

January 9,13
Lecture 1
Psychology & Law

*Introduction to Psychology & Law 3rd edition, Nelson (textbook)
*course is based 45%-50% lecture and text, 30-35 lecture, 20-30 text
-terms or concepts are key in text

Weapon focusing effect: a witnesses memory is poor when a weapon is used. Ex: Manitoba bus stabbing knife described as a “Big Rambo Knife” although it was 6”

Comparing Psychology and Law

1.culture clash. Different in each field.

Psychology goals looks to find the approximate truth by using a descriptive view
Laws goal is to find the approximate justice by using the prescriptive view

2.Approaches

Psychology based on empiricism (numbers, stats, data)
Law based on intuition (feeling of what happened)

3.Likelihoods (probabilities)

Psychology: Probabilities

Law:Absolutes. Guilty or not guilty there are no grey areas

4.Methods

Psychology: Future. Looking to push things further and change things if needed

Law: Past. stare decisis which means let the decision stand. Try to make decisions that are similar to what past cases have shown

5.Emphasis

Psychology: Groups. General principles that apply to certain groups

Ex: people who are in this group have a 20% chance of reoffending

Law:Individuals

Apply principles to specific cases

6.Styles of Inquiry

Psychology: Objectivity. roots of science which is the root of objective observation

Law:Advocacy. Adversarial system which is two sides ‘pitching’ there perspective of reality and it is then up to a judge/jury to decide which side is correct

Bridging Psychology and Law

-core questions.

1. all law cases have roots in psychology

Ex: Vincent Lee murder on bus was because of a mental illness (psychology)

Psychologist's Roles in the Legal System

1. Clinician (clinical psychologist)

- 'helping psychologist', risk assessment, evaluation of client, therapists,
- in Canada most clinical psychologists work in prisons, hospitals, or mental institutions

Researchers: Aka 'Experimental psychologists'

- some researchers called basic scientists look at memory functions, decision making, perception but they do not do applied research and instead is all laboratory research
- applied research follows basic research

2. Basic scientist:

- can make suggestions but not give a definitive answer

Ex: man saying that he can positively identify someone from 450 feet away although research states that this would be nearly impossible

3. Applied Scientist:

does realistic research that mimics real life

4. Reformer:

- actively try to change the system
- solicit meetings with police departments, politicians,
- Ex: changing the way that suspects are positively identified. Simultaneously way vs. sequential way

5. Policy Evaluator

- researchers who check to see if new policies have been effective
- Ex: Is having the driving age being older improving how many crashes are happening

6. Preparation of amicus curiae briefs

- latin for 'friend of the court'
- opinions that are offered to the court. psychologist wanting to tell the court about a certain topic relating to the court even if it hasn't been solicited

7. Trial Consultant

- American
- looking at characteristics of people to see what certain characteristics people possess to see if they are more or less likely to convict or not convict someone

8. Expert Witness

- hired by either the prosecutor or the defense
- expert produces research that speaks to evidence in the case
- typically take three kinds of ways of operation
 1. conduit-educators: view their job as teaching the court about their science. May show the research that may or may not support sides case
 2. advocate: expert who strongly believes in one side of the evidence. argues for one side. Tend to get a lot of work because of bias to one side.

3.Hired Gun 'whore of the court': Hired by one side and passionately argue about one side of the case. Tend to get a lot of work. Not a lot of 'street credibility'

Expert Testimony:Standards

1.Peer Review: any research that is brought to court has to be published.

-Daubert v Merrell Dow case

2.Professional Standards (acceptance)

-research provided is up to par with today's advancements. Contemporary science that is up to date

3. Error Rate

-tells you the chance that the numbers in certain experiments are not correct

-comparing the results of the experiments and the real world actions (p value)

-researcher needs to know the p value and present it in court

4. Falsifiability

-allows for testability in experiments

-should always be able to find the opposite of what you believe to be true

Canadian Standards, 1994

R. v. Mohan

1.Qualification of the expert

-must be qualified by a Phd, and need to be currently working in that given field

2.Necessity

-expert needs to be able to provide research that goes beyond common knowledge

3.Relevance

-evidence presented must speak directly to the evidence given in the specific case

4.Absence of any exclusionary rule

-expert can not testify about the truthfulness of other witnesses

-Ex: expert can not say 'this witness is lying' but instead 'it would be hard for the witness to see that'

Judge as Gatekeeper

Judge: evaluates offering

-decides what evidence can be used in court

Study: Judges' understanding of science Kovera & McAuliff (2000)

-140 judges given case with evidence and asked if they would let this evidence enter their courtroom. Overall judges were hesitant to let research into the courtroom at a low

17% of both good and bad quality. Many judges could not define expert testimony standard definitions (Daubert standards)

Psychologists as expert witnesses

-imperial evidence is entered

Psychology and Law

Lecture 2

January 16, 2013

Canadian Legal System Lie Detection Psychological Theories of Crime

Legal Systems

-all legal systems are categorial (classify crimes, penalties, structures etc.) Categorical is hierarchical in rankings of crimes, courts, police

Two Approaches

Common Law Countries: Adversarial, which means 2 sides battling to argue the case. British colonized countries where one side is prosecuted by the Crown (prosecutor)

Civil Law countries: Inquisitorial. Judge and Jury act as fact finders and try to find the truth in the case. The crown and the defence try to find out the truth and are not as argumentative about their side.

Substantive Law: Defines the rights and duties

Public Law: Defines the rights and duties between the state and the public

Ex: public pays taxes (duty) for the state to pave the roads

Private Substantive Law: Defining the rights and duties between two individuals

Ex: Renter pays rent and landlord maintains property

Common Law

-have roots in the 11th century in England. Man on a horse who would ride around villages to

-Common Law refers to what we have commonly done before in similar cases

-Legislatures introduced to make the laws referred to as 'Statues'. They are open to interpretation by judges

Stare Decisis

-translate to 'Let the decision stand'

-used by judges to apply similar penalties to similar cases

-judges are somewhat limited in their punishments because of stare decisis. They should follow decisions of similarly ranked judges. Judges must follow higher judges.

Ex: a provincial judge should follow what another provincial judges decision is. A provincial judge must follow a decision by a federal court.

-Advantages: keeps the system consistent, limits the power of the judges,

1. Supreme Court of Canada

- only hear cases they wish to hear
- take on cases of national importance such as same sex marriage, assisted suicide
- has the power to overturn its own decisions

2. Court of Appeal

- decisions are usually final

3. Superior Court Provincial

- criminal and civil

4. Provincial Court

- criminal, family, small claims

Criminal Law

2 main elements

1. Actus Reus: Evil or illegal act was done
2. Mens Rea: Evil mind. Intent was present

Criminal Procedure

Classification of offenses

1. Indictable offense aka felony

- most serious crime
- Ex: Murder, kidnapping,
- heavy penalties

2. Summary Conviction Offenses

- minor crimes
- Ex: small theft

3. Hybrid Offense

- has elements of both indictable and summary conviction offense
- judge can classify offense depending on what punishment judge wants for suspect

Preliminary Proceedings to Trial

Summary Conviction

- provincial court
- suspect enters plea

Indictment

- preliminary inquiry(defence may waive)
-

- trial follows
- punishment is usually light

Trial

Indictable Offense

- right to a jury (usually don't want jury trial), if man penalty 5+ years
- Sheriffs office collects group to listen to case (jury of 12 people)
- Judge does the initial vetting

1. Opening statement: Crown
2. Crown's evidence
3. Crown's witnesses questioned. Defence: Cross examination
4. Defence presents case. opening statement
- 5.
- 6.

1. Sentencing Hearing
2. Appeal to Superior Court
3. Appeal to Supreme Court
4. Serve Sentence
5. Parole

*most guilty people serve 1/3 of their sentence in jail

Procedural Law: Enforcement of the rights and duties defined by substantive law

Criminal Procedure: Freedoms being taken away after being found guilty
-penalty is usually by imprisonment

Civil Procedure: Charges being laid between two individuals where state is not involved
Ex: Renter doesn't pay rent therefore renter sues you
-penalty is usually a fine
-balance of probabilities

Lie Detection

- important for people in court to answer questions honestly otherwise they can be charged with perjury
- Defining deception: honesty is based on intention and gain
- person needs to have intent and personal gain to lie

Detecting Deception (Lies)

- difficult to do
- Training and experience is known to help be able to detect lies

- many incorrect beliefs surrounding lie detecting such as eye contact, fidgeting
- there is a false belief that emotions only have one cause (Shakespeare ex)

Non Verbal Cues to Lying

- Emotions
- Cognitive Complex: liars may show more or less emotion because lying is hard to do
- Field studies need to establish ground truth which is the absolute reality of a situation. They show that non verbal cues are not good indicators of lying.

Research on non-verbal cues

- convicts who were interviewed for serious crimes in prisons showed that liars have decreased eye blinking. This shows that telling a lie takes concentration.

Verbal Cues to Lying

- Criteria based content analysis (CBCA). This looks at how people tell lies.
- Accurate test Truth:76% Lie:68%
- not used often due to cost
 - 1.Structured production: liars give a very structured story
Ex: I was at the bar on Friday March 3 around 2pm to 4pm with John
 - 2.Fewer Details: no personal facts, reasons, examples given

Physiological Cues to Lying

- Historical lie detection
- Ancient Hindus: chew rice and spit out. If rice was dry person was a liar
- Bedouins of Arabia:lick hot iron. liars tongue would be extremely painful

Polygraph Testing

- detects arousal of the sympathetic nervous system
- focuses on heart rate, breathing rate and depth, blood pressure, galvanic skin response

Control Questions Test (CQT) used in London

- introduced by John Reid in 1940
- suspect is hooked up to machine and told that the machine is being collaborated to them by the way of a card trick
- it tricks the suspects into thinking that the machine is very accurate and will definitely catch the person in a lie. Many time the person admits to a crime before test is even started because of this.
- controlled and crime relevant questions are asked. Heart rate should be consistent across both types of questions. Liars heart rate will increase when crime relevant questions are asked
- Accuracy Truth:72% and Lie:87%

Guilty Knowledge Test used in London

- introduced in 1981 by David Lykken
- asks multiple questions in a multiple choice way. Persons answered are not focused on but there physiological response
- tries to identify certain elements of a crime that only the suspect would know
- Accuracy: truth: 96% Lie:56%
- most offenders don't actually know what happened in the crime which is why many liars are not caught. This is because emotions are high during crime.

