

PSY 420/520 – Psychology & Law

Winter 2017

CRN: 25411/25423 (4 credits)

Lecture: TR 1600-1720

Location: 245 Straub

Syllabus

Instructor: Robert Mauro, PhD Office: 327 Straub Phone: 346-4917 Email: mauro@uoregon.edu Office Hours: W 1330-1500 & by appointment	Teaching Assistant: Ashleigh Landau Office: 365 Straub Phone: E-mail: alandau2@uoregon.edu Office Hours: R 1400-1530 & by appointment
---	---

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

- Costanzo, M. & Krauss, D. (2015). Forensic and Legal Psychology: Psychological Science Applied to Law. 2nd Ed. Worth Publishers.
- Additional Readings on Canvas (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	
1/10	<p>Introduction to the Course Law & Legal Systems</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Costanzo & Krauss, Chapter 1 • US Constitution Bill of Rights <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • US Constitution (Remainder)
1/12	<p>Law & Legal Systems</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • 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"> • Amar, A. (2007). Some Thoughts on the Electoral College: Past, Present, and Future. <i>Faculty Scholarship Series</i>. Paper 790. http://digitalcommons.law.yale.edu/fss_papers/790 • Outline of the US Legal System (Remainder) • <i>Gomillion v Lightfoot</i> (1960) 364 US 339 http://caselaw.findlaw.com/us-supreme-court/364/339.html
1/12	Term Project Decisions Due on Canvas 1800
1/17	<p>Social Psychology of Evil</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Zimbardo, P. (2004). A Situationist Perspective on the Psychology of Evil: Understanding How Good People Are Transformed Into Perpetrators. In A. G. Miller (Ed.), <i>The Social Psychology of Good and Evil</i> (21-50). New York: Guilford Press. <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • Lakoff, G. (2016). <i>Understanding Trump</i>. https://georgelakoff.com/2016/07/23/understanding-trump-2/ • Milgram, S. (1963). Behavioral study of obedience. <i>Journal of Abnormal and Social Psychology</i>, 67, 4, 371-378.

1/19	<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 <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> • <i>Daubert v. Merrell Dow Pharmaceuticals</i>, 509 U.S. 579 (1993)
------	--

Actions and Actors: What happened and Who Did It – Eyewitness Testimony	
1/24	<p>Memory & Eyewitness Testimony</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Costanzo & Krauss, Chapter 7 • APA Brief in <i>Perry v New Hampshire</i> (2011) <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> ❖ <i>Perry v. New Hampshire</i> (2012) 132 S. Ct. 716 • Kassir, S. (1998) Eyewitness identification procedures: The fifth rule. <i>Law & Human Behavior</i>, 22, 649-653.
1/26	<p>Memory & Eyewitness Testimony</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> ❖ Costanzo & Krauss, Chapter 11 ❖ 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. ❖ <i>State v Lawson</i> (2012) 291 P.3d 673 <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> ❖ Pansky, A., Koriath, 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

Discrimination	
1/31	<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"> • Costanzo & Krauss, Chapter 15 • Excerpts from <i>Brown v Board of Education</i> (1954) • Excerpts from <i>Civil Rights Act of 1964, Title VII</i> <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> ❖ <i>Fisher v. University of Texas at Austin</i> (2016) 579 US • APA Amicus Brief in Fisher v University of Texas II • http://www.scotusblog.com/case-files/cases/fisher-v-university-of-texas-at-austin-2/
2/2	<p>Discrimination & the 14th Amendment: Due Process & Equal Protection of the Law</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>Griggs v Duke Power Co</i> (1971) • Excerpts from <i>Village of Arlington Heights v Metropolitan Housing Corp</i> (1977) ❖ <i>Price Waterhouse v. Hopkins</i> (1989) 490 US 228 <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.
Actions and Actors: What happened and Who Did It – Profiling & Interrogation	
2/7	<p>Criminal Personality Profiling</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Costanzo & Krauss, Chapters 5 • 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.
2/9	<p>Group & Racial 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 • Payne, B. (2006). Weapon Bias: Split second decisions and unintended stereotyping. <i>Current Directions in Psychological Science</i>, 15, 287-291. • Glasser, J. (2015). Causes of racial profiling. In Glasser, J. (2015). <i>Suspect Race: Causes & Consequences of Racial Profiling</i>. Oxford University Press: New York, NY, 42-68. <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> ❖ <i>Whren v. US</i> 517 U.S. 806 (1996) • 4th Amendment Law • Warren, P., Tomaskovic-Devey, D., Smith, W., & Zingraff, M. (2006). Driving while black: Bias processes and racial disparity in police stops. <i>Criminology</i>, 44, 709-738.
2/14	<p>Interrogation & Confessions</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Costanzo & Krauss, Chapter 2 • 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. <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> ❖ <i>Michigan v. Kowalski</i> (2011) • Amicus Brief in <i>Michigan v Kowalski</i> (2011)
2/16	<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 • Ofshe, R. (1989). Coerced confessions: The logic of seemingly irrational action. <i>Cultic Studies Journal</i>, 6, 1-15. <p><u>Additional 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. • Senate Select Committee on Intelligence (2014). Excerpts from the Committee Study of the CIA's Detention and Interrogation Program.

