into your paper. If you have any questions/concerns ask the instructor or teaching assistant. Upload this draft to Blackboard, and hand in a hardcopy on 2/29 at the beginning of class. The instructional staff will read this draft. Papers should be printed on 8 ½” X 11” sheets of paper with 1” margins using 12 point Times New Roman font.

3) Final draft. You will receive comments from the instructor and/or teaching assistant on the day of your mock hearing. Incorporate these comments into your final draft. Upload this version to Blackboard by 3/16 at 2400. Each paper will be evaluated individually using the grading scale below.

Paper Grading Criteria

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

2	Needs improvement:	major fault, but no fundamental errors
1	Poor:	there are many major problems or a fundamental error that need to be corrected
		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

Oral Presentation

Mock hearings will be scheduled during the week of 3/5-3/9. Mock hearings for three four-person groups will be scheduled during the same 90-minute session. Each four-person group (2 in favor, 2 opposed to introducing the scientific evidence) will be allocated 30 minutes. During the first 10-minute period, the “lawyer” and “expert” in favor of introducing the evidence will present their case. The “lawyer” will ask the “expert” questions designed to satisfy the requirements of the rules of evidence and any relevant law. During this period, the presenters may be asked questions by the instructional staff (acting in the role of the court). During the following 5-minute period, the members of the other four-person groups in attendance will ask questions. After this period, the “lawyer” and “expert” opposing the introduction of the evidence will present their case using the same procedures.

Oral Presentation Grading Criteria

Content. For the “lawyer,” each critical legal issue should be covered by an appropriate question. For the “expert,” the scientific basis for the introduction of the testimony should be provided. Both “lawyers” and “experts” should be able to answer questions about their issues.

Presentation & Organization. Questions and answers to all questions should be clear and concise. The entire presentation should be organized to address the relevant issues in a logical order.

Each dimension will be evaluated using the 5-point scale above.

Graduate Class Requirements

Graduate students will be expected to take the quizzes 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.