Validity to polygraph testing

Difficult to assess validity due to:

1. Ground Truth: we really don't know what exactly happened in the crime
2. Countermeasures: easy to trick the test.
Ex: hurting yourself on purpose when asked questions to raise nervous system
3. Lab Studies vs. Field Studies
Correct Classifications in Lab:
85% guilty(liar) 77% innocent
Correction Classification in Field Studies:
83% guilty (liar) 57% innocent

Criticisms of Polygraph Testing

- doesn't measure lying but the nervous system and from there inferences (looking at one thing and drawing conclusions from it) are made
- non standardized procedures
- interpretation of testing is subjective. No rules to testing.
- Deceitful

Theories of Crime

Reported Crimes

- Most:property crimes: 54%
- Violent Crimes:10%

Sociological theories

- social and cultural forces

Biological theories

- genetic influences
- neuropsychological abnormalities
- chronically low levels of ANS arousal

1. Psychological Theories

Freudian basis:

- dynamic internal theories
- early childhood experiences

Bowlby

- attachment problems, parental rejection:substitute gratification
- "I will get things I want/need through criminal means as a result of parental rejection"

2.Social Learning theory

- we learn that if what we do gets what we want then we will keep doing those things (operant learning) Ex: If I punch people and get respect from others I will keep punching
- Family, peers and cultures influence learning. If these groups value certain things a person is more likely to do something to please these people and themselves
- Bandura says
- scientific basis supports this theory

3.Containment Theory

- Walter Reckless
- External containment: Tim Hortons leaving chocolate bars in the reach of customers and out of sight from employees that led to many chocolate bars being stolen.
- society controls crime through external measures. When measures fail we need to rely on internal restraints (conscience)
- Conscience is developed through socialization about learning what is good and what is bad that is rewarded or punished
- The ability to learn through consequences is biological.
- Ex: some people take 1 time to learn something is bad others take 5 times.

4.Eysenck's Personality Theory

- biological, social and individual factors
- Cortex part of the brain that is responsible for high functioning
- Cortical arousal & autonomic nervous system affect ability to learn from consequences
- Difficult to socialize
 - High-E(extroverts):cortex under aroused
 - High-N(neurotic):over reactive ANS
- Prof being pulled over in St. Thomas example
- person being pulled over by a cop with a over reactive ANS would be excited by this event. This person would be extremely upset all day.
- people who are highly extroverted have higher rates of crime
- Neuroticism has no link to crime

5.Personality Disorders

- a) antisocial Personality Disorders (APD)
 - high rates in prisons (estimated that 80% of adult offenders have this)
- b) Psychopathy

Antisocial Personality Disorder

- 1.Evidence for conduct problems before age 15
- 2.Chronic pattern of disregarding right of others since 15

3. After age 15, 3 or more of
- repeatedly engaging criminal acts
 - deceitfulness
 - impulsivity
 - irritability
 - lack of remorse

Causes of APD

1. immaturity of prefrontal cortex

- responsible for executive functions such as planning and regulating behaviour, inhibition (can't stop themselves from behaving inappropriately)

2. Cortical under arousal

- brain is seeking stimulation seeking behaviours
- people have less anxiety after aversive stimulation and brain is slow in resting states

Psychopathy

- Bob Hare made a checklist for psychopathy characteristics based off of famous serial killer Clifford Olsen

-Factor 1: Interpersonal-affective scale

- Interpersonal: arrogant Affective: lack of remorse

-Factor 2: Antisocial Scale

- Lifestyle: boredom Antisocial: Poor control over themselves

- 80% male relatively young (20s and 30s)

- small % of all law violations but large % of severe crime

- high recidivism rate 32%-62% based on score on PCL-R

- commit more violent offenses 85%-54% based on score on PLC-R

- start criminal career at a young age

- have a long criminal career

- commit a wide arrange of offenses

- violence is predatory: they have a identifiable goal

Ex: Ted Bundy wanted to kill young attractive women

- recidivism rate goes up in psychopaths who are treated vs treated non psychopaths whose recidivism stats go down. There is an assumption that psychopaths are untreatable however this is not true

Extroverted people are very active, very impulse and very aggressive

- tend to lie more to random people

- lie about bigger more serious things to people we care about

- college students lie the most

CRIMINAL PROFILING

Premise: Thinking patterns → behaviors

• Hypotheses

- idea that you can draw conclusions about the characteristics of the offender by looking at the crime scene
- by doing criminal profiling, we can draw predictions about an offender by looking at the crime scene
- likelihood criminal has a mental illness; likelihood they are male
- less than 12 people are trained in criminal profiling in Canada, only one holds a degree (in psych.) the others are RCMP agents who are really good at their job (trained by the FBI)
- in the states, the FBI is responsible for profiling (about 100 of them)
- Based on statistical probabilities

• Crime detection

• Crime prevention

HISTORY

- Official use: WW2, USA military wanted to understand Hitler, thought that by piecing together his childhood they could figure out why he was so bad
- But informally used earlier (at least since the 1880s)
- Popularity: 1970s –interest in profiling skyrocketed because of a sudden spree of serial killing

GOALS

1. Social & psychological assessment of potential offender; figure out based on crime scene characteristics, the statistical probability of certain characteristics
2. Psychological evaluation of possessions trying to understand why the offender collects locks of hair, why they save articles of clothing, etc.
3. Interviewing strategies try and figure out effective interviewing strategies for the offender

PROFILERS

USA: FBI

- Profiling & Behavioral Assessment Unit
- Serial killers caught since 1970
- Database: In-depth interviews
- have entered their basic characteristics in a spread sheet and tried to map out how demographic characteristics match a crime scene characteristic (if the body is covered, the offender typically has a religious background; if the murder happened in the morning, drugs or alcohol probably wasn't a factor)
- make statistical probabilities
- problem: the entire database is based off of the people who aren't "good" at serial killing

Canada: RCMP

Great Britain: Psychologists

APPROACHES TO PROFILING

1. Crime Scene Analysis – CSA (main approach in Canada and the U.S)
2. Investigative Psychology –broad collection of theories
3. Geographic Profiling (text) –in textbook

1. CRIME SCENE ANALYSIS –CSA

FBI approach

- Little authoritative information about this approach, most the information about this process is based on what former FBI profilers have reported in the media
- Database: previous offenders, similar offenses

CSA APPROACH

Crime scene characteristics

- Modus operandi (MO) –also called standard procedure; the main way an offender seems to commit their crimes (strangling, stabbing, etc.)
- Signature –the unique aspect of the crime (unique to the offender) –is there something that they have done that is unusual

Primary use: Serial murderers

- Two broad categories

YOU'RE THE PROFILER

- Bronx
- victim is a 26 year old female
- found on roof of her apartment
- abducted after she left for work (630am)
- beaten, tied up with her stockings and belt
- mutilated her sexual organs, chopped off nipples
- bit her
- wrote obscenities on her
- masturbated and defecated next to her body

- male –Caucasian -25-30
- didn't really plan it out (used her clothing articles to tie her up)
- bad relationship with his mother; not very good relationships
- some sort of mental illness

- 30 year old white male who lived in the building
- unemployed, lived with his dad
- no experience with women
- significantly mentally ill

1-DISORGANIZED

'Disorganized asocial offender'

- Characteristics
- tend to be of low intelligence
- tend to have severe psychiatric problems
- likely have had contact with mental health system at some point

- generally described as socially inept
- sexually incompetent

Crime scene

- would show little to no organization
- don't show premeditation (use a convenient weapon)
- looks impulsive (not carefully planned out)
- typically lives nearby

- Murder characteristics

- Victim characteristics

- is typically overkilled –took place in a blitz
- victim is typically random
- if there is a sexual element, there is often mutilation

-Victim body

- is often dehumanized (beaten beyond recognition, wearing a mask)
- body is often not taken

2-ORGANIZED

'Organized nonsocial offender' –account for 2/3

- Characteristics

- generally seem socially adept
- often underachievers
- often married or in a relationship
- education and employment histories tend to be sporadic
- very often of antisocial personality or psychopathy

Crime scene

- tend to illustrate organization
- suggests they've carefully selected a victim
- acting out a well-rehearsed fantasy
- signs of control and planning
- doesn't leave anything behind

- Murder characteristics

- Victim characteristics

- very often raped and controlled
- usually tortured
- killing tends to be slow and painful

-Victim body

- body is usually taken from the scene and hidden
- quite often the body is dismembered

CSA: 6 STEPS

(1) Profiling inputs

- get as much info about the crime as possible

Collect all info about crime:

- Police report
- Physical evidence, crime scene photos
- Autopsy reports & photos
- Background info on victim
- Avoid bias

(2) Decision process models

Organize input: Patterns of activity

- Homicide type & style (what caused the death)
- Intent, objective
- Level of risk (daytime, apprehended)
- Sequence of acts before & after murder
- Was body moved?

(3) Crime assessment

Reconstruct behavior of offender & victim

- Categorize: organized or disorganized
- Determine if crime staged (if they copied a previous murder)
- Motive
- Injury types (on victim and offender)
- Time of murder

(4) Create criminal profile

Initial description of most likely suspects

- Demographics (age, gender, race, etc.)
- Psychological characteristics
- Probable reactions to police
- Criminal record (if they have a record they tend to be much more careful)
- Feedback loop: Compare with Stage 2

(5) Investigation

- Written report
- Investigators concentrate efforts
- New evidence: Revise profile

(6) Apprehension

- Assess validity of predictions

ASSEMBLING PROFILES

Believed most successful when:

- Demonstrated psychopathology at crime scene
- Sexual offences –often more data for sexual offence
- Planned, repeated crimes –used for suspicion of serial killers

-problem: profiles are ambiguous and unverifiable –could relate to anybody –they are intentionally

vague, can fit for anyone

-Laurence Alison found that of 21 profiles, 24% were ambiguous, 55% were unverifiable

EVALUATION OF CSA PROFILING

Key assumptions:

1. Behavioral consistency

- *Molar analysis* (criminological perspective –there is typically consistency in the type of crime a given offender preforms, will typically preform the same crime) vs. *molecular analysis* (psych perspective –idea that behavioural consistency involves the individual preforming the same behaviours when he commits his given crimes)

-MOLAR: a rapist only rapes

-MOLECULAR: always makes his victim wear a blindfold, always commits the crime in a park

- Green et al. (1976): Burglars

-looked over 15 different case files of burglars

-for 14/15 they were correctly able to figure out which group of burglars committed which burglaries

-to some degree, there is behaviour consistency to a molecular perspective

- Serial rapists, to a limited degree

-tend to have behavioural consistency (conduct same behaviours when they rape)

-from a molecular perspective

2. Homology problem -idea that the degree to which 2 offenders are similar should be reflected in the degree to which their crimes are similar

-doesn't seem to be any characteristics between rape scene characteristics and rape suspects characteristics

Testing homology scientifically:

Mokros & Alison, 2002: Rape study, n = 100

- crime scene behavior, 28 dichotomous variables

EVALUATING PROFILE: CONCERNS

1. Problems with concepts, approaches –not systematically defined, more of an art than a science

2. Different profilers, different profiles –people trained in profiling should produce the exact same profile for the exact same crime scene

3. Stereotypes, racial profiling

4. Usefulness (vs. limiting) –a useful profile would help narrow down suspects, limiting profile would give police too narrow a profile -profiles are only helpful in about 17% of the cases; when they are helpful they get a lot of press

5. Inaccurate profiles

DC Snipers, October 2002

Snipers:

John Allen Muhammad & John Malvo

-shot 13 different people in 3 weeks, seemed to be random (school yard, in a parking lot, etc.)