2/21	<p>Lie Detection</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> • Costanzo & Krauss, Chapter 3 • 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. <p><u>Additional Reading</u></p> <p>❖ US v Semrau (2010)</p>

States of Mind: Intent, Responsibility, Competence, and Insanity	
2/23	<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. <p>❖ R. v. Dudley & Stephens (1884) 14 QBD 273</p>
2/28	<p>Competence and Insanity</p> <p><u>Required Readings</u></p> <ul style="list-style-type: none"> • Costanzo & Krauss, Chapters 8, 9, & 14 • <i>R v M'Naghten</i> (1843) 8 Eng. Rep. 718. <p><u>Additional Reading</u></p> <p>❖ US v Brawner (1972) 471 F.2d 969</p> <ul style="list-style-type: none"> • APA Amicus Brief submitted in US v. Brawner (1972) 471 F.2d 969 • Finkel, J. (1991). The insanity defense: A comparison of verdict schemas. <i>Law & Human Behavior</i>, 15, 533-556.

Legal Decision-Making	
3/2	<p>Jury Trials, Jury Decision-Making and the Sixth & Seventh Amendments</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Costanzo & Krauss, Chapters 6 & 13 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"> ❖ <i>Lockhart v. McCree</i> (1986) 476 U.S. 162 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.
3/7	<p>Judicial Selection & Decision-Making (Robert Rocklin)</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.
3/9	<p>Interesting Event: Oregon Supreme Court @ the UO Law School (http://www.ojd.state.or.us/sclist)</p> <ul style="list-style-type: none"> ❖ 09:00 AM State of Oregon v. Danny Lee Blair - S064262 (A156756) consolidated for oral argument only with State v. Winn, S064263 (A154313), 30 minutes each, total one hour ❖ 10:30 AM State of Oregon v. James Edward Keller - S064353 (A148749)
International Law, Social Justice, & Social Policy	
3/9	<p>International Law: Genocide (Paul Slovic)</p> <p><u>Required Reading</u></p> <ul style="list-style-type: none"> Slovic, P. (2015). When (in)action speaks louder than words: Confronting the collapse of humanitarian values in foreign policy decisions. <i>University of Illinois Law Review Slip Opinions</i>, 24. Slovic, P. & Vastfjall, D. (2011). The More Who Die, the Less We Care: Psychic Numbing & Genocide. <p><u>Additional Reading</u></p> <ul style="list-style-type: none"> Hollows, K. & Fritzson, K. (2012). “Ordinary men” or “Evil monsters”? An action systems model of genocidal actions and characteristics of perpetrators. <i>Law & Human Behavior</i>, 36, 458-467.

3/14	Social Justice and the Prevention of Genocide & Mass Atrocities <u>Required Reading</u> TBD
3/16	Social Science in Law: Death Penalty <u>Required Reading</u> <ul style="list-style-type: none"> • Costanzo & Krauss, Chapters 16 & 17 • <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
3/16	Term Papers due on Canvas 1600
3/17	Final Review (TBD)
3/20	Final Examination 1230 (Monday)

UNDERGRADUATE CLASS REQUIREMENTS

All students will be expected to complete the examinations. Some students will choose to complete the term project.

P or C Only

Passable performance (i.e., a “P” or “C”) in this course will be reflected by demonstrating declarative knowledge of the material covered in this course. To demonstrate this level of knowledge, you must obtain a passing score on the set of quizzes and on the final examination. 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 across the final examination and the set of quizzes together. If you select this option, the quizzes will be worth 5% of your final grade (for a total of 50%) and the final examination will be worth 50% of your final grade. You **do not** need to complete the term project if you only desire to receive a “C” or “Pass” in this course.

