

PSY 420/520 – Psychology & Law

Winter 2014

CRN: 26412/26430 (4 credits)

Lecture: TR 14:00-15:20

Location: 229 McKenzie

Syllabus

Instructor: Robert Mauro, PhD Office: 235 Franklin Building Phone: 346-4917 Email: mauro@uoregon.edu Office Hours: TR 15:30-16:30 & by appointment	Teaching Assistant: Stephanie Kramer Office: 230 Franklin Building Phone: E-mail: srk@uoregon.edu Office Hours: M 1400-1500; F 1000-1100 & 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	
1/7	Introduction to the Course Law & Legal Systems
1/9	<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 (Remainder)
Actions and Actors: What happened and Who Did It?	
1/14	<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.
1/16	<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

1/21	<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.
1/23	<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
1/28	Mind of a Murderer
1/30	<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.
2/4	<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
2/6	Midterm Examination

2/11	<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.
2/13	<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.
2/18	<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	
2/20	<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
2/25	<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	
2/27	<p>Legal Decision-Making</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapters 7 & 10
3/4	<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. <p>Ellsworth, P. (1991). To tell what we know or wait for Godot. <i>Law & Human Behavior</i>, 15, 77-90.</p>
Legal Decision Making	
3/6	<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.

3/11	<p>Social Science in Law: Death Penalty</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Greene & Heilbrun, Chapters 14 • <u>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.</u> • <i>Furman v GA</i> (1972) 408 US 238, 92 S.Ct. 2726, 33 L.Ed.2d 3
3/13	<p>Social Science in Law: Judicial Selection</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Sheldon, C. H & Lovrich, N. P. (1983). Knowledge and judicial voting: the Oregon and Washington experience. 67 <i>Judicature</i> 235. • Jamieson, K. H. & Hennessy, M. (2006). Public understanding of and support for the courts: Survey results. 95 <i>Georgetown Law Journal</i> 899.
3/13	All Papers Due by BlackBoard by 1400
3/18	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. 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

If you select the “B- or Better” option, you must complete a term project. There are two options for term projects: 1) experience-based/multiple short papers and 2) topic-based/single long paper.

If you opt to complete a term project, you are *strongly* encouraged to discuss your paper(s) with the instructor and/or teaching assistant during the term. Students who are interested in similar areas are encouraged to work together but each student should write a separate paper.

Experience-Based

If you select this option, you must complete three short papers each of which presents an analysis of a social science and law issue that arises during an experience you have this

term observing the legal system. These experiences should include at least two of the following types of experiences:

1. Trial court session
2. Oregon Supreme Court session
3. Police ride along
4. Other experience with prior approval of instructor

Each short paper should be inspired by the experience and include: 1) a description of the relevant legal issue(s), 2) a description of the relevant social science, and 3) an analysis of how the social science relates to the legal issue(s). The main body of each paper should be 5-10 pages long (double spaced, 1" margins, 12 Times New Roman point font). In addition to the main body, the paper should include a title page, an abstract, and a reference section listing the relevant references.

Term Paper

If you select this option, you must write a single paper on a topic of interest to you that lies at the intersection of psychology and the law. The main body of the paper should be 15-20 pages long (double spaced 1" margins, 12 Times New Roman point font). In addition to the main body, the paper should include an abstract describing what the paper will cover, a reference list that goes beyond the readings assigned for the course.

The term paper may be a review of the psychological and/or social science literature that is relevant to a legal issue, a psychologically informed discussion of the relevant case law, or some combination of both. If you are so inclined, you may consider using this opportunity to propose and design an experiment or to conduct a pre-test of a study that you might be interested in pursuing as an honors project.

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. Any opinions that you should care to offer should be clearly distinguished from empirical findings.

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

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.