-profile said looking for single white male in 30s with military background –goal to frighten population;

actual snipers were 2 african American men (40s and a teen) –doing it for money, gave a ransom note twice and were ignored

PERCEIVED USEFULNESS

Usefulness of profiles study

Laurence Alison et al. (2003)

-gave people in law enforcement a crime report (offender had already been captured); gave them either the real profile or a completely false profile

- Officers and forensic professionals
- Crime report
- Real or fabricated profile
- Rate accuracy of profile

-Asked if they would find this useful in the investigation -75% said the profile they were given was at least somewhat helpful

-found that 50% thought the profile they were given was very accurate

	Genuine offender	Fabricated offender
Age	19	37
Knows victim?	No	Yes, met via work
Employed	Unemployed actor	Water board, just laid off
Psychiatric history	Depression, suicide attempts	Alcoholic
Preconvictions	No	Several (assault, burglary)
Relationships	None	Former live-in girlfriend; several violent r'ships
Siblings	No	Yes (2 sisters)
Admits offence?	No	Yes
Abuse family background?	No	Yes

2. INVESTIGATIVE PSYCHOLOGY

- British psychologist David Canter
- Collection of related theories, hypotheses

-developed in 1980s with railway rapist

-tied together related theories from psych that can be used to aid profiling

Several broad approaches:

(1) Interpersonal coherence

- Actions make sense within their own mind –the way in which they select their victim will match with their characteristics (murders tend to occur within the same race)

(2) Criminal career

- Consistency -- but may escalate –won't change the way they commit crimes; sometimes offenders will

escalate the way in which they commit their crimes

(3) Forensic awareness

-we can look at the crime scene and determine the level of forensic awareness or whether or not there is a criminal record

(4) Significance of time and place

- Circle hypothesis –idea is that most rape attacks and murders tend to occur in places that the offender currently or has lived or worked (they feel like they have control at that place)

MULTIPLE MURDERS

1. Mass Murders

-somebody who kills 3 or 4 or more people at one time in one location

-summer 2012, theatre shooting –winter 2013, shot and killed 20 kids and 6 staff members at a school

-168 people killed by a bomb in 95 –Canada, Montreal massacre in 89, murdered 14 people

-most mass murderers commit suicide after their acts

-occurs about twice a month in the U.S

-motivation is resentment or revenge

-in 80% of these cases, victims are acquainted with the killer

2. Spree Killers

-murders 3 or more people in 2 or more separate locations with no time to cool off (occur in close succession)

-Virginia tech massacre

(3) Serial killers

-3 or more victims

-crimes have significant cooling off periods

-crimes are well planned out

-4 types:

- Visionary –typically suffers from mental illness (in particular they are psychotic) meaning they are not in touch with reality (hear and see things) –might believe that the voice of God is commanding him to kill people

- Mission-oriented –typically someone who believes that a certain group is unworthy of life, view it as their responsibility to get rid of a certain kind of person (prostitutes, drug addicts, etc.)

- Hedonistic –operates on a “whatever feels good, do it” basis –aren’t concerned with consequences –usually sexual –organized crime scene

- Power-oriented –lacks control in regular lives –usually have sexual basis –commit crimes as a way to assert their power or dominance

FOCUS: SERIAL KILLERS

Characteristics

- Race, sex, age

-most are Caucasian

-tend to be males

-tend to be active in late 20s early 30s

- Intelligence
 - huge variations
 - organized offenders tend to be quite intelligent
- Childhood
 - FBI reported that most serial killers had abusive childhoods
 - as many cases of non-abusive childhoods as there are abusive childhoods
- Need to control, dominate
 - lack power and have a need to control
- Drugs/alcohol
 - very often use this to desensitize themselves
- Victims: Often vulnerable; specific type
 - most serial killers have a victim type
- Methods of killing
 - serial killers tend to use a power method of killing (strangling or stabbing) very rarely shoot –shooting is impersonal
- Pre-occupied with fantasies
 - imagine what they want to do over and over before they do it
- Souvenirs
 - very proud
- No genuine remorse
 - lack of remorse, viewed them as “had it coming”
- Revel in publicity
 - enjoy the publicity, enjoy that they are in the media
- May become less organized
 - tend to get sloppy as they continue with their crimes
- APD, psychopathy?
 - most suffer from APD or psychopathy

Difficulty in apprehending:

- for every rule, there is the exception
- Geographic stability/instability
 - some commit crimes in specific locations, some don't
- Extensive planning
 - some crimes involve extensive planning (get away with it)
- Delays
 - significant delays between the different crimes
- Idiosyncratic reasons -- motive?
 - difficult to figure out when they will strike next –crimes don't make sense

Psychology and Law

February 6, 2014

Lecture 4

1st class after 1st test

Hanemaayer Case 1987

-19 year old construction worker accused of trying to rape a 15 year old girl. pleads guilty even though he wasn't due to compelling evidence (picked out of video lineup, looks like police sketch, same age as suspect) Paul Bernardo was actually the one who did this.

The Innocence Project

-takes on death row sentences where suspect has no other hope in winning the case

-look at DNA in the case and have had 312 wrongful convictions overturned

-20% of death row cases involve a false confession

Eddie Joy Lloyd case in Detroit where police forced him to confess to the rape of a young girl by telling him evidence, acts about the case that only the correct suspect would know. because of Lloyds low IQ he wanted to help the police and therefore confessed

Confessions as Evidence

-In Canada confession alone does not hold enough power to commit suspect

-Kassin & Neuman (1997) made mock jurors who are shown a short version of a trial and then asked to return with a verdict for the suspect. Jurors were shown weak circumstantial evidence. Jurors are very convinced by eyewitness evidence (59% convict) and confession evidence (79% conviction rate)

Interviewing Suspects

Goal: try to obtain information about the crime

Cooperation: may be important

Assumptions: biases

-interrogator will ask different questions and ask them differently based on bias

Confession Rates

USA:

-right not to self incriminate

-Miranda rights

-80% talk and 48% confess to crime (get a lawyer)

Canada

-caution

-officer has no legal rights to tell you about your rights

Eastwood & Snook 2010 study. half of undergrad students were read their rights, half of students read their rights themselves. students were then asked questions about their rights. Students who read their rights only 48% understood the right to silence caution. only 4% understood their caution when it was read to them. This shows that Canadians are more likely to commit to crime vs Americans

Historical Interrogations

- historically police would physically hurt suspects. They know use psychology
- physically forced confessions are not reliable

*video on spanish kid who apparently raped an elderly women. He confessed to the crime although he didn't commit the crime. He committed because of lies about evidence, and hope that the police could help him.

*Police are allowed to lie about basically anything in an interrogation to try and get a conviction

9 Step Approach to Interrogations aka "Reid Approach"

- taught to police officers as the best way to obtain a confession
- technique is to good as it catches false confessions
- developed by Inbau,

1. Positive Confirmation

- tell suspect that they know they have the right person
- will present evidence true or not
- tell suspect that there is not point in saying that they are innocent because the evidence is to hard against him

2. Theme Development

- used with emotional suspects
- build rapport and try to get suspect to buy into a story
- often offer sympathy, excuse, justification,
- make suspect believe that what they did was not that bad. playing down the seriousness of the crime
- minimization of crime or blame on other people

Non emotional suspects

- tell suspect that interrogation can last as long as they want
- ask same questions over and over again in hopes of catching suspects changing story. try to catch suspect in a small inconsistency and then play a minor detail up
- exaggerate magnitude of the crime
- make false claims about evidence in the case

3. Handling Denials

- stop suspect from denying that they committed the crime
- there is a belief that guilty and innocent people will react differently (no science to back this up)

4. Overcoming Objections

- anything suspect says is overcome by different evidence or a story

5. Retain Attention

- react to uncertainty
- pick up any 'cracks' in the story that could be part of their story

6. Handle Mood

- focus suspect reasons for committing crime
- create a remorseful mood

7. Create Opportunity to Confess

- give suspect an opportunity to confess
- explanation or an excuse
- give suspect a forced choice: your idea or his? whatever answer suspect says they are still guilty

8. Oral Confession

- whatever is written down by suspect that is tried in court

How the steps work:

psychological explanation:

Attitude change: switch the suspect that confessing is going to help you not confessing is what is going to hurt you

- confession vs denial

Concerns with 9 Step Approach

1. Deceptive

- 30% of American cases there is fabricated evidence (in America)
- why should police be able to lie?

2. Psychologically Manipulative

- psychologically dismissed techniques seen as not coercive as you can't physically see them

3. Boomerang Effect

- technique that usually gets a confession however the technique backfires and leads to no confession due to feeling heavily pressured
- technique may be too powerful

4. Bluffing can backfire

- suspects may know certain elements of criminal evidence
- Ex: police say we have DNA evidence against you. Criminal knows that DNA evidence takes around 3 weeks to obtain
- Interviews are usually 20-30 minutes as most people are very cooperative with police
- In England

- 80% of people thoroughly cooperative
- 5% of people remained silent

*Idea that shows that technique is not needed in order to make people talk

Should Police be Allowed to Lie?

Pace reforms put in place after bombings in Ireland. All 4 suspects falsely confessed for bombings. While the police had invested this much time in all 4 suspects the real bombers committed more bombings.

-1974 IRA bombings: Guildford Four

-when police can lie 62% of people confessed

-when police can't lie 65% of people confessed

-Shows that the belief that police need this tool to lie does not make sense

False Confessions

-base rate problem: we don't know the rate at which people would confess to minor crimes

Types of False Confessions (lecture and book)

1. Voluntary

-suspect commits with no external or police pressure

-commit because of desire for attention/publicity

-may be psychotic

-relieve guilt

2. Coerced-Compliant

-knows confession is untrue but confesses because of police pressure

-compliance: change behaviour to gain promised benefit, avoid threatened punishment, escape further interrogation

Ex: if you confess you'll get 10 years rather than 20

3. Coerced- Internalized

-suspect comes to believe they committed the crime

-confessed because of memory issues, suggestible, isolated, scared, vulnerable

Lab Studies on False Confessions (lecture and book)

"ALT Button study"

-Kassin & Kiechel (96)

-study where undergrad students sat and punched keys except for the alt button. No undergrad students pushed the alt button. After the study was done they were accused of pushing the alt button which deleted all of the MBA students research. MBA students asked for a confession that undergrads pushed the ALT button. 12% of students made false confessions that they pushed the ALT button

-If witness said they saw someone push ALT button confession rate soared to 65%

Problems with this paradigm?

