

PSY 420/520 – Psychology & Law

Winter 2013

CRN: 25592/25609 (4 credits)

Lecture: TR 14:00-15:20

Location: 146 Straub

Syllabus

Instructor: Robert Mauro, PhD Office: 311 Straub Phone: 346-4917 Email: mauro@uoregon.edu Office Hours: TR 15:30-16:30 & by appointment	Project Coordinator: Rebecca Calcott Office: 325 Straub Phone: (541) 346-8755 E-mail: rcalcott@uoregon.edu Office Hours: 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. (2011). *Wrightsmen's Psychology and the Legal System* (7th ed.). Belmont, CA: Wadsworth
- Additional Readings on Blackboard (see syllabus)

INCLEMENT WEATHER POLICY

If Eugene School District 4J cancels (not delays) school, we will cancel class. If Eugene School District 4J delays school, class will not be cancelled.

SYLLABUS

Introduction	
1/8	<p>Law & Legal Systems</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapter 1 & 2 • Comparative Legal Systems • Outline of the US Legal System: Introduction pp 4-17 • US Constitution Bill of Rights <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • Outline of the US Legal System (Remainder) • US Constitution
1/10	<p>Social Science in Law: Death Penalty</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapters 14 • 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
Actions and Actors: What happened and Who Did It?	
1/15	<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"> • Kassir, S. (1998) Eyewitness identification procedures: The fifth rule. <i>Law & Human Behavior</i>, 22, 649-653.
1/17	<p>Memory & Eyewitness Testimony</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • <i>State v Lawson</i> (2012) • 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

1/22	<p>Memory & Eyewitness Testimony</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> 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.
1/24	<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
1/29	Mind of a Murderer
1/31	<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.
2/5	<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
2/7	Midterm Examination

2/12	<p>Interrogation & Confessions</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Greene & Heilbrun, 148-169 Kassin, 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.
2/14	<p>Interrogation & Confessions</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Kassin, 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.
2/19	<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	
2/21	<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
2/26	<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.

Law and Social Policy	
2/28	<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.
3/5	Student Presentations
3/7	Student Presentations
Legal Decision Making	
3/12	<p>Legal Decision-Making</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Greene & Heilbrun, Chapters 7 & 10
3/14	<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.

3/20	Final Examination 13:00

CLASS REQUIREMENTS

There will be a midterm examination and a comprehensive final examination. The examinations 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.

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, 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 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 midterm and final examinations and complete the term project. If you select this option, the midterm examination will be worth 20% of your final grade. The Final Examination will be worth 40% of your final grade. The project will be worth 40% of your final grade (30% paper; 10% presentation). 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. For 2013, the class project will be to investigate the social science and law surrounding the issue of gun control. If you select this option, you will be assigned to investigate a particular topic involved in this issue. At the end of the term you will be required to report your findings in a written report and to give a presentation on your findings to the class. To guide you in your investigation, writing your report, and preparing your presentation, you will be required to meet at biweekly intervals with the Project Coordinator.

Project Timeline		
Week	Action Item	Due
1/8	1. Prioritize task options; schedule meeting time	Friday 1/11 5:00 PM
1/15	2. Begin research; meet with Project Coordinator	Friday 1/18 5:00 PM
1/22		
1/29	3. Review initial work; meet with Project Coordinator	Friday 2/1 5:00 PM
2/5	{Midterm 2/7}	
2/12	4. Draft Paper due	Friday 2/15 5:00 PM
2/19	5. Discuss draft with Project Coordinator	Friday 2/22 5:00 PM
2/26	6. Draft Presentation due	Thursday 2/28 5:00 PM
3/5	7. Paper & Presentation	Friday 3/8 5:00 PM

The project will be developed in 7 steps. Due dates/times are listed in the table above.

1. Determine whether you want to pursue the term project and prioritize the task options.
2. Begin your research and meet with the Project Coordinator to discuss your task.
3. Meet with the Project Coordinator to discuss your progress on the project.
4. Finish a draft of your report. At this point, the report should be complete, grammatical, and well written. It should be ready for submission. Upload your paper to BlackBoard by the draft due date and time above.
5. Meet with the Project Coordinator to discuss the draft of your report.
6. Based on your report and discussion with the Project Coordinator develop a draft of your presentation. Upload presentation draft to BlackBoard by the draft presentation due date and time above.
7. Complete final report and deliver presentation. You will receive comments from the Project Coordinator on your draft presentation. Use these and comments on your draft paper to write your final report and public presentation. Upload the paper and presentation to Blackboard by the due date and time above. 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 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:

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

Presentations will be made during class during the week of 3/5/13. Presentations should be timed to take 15 minutes. Presenters should be prepared to answer questions about their topic following the presentation.

Oral Presentation Grading Criteria

Content. The presentation should summarize the main points discussed in your report.

Organization. The presentation should be clearly organized to lead the audience from the initial question being addressed, through the literature that you have analyzed, to the conclusions that you have drawn.

Presentation. The presentation and answers to all questions should be clear and concise.

Each dimension will be evaluated using a 3-point (3=very good, 2=acceptable, 1=poor) scale.

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.