B- or Better

Advanced performance (i.e., an “A” or “B”) in this course will be reflected by demonstrating declarative knowledge of the material covered in this course AND demonstrating the ability to apply that knowledge to problems in the field. To demonstrate this level of ability, you must obtain at least a passing score on the set of quizzes and on the final examination AND perform well on the term project. If you desire to receive a grade higher than a “C”, you must complete the examinations AND complete the term project. If you select this option, each quiz will be worth 4% of your final grade (for a total of 40%). 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 together must be 80% or better. To obtain an “A”, your weighted average score on the examinations and project together 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 less than 75% but over 70%, you will receive a “C”.

Examinations

There will be weekly online quizzes and a comprehensive final examination. The quizzes and examinations will be composed of multiple choice and short answer questions designed to test declarative knowledge and your ability to directly apply your knowledge.

The weekly quizzes will be relatively short. They will become available on Friday morning at 0800 and will be available for you to complete until Saturday morning at 0800. Once you begin the quiz, you will have 30 minutes to complete the quiz. You should complete the quiz on your own but you may use any materials that you have available to you. The final examination will be held in class on the date and at the time noted on the syllabus. The final examination will be comprehensive, covering all of the material discussed during the class including the text, readings, and class presentations by the instructor and students. No materials will be available to you during the final examination.

Term Project Description

The term project is meant to help you develop your analysis and communication skills, both written and oral. Students will be divided into two-person teams. Two two-person teams will be assigned to analyze and discuss the legal and scientific issues raised in a single legal case. Each team will be assigned to take the position of one of the parties to the case and prepare a written analysis of both the legal issues and the scientific issues raised in the case. The analysis should present arguments and evidence in favor of the assigned position and counter (if possible) the arguments presented by the opposing party. The teams also will be assigned to present the case in class. This presentation will take the form of a controlled debate similar to a formal debate or oral argument in a legal case. Each team will have 10 minutes to present their case and 5 minutes to rebut their opponent's case.

To assist you in the preparation of your written paper and oral presentation, you will be asked to meet with either the instructor or the teaching assistant for this course.

The term project written report should have the following format:

- Title page
- Abstract
- Summary of facts of the case
- List of legal issues raised
- List of scientific issues and evidence
- Argument based on legal issues in light of available scientific evidence
- Rebuttal of counter-arguments based on legal issues and available scientific evidence
- Conclusion
- References

The paper should be as long as it needs to be to cover the assigned case. We expect that it will be about 10-15 pages long (double spaced 1" margins, 12 point Times New Roman font not counting title page and references).

Cases & Class Presentation Schedule

Class Presentation	Case
1/24/17	Perry v New Hampshire (2012)
1/26/17	State v Lawson (2012)
1/31/17	Fisher v UT Austin (2016)
2/ 2/17	Price Waterhouse v Hopkins (1989)
2/ 9/17	Whren v US (1996)
2/14/17	Michigan v Kowalski (2011)
2/21/17	US v Semrau (2010)
2/23/17	R v Dudley & Stephans (1884)
2/28/17	US v Brawner (1972)
3/ 2/17	Lockhart v McCree (1986)

Term Project 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. Do not be redundant.

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 the analysis 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 offer should be clearly distinguished from empirical findings and logical conclusions.

Oral presentations will be evaluated on three dimensions:

Presentation. The presentation should be clear, concise, and precise. Do not be redundant.

Time your presentation in advance. You won't have time to cover everything.

Content. The main legal and scientific issues should be accurately summarized.

Analysis. As with the paper, analyses should be based on clearly stated assumptions and/or facts. Each step in the analysis should be clearly based on previously stated assumptions or facts or be a logical deduction from the stated assumptions or facts. Any opinions that you offer should be clearly distinguished from empirical findings and logical conclusions. You should be prepared to counter the arguments that your opponents are likely to make using the criteria above.

Each dimension will be scored on the 5-point scale below and the values summed to produce separate total scores for the paper and presentation.

- | | | |
|---|--------------------|--|
| 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, separate total written paper scores and total oral presentation will be obtained on a 15-point scale:

15 – A	12 – B+	9 – C+	6 – D	3 – F
14 – A	11 – B	8 – C	5 – D	2 – F
13 – A-	10 – B-	7 – C-	4 – D	1 – F

Graduate Class Requirements

Graduate students will be expected to take the final examinations and to complete a term paper on a topic in psychology and law. You may take the weekly quizzes to check your learning during the course. You should plan on meeting with the instructor outside of class periodically during the course. Before beginning your term paper, you must have your topic approved by the instructor.