-consequences are different than real life

-helping someone else out

-may have had no idea if they pushed the button or not

Lab Studies on False Confessions

Russano (2005)

- students know if they are guilty or not
- students have consequences
- students were told that they were doing an experiment on problem solving. First 5 questions to be done individually, last 5 to be done collaboratively. Half of the groups cheated as they were asked to cheat. other half didn't. prof would come in and look at marks of people and accused students of cheating. half of students were told they had committed a academic offense and that if they signed a confession they would help them talk to the dean. Other half of students were told to sign the confession and that it wasn't that big of a deal. half of guilty people confessed right away. 6% of totally innocent people confessed. guilty people if told a deal could be made showed that 72% of guilty people would confess. Study shows using one strategy will help confession rates. Using 2 strategies will bring up false confession rates.

*Look at chart on OWL

Preventing False Confessions

1. Minimize police pressure tactics

2. Tape all interviews

- recommended in Ontario but not forced

- experience watching film has a negative effect:

Correspondence Inference Theory: Idea that the physical space that the character plays on the screen reflects their power. Ex: Tony Soprano Image

Lassiter & Irvine camera focus

- study that shows 2 people.

1 set of people have equal dominance on screen: some people believe some don't

1 set of people have the suspect being more dominant: people believe confession

1 set of people have the police being more dominant: people believe police

Do Jurors Discount Coerced Confessions?

- juries even when they are aware of coercive nature of interrogations they do not discount the persons behaviour because of the environment

- environment doesn't play a role in confessions

This is called the Discounting Principle

- When something positive happens we relate that to how well we are, how smart we are etc.

- When something positive happens to someone else its because they got lucky

- when something negative happens we relate it to blaming it on someone else

- when something negative happens to someone else its because they are dumb or have negative internal inequalities

Fundamental Attribution Error: Idea that for other people we fail to take into consideration the power of external forces.

Police Interrogations and Confessions Chapter 7 Page 98 Notes

Importance of a confession

-most damaging admission of guilt presented by prosecutor

-**R vs Oickle** case where man was charged with 7 counts of arson. Controversy about how the confession was obtained by police. Supreme court ruled that confession should be admissible in court. 1 of 7 supreme court judges disagreed as police trickery was used

-Police are allowed to use trickery and anything that does not go against the Charter of Rights/Freedoms in order to get a confession from a suspect

-**Darrelle exner case**: case where a 14 year old girl was raped, beaten and killed walking home. 3 teenage friends confessed to the crime even though they did not commit the crime. Kenneth Paton, the man that 'found' Darnelle was the actual killer

-**Paul Ingram case**: case where a police officer and public activist was accused by his daughters of rape and cult things. After being told about the crimes from psychologist, police, hypnotists and the church he believed he had done these sickening crimes and confessed to them. One psychologist believes that he did not commit these crimes as he was brainwashed into believing he had done these crimes. Sentenced to 20 years in jail.

-recanted: a confession that is later said to be false by person who confessed

-**Guildford Four**: Irishmen who in 1974 were convicted of bombings. Police had forced these confessions out of them through psychological and physical wrongdoing. 15 years into sentence accused were let out of jail based on England realizing this

-false belief among people that false confessions are rare. Important as jury has impact in case

Third Degree Tactics: extreme deprivation, brutality and torture to people being questioned. This led to many coerced-compliant confessions

Goals of Interrogation

Question suspects for 2 reasons:

- 1.get more info on the case
- 2.induce suspects to confess

-better for police to interrogate as simply trying to identify the truth rather than trying to get a confession out of person being interrogated

What Police Can and Can't Do

Manipulative tactics:

1. Minimization: sympathy, excuses, moral justification for the suspect while downplaying the seriousness of the implications of the offense and shifting blame on others
2. Maximization: exaggerating the seriousness of the offense and its charges
Knowledge-bluff-trick: interrogator fakes that he has strong evidence against the suspect

Dix vs Alberta: case where person was accused of a double murder and was told multiple lies by police. 23 allegations were brought forth to court about police lying to witnesses. judge agreed with Dix and as a result awarded him \$ 764 863

Baiting Questions: police imply that they have evidence and build a story around the suspect however they do not accuse the person of committing the crime. These questions imply that the answer is already known to the police.

Building Rapport: trying to build a relationship with the suspect based on emotion, sympathy, respect and understanding. Often offer drinks to suspect.

Mutt-and-Jeff technique: good cop/bad cop.

internalization: people coming to believe that they committed acts that they hadn't

Observational Data on Interrogation Methods

-1 or more of the 9 techniques recommended by Inbau/Reid were used 65% of the time

-overloading suspect with damaging evidence and sympathy most common techniques

-techniques were best used on suspects who were hostile

Confidence Game: well developed use of manipulation, deception and betrayal of trust used by Police

-Police deception is only unacceptable when it is "so appalling as to shock the community"

-use of physical force, abuse, torture, threats of harm or punishment, prolonged isolation or deprivation of food/sleep, promises of leniency and failure to notify suspect of their right to counsel is all illegal

-courts believe these things above are illegal as they violate the charter and improve the chance of a false confession

Police as Psychologists Clients

Interrogative suggestibility: idea that suspects are anxious or lack a strong self concept or for other reason actually come to believe what police are telling them.

Stipulation: techniques used by the police in order to assert their authority

Scan Technique: Police letting suspect tell their story. Suspect tells detailed story for hours before and after the crime occurred but was vague on time of the crime.

-Police officers are no better than anyone else at detecting deception if they have not have not been trained

-In England interrogations must be videotaped, not in Canada although it is expected

Correspondent interference theory: deals with the decision to infer a persons actions reflect or correspond to an internal characteristic. Camera that is on the suspect in a interrogation increase attribution that the suspects response was determined by internal dispositions and not coerced

Fundamental Attribution Error: accepting a dispositional attribution of a person's actions without fully accounting for the effects of situational factors

-present most commonly in judges and jurors

*video where bomber is seen putting a bomb on the roof. Class asked to pick suspect out of suspect lineup. Suspect wasn't in the lineup however most of class picked one person. Many people pick the next best person who they believe was the right suspect
-Witnesses are key in investigation and in trial

Memory

-reconstructive process: reconstruct situation based on current biases, knowledge that influences perception and memory

-Ex: guy thinks friends gf is great when they are dating but learns that she cheated on him and because of this says that he never really liked her

-information processing approach

-**Encoding**(attention--->

memory system is best when you are somewhat stressed

-when you are not at all stressed or very stressed your memory is poor

-amount of exposure to something typically better memories

Working memory (processing, rehearsal,elaboration)

-more you process information the better you can remember information

-if there is meaning behind something the better you can remember it

Ex: my password rjm939498 =Ryan James Megan birth years

-the amount you can recall is best right after event occurs and then depreciates where details forgotten. This means that the police should question witnesses as soon as possible after event

Long term memory (storage,retrieval)

-store the basic idea of the memory and is not precise

-hints or cues are best to retrieve long term memory

Ex: multiple choice questions

-important for investigators to ask questions that don't introduce hints

Unconscious Transference

-memory is accurate but someone applies it to the wrong context

Ex: someone looks familiar but person doesn't know why they look familiar but say that that's the person that committed the crime

Ex: Australia prof who was accused by witness of raping her. In fact he was on tv before she was raped (Prof Donald Thompson case)

-missed another example (Buckhout 1974)

Mistaken ID

-eyewitness IDs;persuasive and influential. People believe people who ID others

-largely ignored by legal system although it is very proven

-Elizabeth Loftus. In court all evidence is circumstantial (most jurors dont convict in this case only 18%) she then added a witness (most jurors commit at 72%)then added a

blind persons testimony who said that the suspect was in fact the correct offender (78% of people convicted) shows that people believe others

-Lindsay study. three Queens students sat on a couch individual at three separate times. All 3 students had different lighting. Student with a good view positively ID suspect 74% of the time. Student with a moderate view positively ID 50% and students with poor vision positively ID 33%. All students were then asked if they would convict suspect at trial based on this evidence. Good view people would convict 69%. Moderately view conviction 57%. Poor vision conviction 58%. Shows that most witnesses are believed by jurors

Face Recognition: A Special Skill

-even though babies have never seen a face after being born they track and follow real face pictures opposed to pictures that don't look like faces
-longer your exposed to face better your memory is
-tend to remember faces more than names, characteristics, backgrounds etc.

Prosopagnosia: person is unable to recognize person through their face to the extent that they do not sometimes recognize family members. Associates must speak to this person first or wear clothing repeatedly to trigger persons memory

Capgras Delusion: Patient recognizes people but believes that they are being played by impostor. Ex: Kingston man who was charged for stalking ex wife who he believed that an impostor was raising his child. Emotion that is linked to a person is not accurate.

Inversion Effect: faces upside down compared to normal. Significantly effects the correctness of recognizing faces. This is due to humans being really good at face recognition. Relationships between features are how we recognize these people which can only be done successfully because of exposure to them. The relationships between face features if turned around mess people up. This is called Configural Information

-people are much better at seeing whole figures in there entirety than seeing one specific features of these figures.
-memory is not photographic

Caricature Effect: exaggerated features of peoples faces.

Ex: Bruce Willis forehead being increased 10% beady eyes being shrinked

*Look at table on Experiment and Lineup

Goal, tester, hypothesis,witness,instructions,materials,interpretation

Materials

- (someone stands out)Ex: lineup with 4 mexicans and 1 black man. Police do this

- odd ball effect: 1 out of the 6 men in lineup is smirking
- presentation of lineup: should be sequential so that witness/victim doesn't compare men. correct IDs are not as good as simultaneous but mistaken IDs are much lower
- officer running the lineup should be neutral and have no facts on the case and not know which person in the lineup is the actual correct person

Interpretation

- subjective with a lot of grey area

Age Differences

- children and seniors are accurate when suspect is present in lineup
- children and seniors are also more likely to identify someone even if the correct suspect is not in the lineup
- same age group identifies people more accurately if lineup of people are closer to the same age
- someone of the same race is better at identifying same race suspects and less likely to make a false ID on someone of same race

Distinctiveness

- people who are good looking or distinctive looking are rarely falsely less ID
- people who are good looking or distinctive looking are correctly ID

Disguises

- adding glasses does not help disguise people
- subtracting glasses help disguise
- adding a beard helps disguise (better than removing)
- removing a beard helps

Face Composites

- act of describing a face impairs face recognition
- verbal code for the face simplifies something so complex which makes it difficult
- people are better at identifying features in a face when they have a photo to go off of and not just memory

Chapter 5 Notes

page 122-128 (read only to 128)

- mistaken eyewitness identifications lead to more wrongful convictions than false confessions, problems with snitches or fraudulent science combined
- confirmation bias:** when people look for, interpret and create information that verifies an existing belief

Memory: Step 1: Encoding: acquisition of info. Step 2 Storage: building a memory Step 3 Retrieval

Retention Interval: period of time between viewing an event and being questioned about it

Postevent Information: someone's memories being changed due to outside influences

Psychology and Law
January 23, 2014
Lecture 3

Criminal Profiling

Premise: thinking patterns ---> behaviour

Thinking behaviours should be able to tell you what offenders behaviours will be

- based on statistical probabilities derived from crime scenes
- is helpful in crime detection and crime prevention
- only 12 profilers in Canada who are just really good RCMP agents

History

- started in WW2 when US wanted to understand why Hitler was the way he was
- it was informally used earlier
- popularity grew in the 1970's due to a rising number of serial killers

Goals

1. Social and Psychological Assessment of the potential offender
 - age, occupation, sex, married/single (basic demographic characteristics)
 - allows police to narrow down suspects
 2. Psychological evaluation of possessions
 - trying to understand offender based on possessions
 3. Interviewing strategies
 - help with interview strategies
- Ex: Colonel Russell Simonds

Profilers

USA: FBI

- profiling and behavioural assessment unit looks at characteristics of a crime such as time of crime, remorse for the crime being shown etc which tells who the offender may be
- Database is based on the poor serial killers (negative of database)
- In Canada RCMP officers are the profilers vs Great Britain whose profilers are Psychologists

Approaches to Profiling

1. Crime Scene Analysis (FBI Approach)

- little authoritative information. What we do have is based off of previous offenders and similar offenses
- looks at the modus operandi(MO) of suspect and the signature which is the unique aspects of the crime that are specific to that offender

1. Disorganized Offender

- severe mental illness and contact with health system before
- socially weird
- sexually incompetent (no experience)
- crime scene shows that:
 - act was impulsive
 - typically lives near crime scene
 - victim's body is overkilled
 - victim is random
 - mutilation of offender's body and dehumanizing body
 - body is left where it was killed

2. Organized Offender

- socially adapted, reasonably intelligent, under achievers
- often married
- education and employment is sporadic
- crime scene shows that:
 - crime was a rehearsed fantasy
 - signs of control and planning
 - victim is often raped and tortured (painful and slow killing)
 - body is usually taken from scene, dismembered and hidden

CSA 6 Steps

1. Profiling inputs: Getting facts about crime

2. Decision process models: organize input and patterns of activity

- homicide type and style
- intent, objective
- level of risk
- sequence of acts before and after murder
- was body removed

3. Crime Assessment: Reconstruct behaviour of offender and victim

- categorize the crime as organized or unorganized
- determine if crime was staged
- motive
- injury types
- time of murder

4. Create Criminal Profile: initial description of most likely suspects

- demographics,
- psychological characteristics
- probable reactions to police
- criminal record

5. Investigation

- written report
- investigators concentrate efforts
- new evidence: revise profile

6.

Believed to be most successful when:

- demonstrated psychopathology at crime scene
- sexual offenses
- planned and repeated crimes

*Problem with profiling is that they are ambiguous and unverifiable and that information is perceived as useful

Evaluation of CSA Profiling

Assumptions:

1. Behavioural consistency

- molar analysis (what the offender typically does)

Ex: vandaliser continues to vandalise

- molecular analysis (the offender performing the same behaviours when committing offenses repeatedly) Ex: vandaliser may typically vandalize playgrounds using red paint

*there is consistency when profiling

2. Homology Problem

- the idea that the degree to which 2 offenders are similar should be reflected into the degree that their crimes are similar

-similar characteristics of offenders should commit the same crimes

-This is not true! no research that proves this. The suspects characteristics and the similarity of their crime scene is not true. Problem is that profiling is built around this idea

Concerns with Profiling

1. Problems with concepts and approaches are not objectively defined

2. Different profilers come up with different profiles from the exact same evidence

3. Stereotypes and racial profiling are common

4. Usefulness (vs limiting)

-often police are too focused on the profile

5. Inaccurate profiles

2. Investigative Psychology

- established by British professor of psychology
- are all scientifically proven methods

Several Broad Approaches

1. Interpersonal Coherence

- actions make sense within own mind
- Ex: if he is white the victim will be white

2. Criminal Career

- offenders usually don't change the way they commit crimes however they may escalate how they commit
- Ex: proven burglar will always go in the back door. After 5 times successful they may bring a gun

3. Forensic Awareness

- understanding of how to prevent being caught.
- Ex: if criminal has been charged with rape before he may wear a condom the next rape

4. Significance of Time and Place

- crimes usually happen where offender feels comfortable and has some control

Multiple Murderers

1. Mass Murderer

- kills three or more people at one time at the same place
- most commit suicide after their act
- occurs twice a month on average in the US
- suspects are usually acquainted with victim

2. Spree Murderers

- kills three or more people at multiple places within a close time proximity

3. Serial Killers

- kills three or more victims with significant cooling off periods that are usually long. They can be days, weeks, months or years
- carefully planned

Types of Serial Killers

1. Visionary Serial killer

- suffers from mental illness
- described as psychotic
- may think they hear voices inside their head telling them to kill

2. Mission Oriented Serial Killer

- believe they have a duty to kill a specific group of people
- Ex: person who kills prostitutes

3. Hedonistic Serial Killer

- operate on a sexual basis
- have an organized crime scene
- do what feels good consequences don't matter

4. Power oriented Serial Killer

- commit crimes as a way of asserting their dominance
- usually don't have control in their lives

Serial Killers

- most are white males who are in their late 20s and early 30s
- intelligence is widespread
- some childhoods are abusive some are not
- all share a need to dominate and control
- most use drugs or alcohol when committing crimes
- victims are usually a specific type Ex: blonde girls low 20s
- usually have a personable up close way of killing such as killing
- pre occupied with fantasies and they like reliving them
- often take souvenirs for the fulfillment their crime has provided them
- often have no general remorse
- enjoy the publicity their crimes provide
- often become less organized as their killings go on
- most if not all suffer from APD
- difficulty in apprehending due to
 - some have a geographic stability some do not
 - have extensive planning involved
 - delay in their crimes
 - motives are usually weird and unknown so that they do not make sense

Psych of Law
March 6, 2014

Word List Test

- Deese-Roediger-Mcdermott Task shows content accuracy vs. technical accuracy
- Ex: all words in the list were related to sewing content. prof asked one word that was not said and several students raised their hand that they had wrote that word down. This was because it was related to all of the words that were actually said
- shows that we remember the content and not the specific words

-Gist Verbatim: leaves us with a basic idea memory

Eyewitness Memory for Events

1.Retrieval: the hard part

-questions are left open ended so that person has free recall (generally fairly accurate)

-most people don't have a lot of info to share with free recall

2.Cues: Guide Retrieval

investigator's use cues to help retrieve memory

3.misinformation is common as investigators sometimes 'plant' facts in the witnesses memory that is inaccurate

Misinformation

-stop sign/yield sign study (Loftus, Miller & Burns (1978)

-people with no misinformation are 75% accurate and say the car that sped went through a stop sign

-people who went through post event misinformation accuracy rate dropped to 41%

Elizabeth Loftus Study: Questions Influence Answers

-Did you see (a vs the) broken headlight?

-How fast were the two cars going when they (contacted vs smashed) each other?

-Answers varied between people depending on which verb they used.

Suggestibility: Extent reporting of events influenced by external & internal factors"

-both interviewing and internal factors can lead to false reports

-children are more suggestible than adults

3 Types of Suggestibility

1.Misinformation paradigm (susceptibility to misinformation)

Event-->Misinformation--->Memory test

-misinformation is introduced

-memory test asks person what they actually saw vs. what misinfo was presented

-most people will accurately say the info from the event

*****2.Interrogative Suggestibility**

-How does the person respond when the first misinformation is presented to them?

Event--->

3.False Memory Creation

Misinformation--->Memory Test

-students asked about certain events that haven't happened although they report it had happened

Explanations for Misinformation Effect

1.Memory Impairment: Overwriting

-Ex: screwdriver takes the place of the hammer when screwdriver is introduced it is not actually because of a memory issue

-Reasons for why this happens

1. weapon is in the same category (tools)
2. social pressure
3. source monitoring: we don't know where the information came from but only the content
Ex: Melnyk taking the joke she was told early in a week and then telling a group of profs the same joke

Recovered memories

-vivid and detailed memories that have not been thought about in many years. This goes against everything we know about memory.

-often happen when older people go into therapy for normal life issues

Can a memory be blocked?

-Yes

physical causes:

-head injury

-state-dependent memory. person who commits a crime in rage or is terrified. These people can not remember this because of these states they are in.

-psychogenic amnesia: brain blocking that memory so that person can move on with their life

Briere & Conte (1993)

-younger the person is when abuse happens is more unlikely to remember the abuse

-people tend to forget a specific episode of abuse if they were repeatedly abused

Reasons for retrieval failure

1. Forgetting: normal mechanisms

-people who experience traumatic evidence lose memory of it if they do not replay the event in their mind

2. Suppression

-victim purposely tries to forget an event

3. Repression (Freudian)

-when life gets busy you just move on to other things

False Memory Creation

-therapist bias: therapist was poorly trained and relied on personal beliefs and suggestible techniques

-Use of suggestive techniques

1. Authority: misleading questions

2. Hypnosis: repeated questions and guided imagery

-each person will differ in how suggestible they are

Lost in the Mall Study -Loftus & Pickrell (1995)

-Loftus called several undergrad parents and found that all of her subjects had one thing in common. They had never been lost in a mall.

-Loftus interviewed these people several times and always asked what about the time you were lost in a mall. All of these people said this has never happened. Eventually when asked 25% of these students recounted being lost in a mall and how traumatic it was. Study is a perfect example of misleading questions

Punchbowl Study- Hyman & Pentland (1996)

-2 groups of undergrad students. Think group and imagine group.

12% of people reported false event when they were asked to think about what could have happened. 38% of people who were asked to imagine reported false memory.

-Rate of false memory was increased by imagery

Role of Interviewer Bias

-Books that are suggestive and outline techniques to help people who have suffered from depression, suicidal thoughts, sexual problems etc.

Child Video

-Child makes up a story about a person who wrecked schools property very confidently. This did not actually happen. Shows that children are fairly good at lying.

Children in the Courtroom

-legal system changes

-uncorroborated testimony: expert did not now have to go over testimony before children went into court

-no competency requirement

Kelly Michaels Case

-teacher who was accused of sexually assaulting pre school children. No evidence was ever shown. Investigators made suggestible comments to children in order to get them to tell stories about their teacher.

Scope of Child Maltreatment

235 315 investigations in Canada a year that are reported. Half of these cases are substantiated (definitive proof that incident has happened) 12% is suspected but no evidence is present and 38% is unsubstantiated

Substantiated Maltreatment Cases

-neglect 40%, physical abuse 18%, emotional maltreatment 11%, exposure to domestic violence 25%, sexual abuse 2%

Prevalence Data-sexual abuse

-20% of women (range 6.8 to 62%) 8% of men (range 3 to 31%)

*numbers range greatly because of broad definitions of abuse

-75%-80% of sexual abuse victims are female

- 20%-31% are preschoolers
- often know the offender

Michael Lamb (2003)

-83% of children will disclose information about being sexually abused if they are asked the right questions (free recall questions)

Interviewing Goal

- Get complete and accurate reports
- 100% accuracy but limited detail in free recall questions
- specific questions presuppose information and accuracy decreases

Interviewing Factors

- interviewer has a pre existing belief about occurrence of the events they are asking about. As a result the interviewer shapes interview to prove their hypothesis.
- collect only confirmatory evidence, doesn't attempt alternative hypothesis, ignore discrepant evidence, questions are yes/no based and suggestive techniques are used

Manifestations of Interviewer Bias

-Goal:

- 1.Accuracy of children's reports
- 2.Accuracy of interviewer's memory

-Design: 4 groups of children. 3 groups went to the party one group instead coloured pictures

-Interview interviewed 4 children. first 3 kids went to the party, last kid went colouring.

-interviewee by the 4th child was bias because of what the other 3 children told the interviewee. 1/3 of the kids that were colouring said that they went to the party because of the suggestibility by the interviewee

-interviewer was so strong that they were not able to process the actual facts of the case

*interviewer bias make more false reports

Bias Interviewers Use

1.Repeated Questioning

-if the answer the 1st time is not correct ask the question again

Poole & White (1991)

-open ended questions do not pose a risk to children's susceptibility even if they are asked repeatedly

-answers for specific questions went from no to yes. Repeated yes/no questions are not good as answers change because children are encouraged.

2.Stereotype Induction

Sam Stone case

- "bad girl"

- interviewees portray person as good or bad

Same stone visit then suggestive interviews then test to show what happened

3. Selective Reinforcement

-rewarding children for answers that proved hypothesis and punishing for answers that didn't prove hypothesis

Paco Study Sena Garven (2000)

Interacting with Dolls

-not diagnostic between children who have or haven't been abused interact with the dolls

-children make many mistakes when asked about where they were touched by a Dr. either using their own bodies or the doll given to them.

-58% of the children who used the dolls reported sexual or aggressive lies

-This is because we interact with objects in a way that the objects allow us to behave

Ex: prof sits on desk even though she knows its not proper but because it is more comfortable than standing

What is the limitation of these studies?

*misinformation effect last a long time

"The Suggestibility of Children's Memory" (Chapter on OWL under lecture 7) NOTES

-little empirical evidence on preschool children's memory up until the 1980s when a surge in high profile sexual assaults happened. More children testifying in court

-suggestibility is a cause of cognitive factors (poor encoding and misremembered info) and suggestibility due to social factors (desire to please interviewer)

-Kelly Michaels: teacher who was accused of putting cutlery and things up children's privates. Convicted but decision later overturned.

Increased Suggestibility due to :

1. Interviewing factors: types of questions asked, number of times the questions are asked, stereotype induction, nonverbal techniques

Open Ended Vs Direct Questions

-open ended questions answers are accurate but vague

-direct questions answers are more detailed but less accurate

Repeated Questioning

-interviewer who asks questions again in order for a child to give a different answer

-younger the child is the more susceptible they are to changing their answers as they understand that if someone is asking them the question again the first answer must not have been correct

Repeated Interviewing

- repeated interviewing helps people's memory as they are constantly having to think/talk about it
- neutral interviews where no misinformation is presented has some benefit to the accuracy of children's recall
- single suggestive question may reduce accuracy of answers (wanted or not by interviewer)

Stereotype Induction

- interviewer introduces suspect as "bad" or in a negative way
- Sam Stone case where man was introduced as clumsy. he then walked into classroom waved to the kids and left. later book and teddy were found damaged. 75% of 3-4 year olds said Sam did it and 40% of 5-6 year olds said the same

Nonverbal Techniques: Props, Drawing, Dolls

- props increase both nonaccurate and accurate recalls
- drawing increases suggestibility
- dolls aren't accurate as children have a hard time with symbolic representation

Children's Suggestibility Related to:

1. Intelligence: developing kids are more suggestible
2. Language ability: better the language skills lower their suggestibility
3. Creativity: more creative the more suggestible
4. Self Concept: high self concept lower the suggestibility

Social/Cognitive Mechanisms

- children's suggestibility related to combination of social and cognitive mechanisms
- compliance with authority: 4 yr olds made less accurate reports to police officer in uniform than other neutral person
- "I don't know" seen as inappropriate answer so many children say yes or no regardless of whether or not the answer is correct

1. Structured Interviews

2. Supportive Atmosphere

- open body posture, smile, responsive to answers
- regulates children's emotions and resists suggestive influences

3. Establish Child's understanding of the interview

- distinction between truth/lie, sets ground rules

4. Build Rapport

- ask questions about children's recent experiences

5. Use open ended questions to prompt for narratives

6. Direct Probe Questions

- used when lack of info from open ended questions
- more direct questions "have you seen the perpetrator"

7. Interview Closure

- general questions about the event to end interview
- "anything else I should know"

Psychology and Law
March 20, 2014
Lecture 8: Forensic Assessment

Actus Reus & Mens Rea

- mens rea (evil mind) difficult to prove as you cannot get prosecuted by an accident or something that wasn't meant to be harmful
- actus reus (guilty act)
- legal terms

Fitness to Stand Trial

Bill C-30, 1992: Bill that determines whether one is able to stand trial on account of:

1. understand nature or object of proceedings
2. understand possible consequences
3. communicate with counsel

*people need to be able to understand the above in order to be fit to stand trial

- origins in the 17th century in Britain
- defendant was their own lawyer which resulted in mental impairment/children not being able to understand the process therefore making it unfair
- main goal is to ensure fairness
- legal rather than psychological process

Fitness Assessment in Canada

- most were to Simon Fraser (outside Vancouver)
- Roesch et al (2002) said that out of 5000 annual assessments 70% of people were deemed fit

Evaluation of Fitness

- FIT-R (Fitness Interview Test Revised)
- screening tool that determines if the defendant can meet the basic understanding of court, consequences and communication skills
- 5 day limit for court ordered assessments but in actual practice they have up to 2 months. This is because people who are tested are often going through withdrawal or are suffering from not doing drugs
- psychotic person is going to need medical treatment before they can effectively communicate with counsel. person will require 1 or 2 months for medical drugs to start helping them.
- average person whose recommended for test take 3 weeks
- 88% of assessments conducted in inpatient facilities

Competency Screening Test (CST)

- test administered to defendant to determine if someone is incompetent
- 22 questions on the test with a rating scale of 0 (nothing wrong with answer) to 2 (serious wrong)

-

Remand Practices in Canada

-majority of offender population suffering from some form of mental illness

If Defendant is found unfit:

- disposition for detention in hospital or conditional discharge; or a stay of charges
- re-assessment after 45 days to 90 days
- if still unfit: review board for assessment, disposition, then review annually
- prima facie: Crown proves enough evidence for trial, every 2 years translates that there is evidence that merits prosecution once that defendant becomes fit to stand trial
- 'a stay' where charges are not pursued by the prosecution

Comparing Unfit vs Fit Defendants

- single (85% unfit vs 58% fit) single people more likely to be unfit
- unemployment (71% unfit vs 75% fit) unemployed more likely to be unfit
- under gr 10 education (30% unfit vs 40% fit) low education more likely to be unfit
- psychotic disorder. 4 X higher for the unfit group than the fit group
- substance abuse. higher in the fit group than the unfit group
- criminological variables there were no differences
- *mental illness the key underlying factor in what makes someone fit/unfit to stand trial

Criminal Responsibility

1. 2008 case: Vincent Li (Greyhound Bus Decapitation)

- suffered from schizophrenia but did not mean the threshold for mens rea
- once he was treated by psychologist he understood what he had done and that it was his illness that prompted his behaviour
- sent to psychiatric hospital to get treatment rather than jail

Tim's Law: person who was found not criminally responsible would have to spend as much time in a mental hospital for the same duration of the time they would spent in jail if they were criminally charged

* was not passed by parliament

-defendants mental state of health is what is determined at the time they committed the offense

-insanity defence Canada: NCRMD (not criminally responsible by reason of mental disorder) US: NGRI (Not guilty by reason of insanity)

* claim in very rarely used and very rarely successful especially when a serious injury to a victim has occurred

-person who is more likely to commit offense

-Defendant likely to have some or all of

- 1.major psychiatric diagnosis
- 2.past mental health problems with hospitalization

3. found "unfit" previously

-both sides have the right to raise the issue of being mentally ill. Whatever side raises this issue must prove that this is the case

Historical Roots

1. James Hadfield case, 1800

-attempted assassination of King George III

-brain injury led, delusional

Criminal Lunatics Act of 1800

-if someone was talking about killing the king they could be put in detention as a preventative measure

Civil commitment: person can be detained in hospital for up to 72 hours if there is concern that that person may hurt themselves or someone else shown through their words or actions.

-preventive and imminent danger

Brian's Law: took out the imminent word from a civil commitment.

-Brian's (sports broadcaster) murderer had history of threats/actions against other sports broadcasters.

-Brian's law makes it harder for people who have a history to reoffend, force medication of people who are not found criminally responsible

2. Daniel McNaughten case (1843)

-attempted assassination of PM Peel

-Defence was he was partly insane and delusional

-verdict was insanity and there was public concern over the standards that were used to come to this verdict

McNaughten Test: very influential

-emphasizes quality of person's thought processes and perceptions of reality at the time of the crime

3 Critical elements at the time of the crime:

1. defect of reason or disease of the mind and at the same time:

2. did not know nature & quality of act

3. did not know act was wrong

*Vincent Lee would pass this test

Insanity Standards

1. Durham test

-if you have any psychiatric problem you can be found NCR

-used in New Hampshire

-leaves the door wide open

2. Irresistible Impulsive Test

-defendant was unable to control their behaviours and choose between right and wrong

3. American Law Institute Standard (ALI) Standard

- broad definition of mental disorder or defect
- person could be found not guilty if they lacked the capacity to appreciate the wrongfulness of their actions or realize what they are doing is wrong according to law

4. Guilty but mentally ill

- used in 13 US states
- defendants mental illness is recognized
- defendants gets treatment for mental illness first and then goes to jail for the same time as anyone else (mentally ill or not)

Characteristics of NCRMD Individuals

- NCRMD spent less time (9.8 months) in hospitalization vs. NGRI (49 months)
- NCRMD individuals low recidivism rate but most required hospitalization
- NCRMD 85% male 15% female
- 76% of NCRMD offenders treated before

Alternative Verdict

- 1.
 - 2.
- * on OWL

Canada: NCRMD

Look on OWL very detailed*

capping: max period similar to prison term

- sounds good in theory but practice doesn't work

Currently: Bill C-54

passed May 2013

- Re: those found unfit, NCRMD
- high profile cases
- Crown can request a high risk status if they think that there is a substantial likelihood of more violence
- reviews done on a 3 year basis to determine whether a NCR patient can slowly take steps to treatment. These rules would mean that it would take 3 times as long for NCR patients to be released.
- NCR people react well to treatment in hospitals and not in jails
- no way of determining whether a person is 'high risk'
- *criminalizes NCR, deters people from wanting to plead NCR when it would be in their and the public best interest
- person who deems defendant mentally ill must prove this to be true

-

Problems with Bill C-54

1. hospital is effective jail is not for NCR patients
2. stigma surrounding NCR

R vs. Parks

-case where man was not charged with double homicide after he killed in laws in there sleep. His defence was insane automatism in that he was suffering from severe insomnia

Allen Schoenborn Case, 2008

- treatment refused for mental problems
- schoenborn murdered 3 children because he thought that his ex wife and new bf were sexually abusing them or showing them to drugs
- thought what he was doing was right for the kids and at first was found NCR
- after treatment became aware of what he did and why he was wrong

Guy Turcotte Case, 2009

- young cardiologist in Quebec who stabbed his children to death after his wife left him
- verdict was NCR. within year and a half of trial he was released free and clear with no smaller steps taken like Lee and Schoenborn

Assessing Criminal Responsibility

1. Rogers Criminal Responsibility Assessment Scales (R-CRAS)

- test that tries to force ALI definition into 25 variables that are grouped into 5 psycho legal definitions
- patient reliability
- psychopathology: mental illness in the past?
- cognitive/behavioural control
- organcity: looking for physical reasons for patients difficulties

2. Mental Screening Evaluation (MSE)

- looks to screen out those who are not mentally ill and are trying to use mental illness as an excuse

What Happens if Found NCRMD?

1. absolute discharge
 - no threat to society
 - low risk of re offending

2. conditional discharge

- released from custody but with conditions

3. Psychiatric Facility

- review board
- charge info, hospital recommendation, psych testing, clinical assessment, clinical history, risk assessment
- *way of keeping an evaluation going for those found NCR

Review board must choose least limiting for
 -public safety -mental state -reintegration -other needs of defendant

Review Board

- overseen by a judge
- panel of experts that determines dangerousness and likelihood of reoffending

Empiricism vs. Intuition

1. was NCR broken
 - those found NCR typically spend more time in detention than those who go to jail
2. high recidivism
 - those who go to regular jail are 5-6 times more likely to reoffend than if they just went to a psychiatric hospital
3. link between violent crime and mental illness
 - way more regular offenders than NCR offenders
 - normal people commit more crimes than mentally ill and NCR
 - less than 10% of NCR people commit violent crimes
 - NCR population crimes: 2.6% homicide, 3.3% attempted murder, 2.1% sexual offense
 - only 3% of violent crimes can be attributed to people who are mentally ill
 - 3 times more likely to offend if you are a regular offender than an NCR offender
4. public fear
 - less than 1% chance at being murdered
 - 85% chance you will be murdered by someone you know
 - .07% of murders attributed to people with mental illness killing strangers

The Real Dangers

- seeking treatment
- maintaining treatment
- diversion into mainstream system

1. Demographics

- few differences from those unfit to stand trial
- high rates of singleness, low education rates,
- 82% men who have low education, unemployed, previously treated, 32 age (mean)

2. Detention and Release Patterns

Problem: arrest charges often plea bargained down
 Eg: plea bargains

-difficult to know the difference between those who plea NCR and those who plead guilty to a lesser penalty

3. Recidivism Rates

-NCR 20% reoffending rate compared to 33.5% who were found plain guilty
-much more recidivism in regular system versus NCRs

4. Insanity Acquittal Rates

-increase from 1970-1981 then decrease

R V parks (1992)

-sleepwalking killing of his in laws
-lawyer showed that he didn't possess mens rea and it was purely the result of sleepwalking
-Not guilty for reason of automatism. Was no consequence for homicide

*Continued from last lecture

Hypoglycemia

-people who suffer from low blood sugar can commit crimes that they are

Involuntary Intoxication

-someone who was forced to get drunk and then committed a crime. Actions were not your fault.

Intoxication

-not a defence

1994 R. v. Daviault

-sexually assaulted friend and claimed that he wasn't guilty because he was drunk
-found guilty

Chapter Notes: Criminal Responsibility and Competency to stand trial Pg 150

Not criminally responsible by reason of a mental disorder (NCRMD)

-public believes that defence is used in 33%-42% of cases actually used 9/1000 cases, success rate is lower than 20%

-people who are mentally ill spend more time in mental institute than those who go to jail
Malingering: is defendant trying to fake a mental disorder to avoid guilty verdict or prison

Wild Beast Test: the first formal legal definition of insanity

McNaughton: cognitive test of insanity

Ultimate Issue Testimony: Question that surrounds whether an expert should be able to give their opinion on guilty or not guilty vs the pure facts of the case relating to their expertise

Clinical Prediction: psychologist reviews info about a individual and combines that info with intuition to come up with a prediction about an individuals actions or outcome after release

Actuarial Predictions: predictions based on empirical evidence

Psychology and Law

March 27

Juries

Role and Function

- act as a panel of peers from the community
- render decisions from evidence presented at trial
- apply a certain law to the evidence that was presented to them and then render a verdict
- have to be unanimous in Canada otherwise it is considered a hung jury
- composed of 12 people with as few as 10 people
- most people would rather not have a jury trial

Benefits

- perceived greater legitimacy and public acceptance (vs judge alone)
- teaches citizens about laws
- conscience of community (allows community to have a say)
- heterogenous juror are better fact finders

Main Characteristics

1. representative of the community that are drawn from registered voter lists
 - lawyers, doctors, police officers, firefighters (in small communities) people with certain offenses, vets (small communities) elected people all not allowed to be on jury

*juries are not actually very accurate representative of communities

2. Impartiality

- jurors will be screened for relationships with defendant
- lawyers know info shown through appearance, address and occupation. This means that they rely on their gut instincts about whether juror would be sympathetic

peremptory challenge: lawyer can dismiss potential juror member based on a stereotype that they do not have to explain why. Canada lawyers have 20 people they can boot off.

For cause challenge: lawyer has to argue that juror will be unable to be impartial and as such they should not be on jury. Unlimited amount. For cause challenge have to be proven.

*problem is that people are not very strong at knowing their own biases. People who are prejudice often don't understand these biases.

Studying Juries

-post trial interviews: public is not allowed to ask questions about the jury process in a certain case and juror is not allowed to tell any info in Canada. In the US jurors are allowed to tell about their juror experiences

-archival records to see patterns in history

Ex: are younger people more lenient on the opposite sex?

Juror Characteristics

-overwhelming factor that influences decision is based on evidence

-vast majority of cases have nothing to do with characteristics

-no consistency with age and sex and decisions from them

1. Personality

-modest effect on how people interpret evidence and decide on verdict (minimal role)

a) locus of control: whether you believe things happen because of internal or external characteristics. Defence wants jurors to believe that people have an internal locus of control where defence usually wants an external locus of control.

b) Belief in a just world: typically believe you get what's coming to you. Jurors with this belief are not very sympathetic towards victims.

c) Authoritarianism: person who is very conventional, hold rigid beliefs and are not very tolerant of weakness. Not very sympathetic of someone who has a weakness

Ex: will not upon a drug addict as weak.

-very sympathetic to authority figures (respectful)

-source of message as opposed to the content of the message is important

-Ex: will listen to a doctors opinion opposed to a criminals opinion

-Authoritarian people will flip decisions to follow the pattern of others.

*authoritarian people are hard to deal with as jurors as they flip flop

2. Defendant-juror similarity

-similarly-leniency hypothesis

-we feel we can relate to people who are in the same group as us based on gender, age, affiliation, etc. Makes us feel connected to people based on traits

-people are more sympathetic towards people who they can relate to and have similar characteristics

Norbert Kerr et al. 1995

-race of defendant was, strength of evidence was manipulated. Researchers found that in general we tend to treat racially similar defendants more leniently than people of other races but only if evidence was weak or moderate. Lawyers who have moderate to weak evidence should therefore want jurors to be the same race as defendant. If evidence was strong race of the jurors compared to defendant didn't matter. If there is

strong evidence and racially similar jurors are in a minority in the juror they are going to be more punitive than the non similar jurors. This is due to these people wanting to reject the defendant as they want to show that this person is not representative of 'my people'.

Jury Selection

- eliminate jurors who are least sympathetic based on stereotypes

Zeisel & Diamond (1978)

- during juror selection as jurors were being kicked off with no reasoning. After they were kicked out of actual juror they were put onto a shadow jury which followed the case to the end. The hypothesis was that if these juries were not good for the case than their decision or ruling would be different from the jury who was actually on the case. The results showed that they were very consistent with the decisions of the actual jury.

Selection Strategies Olczak (1991)

- lawyers, law students, college students looked at video of interviews with potential jurors and were then asked if they would select or not select jurors.

- results showed that there was not difference between the 3 groups \

Jurors Decision Making

Expectations

- set aside prejudice/preconceptions

- attend to large amount of info, complex, withhold judgement

Pre Trial Publicity

- high profile cases that expose people to a variety of info about a specific case. The jury is asked to forget about all of that info that they have been exposed to.

- deleting this info does not work even when instructed to

Mt Cashel orphanage Case

- groups were exposed to different forms of media types reporting the crime

 - most biased ppl were those who saw the info from a variety of sources

 - 2nd most bias people exposed through TV

 - least bias read about the case

- *jurors did not think that they were bias although data says they were

- *efforts are made by law to find less bias/exposed people Ex: taking a trial to a different town

Inadmissible Evidence

- witness or lawyer makes inappropriate comment that is then objected by opposing sides lawyer

- objection will be overruled or admissible as decided by the judge

-when inappropriate info is overruled and judge tells jury to disregard the jury does not and actually highlights the info and gives it more weight
this is due to

1. Ironic Processing: instructions to not think about something forces us to think about it more EX: dont think about white bears during your test
2. Reactance Theory: We want to keep our freedom and we do not react well to being told what to do

Pickel (1995)

-mimic theft in a workplace where some jurors were exposed to heresay evidence. This evidence could not be forgotten by jury and was actually highlighted. Evidence is dangerous especially when it contains info about a defendants past criminal record

Defendant Characteristics

1. Criminal History

2. Physical Attractiveness

- study shows that people are found less guilty if they are attractive (burlary case)
- if they are attractive and use this as a way to steal than they recieve harsh punishments (swindling case)
- attractive people get lenient punishments vs unattractive people (Darby & Jeffers 1998)
- good looking jurors more lenient with good looking defendants

Real Court Proceedings

- Stewart finds that verdicts are not strongly related to good looks but leniency in sentences are easier on attractive people
- Downs & Lyons 1991 found felonies (serious crimes) attractiveness did not matter verdict would be the same but for misdemeanors verdict would be less severe to attractive people

Do Jurors Understand the law

- judges interactions are a source of confusion that contributes to not understanding law
- jurors not allow to take notes in Canada
- writing of the law is vague and unclear

Timing of Instructions

- read legalities before the case begins would help juror understand where certain elements of a case fall into legal areas.
- Smith 1991 found that there is a higher conviction rate for those jurors who only are exposed to legalities after the case compared to jurors who are exposed to legalities before
- Heuer & Penrd found that there was no difference in verdicts between post and pre +post juror groups but the pre+post juror group enjoyed their experience more

How Do Jurors Process Info

1. Story Model

-as evidence comes forward juror changes the story
Ex: Oscar Pistorious Case

2. Carlson & Russo 2001

-make decisions early and seek out info that backs early belief/bias
-pre disposition distribution and shaping story to make it fit bias

Group Processes In Jury Decisions

-certain characteristics make people more influential
-going into the meeting majority rules principle always rules
-Kalven & Zeisel 1966 found that 209/215 cases majority decision ruled. Shown by asking jurors before the meeting what there initial gut feeling told them about the verdict

Foreperson: person who organizes and moderates meeting

-usually has a position of power in society or job
-often have worked on jurors before
-selected quickly and informally

Deliberation Process: 3 Steps

1. Orientation Step

-discuss how they want to proceed and major issues in the case
verdict driven: vote immediately (30%)
evidence driven: discuss systematically
others: begin by discussing witness

2. Open Conflict Phase

-difference in opinions
-coalitions forms, tone is confrontational, characters are often attacked
-votes are changed by persuasion or informal or narrative purposes

3. Reconciliation Phase

-kiss and make up
-feel confident about the verdict jury has come to

Jury's time: 70%-75% of time is based on discussing evidence 20% is based on discussing law

-serving as a juror does not make you an expert.

Unanimous Vs Majority Jury Decisions

-majority juries spend more time voting and vote often. They do not spend as much time talking about evidence. Normative pressure and quicker decisions.

Jury Size

-12 in Canada (minimum 10)

-USA can have 6 in non capital cases

Advantages of larger jury

- more chance at remembering key evidence
- more representative of population
- verdicts are more nysnc with communities views

Jury Nullification

- some argue jury should have to follow law while others do not
- Kvevorkian (Dr who assisted in suicide) acknowledged he was guilty for this. Jury has not found him guilty and has not sentenced him
- concerns over jury being able to overpower legal system
- lenient to sympathetic defendant while more punitive on non sympathetic defendants

Psychology and Law

April 3

Sentencing

- most viable & controversial aspect of legal system
- has to do with different goals between psychology and law

Sentencing Goals

- contribute to respect for law
- maintenance of just, peaceful safe society by imposing sanctions on those who commit crimes

Specific Deterrence: deter crime by arousing fear of punishment in specific individuals.
not terribly effective as we have many repeat offenders

General Deterrence: preventing crime by arousing fear in the general public

Sentencing Goals

Denunciation: criticize something. identify the crime as inappropriate

Incapacitation: reducing crime by making it difficult/impossible to reoffend Ex: jail time

Rehabilitation: attempt to change behaviour by promoting law abiding behaviours

Reparations: attempt to repay people/individuals for wrong doings

Responsibility: whatever sentence is handed down should convey to offender and society that we are responsible for our own actions

Judges consider more than one goal

- goals may be incompatible
- sentencing disparity (similar crimes having different sentences)

Offender Characteristics

-DUI (15%)

- Common Assault (12%)
- Theft (11%)
- Failure to appear (9%)
- *males and young males are over represented

Federal Statue Charges

1. Blocking the administration of justice 1/5 people charged with a federal crime
 - people do not show up for court or don't pay fine

Incarceration Facts

- Americans incarcerate more people than any other country by a long shot
- 1/99 american adults incarcerated while 3.2% of population on house arrest/parole
- African Americans account for 46% of inmate population but only 12% US population
- African American 5x more likely to be arrested than Euro-Americans
- incapacitation soared between 1985-1995 due to Pres. Regan fight on drugs which lengthened sentences and incarcerated more people for smaller amounts if caught with

-18% of incarcerated population in Canada is Native Aborigines. Only 3.1% of our population

- 53% below grade 10 math, language skills
- non violent crimes 48% federal 83% provincial prisoners
- high rates of mental disorders: 15% major affective disorder, 85% substance abuse, 64% antisocial personality disorder

*many of these disorders are co-occurring disorders (people with 1 known disorder that stems as a result from a more serious disorder Ex: alcoholic because they are depressed)

schizophrenia 7x greater, bipolar 4x greater, major depression 2x greater, severe alcohol 3x greater, severe drug abuse 5x greater,

*serious mental disorders are very represented in jail and are more prevalent than general society

-6.5%-10% serious mental disorder, 15%-40% moderate mental disorder

Correctional Psychology

Psychological Services:

- assessment: determine whether offender has a mental disorder/problem
- treatment: determine what treatment method is appropriate

- crisis intervention: when there is a major problem with offender Ex: suicide threat
- intake assessment identify what threats offender poses or criminogenic needs
- criminogenic needs*: any factor that relates to the increased likelihood of recidivism

Principles of Sentencing

- need to be proportionate to gravity of offense
- degree of responsibility
- mitigating factor*: reduces offenders responsibility for crime
- avoid depriving liberty: least restrictive penalty possible
- consecutive. offender serves both penalties at the same time

Sentencing Options

1. Absolute Discharge: excused. no penalty. no criminal background
2. Conditional Discharge: excused with conditions. If conditions followed discharge becomes absolute. If rules are followed person goes to jail.
3. Restitution: Payment usually to a victim for medical expense, lost wages, damage
4. Fines:
5. Conditional Sentence: serves sentence in community. has criminal record. conditions need to be met to avoid jail time
6. Imprisonment: goes to jail

High-Risk Offenders

1. Dangerous offender designation
 - shows a pattern of unrestrained behaviour and likely to be dangerous upon release
 - show that their behaviour was unusually brutal, failure to restrain sexual impulses,
 - person serves time in prison indefinitely even after prison term because of designation
2. Long Term Offender
 - reasonable probability of risk control
 - with appropriate measures in place they can control the risk they have
 - face additional supervision in the community upon release

Sentencing Disparity

- Variations in Judges Decisions due to
- objective facts and judge specific knowledge
 - *who the judge is and what they value

Unwarranted Sentencing Disparity

1. Systematic Disparity: consistent disagreement among judges
 - general gist of how punitive or not the judge is
2. Unsystematic Disparity: disparity that is an individuals judges inconsistencies
 - judge being punitive one day and non punitive the next. Unpredictable

McFatter Study

- study where judges were asked to rank the seriousness of crimes

- predictability about more serious and less serious crimes. Judges did not vary in the rankings of these
- Judges varied in the rankings of middle ground cases. This showed that some judges were either very punitive or not punitive
- some judges showed unsystematic disparity by having different answers to the same case question when asked during separate times
- provincial disparities for the same crime
Ex: break and entering in Ontario, 66% chance at going to jail vs 33% in Quebec
- male and female judges are very comparable in conviction rates however male judges are more lenient than female judges when the defendant was a woman.

Attributions made by Judge:

- Internal vs External causes: if crime is internally based sentencing is more lenient
- Stable vs Unstable: is criminal behaviour is unstable than we are more punitive
Ex: has the person had 1 DUI charge or 10?
- Controllable vs less controllable: can offenders actions be controlled

Statistics on Prisons

- In Canada \$67,700/year (Federal Prisons) which is 2.4 billion in Canada yearly
- USA \$49 billion/year

Imprisonment

....

Does Prison Work

- not really as stats show that crime rate is larger in more punitive countries
- new recruits to the field always after an offender is caught and put in jail
- US: failure as 67% recidivism rate for serious crime
- Canada: concerted attempts to improve works for rehabilitation

Petersilia 1986

- rate of recidivism was lower for all 3 crimes for those people who received lesser punishment (probation) compared to those who went to prison
- drug offenders recidivism rate 11% higher, violent offenders 37% higher and property crime 17% higher for those people who went to jail vs those who were on parole

Gendreau

- longer prison sentences increased recidivism rates

Offender Treatment

- "It Depends"
- controversy in literature that says treatment works vs treatment doesn't work
- offender treatment programs need to be
- best treatment programs target the higher risk offenders,
- Main characteristics of proven offender treatment: RNR
 1. Risk Principle: target high risk offenders need to be fixed first

2. Need Principle: target each offenders criminogenic needs

3. Responsivity Principle: intervention style should match offenders learning style, motivations and abilities

2. Cognitive Behavioural Techniques Vs Behavioural Modification techniques

Effectiveness is related to:

1. Intensive

2. Inclusion of individual sessions

3. Anger control focus

*reduced recidivism 25%-50%

3. Interpersonal Processes

-therapist behaviours need to be firm but fair

-warmth, enthusiasm, personally respectful style presenting, program rules clearly outlined, exerting authority, frequent praise for prosocial behaviours.

*all of these traits/things need to be done by a therapist

4. Program Quality

-trained professional

-monitoring implementation

-provision in research context

*traits all related to lowering recidivism rates