

Exercises in Forensic Psychology

PSY 330.01
Wesleyan College
Fall 2008

****Keep in mind that many of these readings and issues can be controversial and there may be passionate arguments for either side. Be respecting of your fellow students' opinions during class discussions. It is also a good idea to learn to discern whether your reactions to an issue are emotional or logical (or both). Sometimes you still just feel things that are not supported by the data, and I can understand that. However, you should be careful then to not talk about those feelings as if they were supported by evidence, or discredit the evidence because it does not match your feelings on the matter (although coming up with legitimate critiques of the research is certainly welcome). ****

Exercise 1

Forensic psychology defined

(a) Read the following article:

Brigham, J. C. (1999). What is forensic psychology, anyway? *Law and Human Behavior*, 23(3), 273-298.

1. So, what is forensic psychology? Why is this term often confusing to those in the field? When you initially thought of forensic psychology, what types of professional activities did you have in mind?



(b) Read the following article:

Hanson, R. K. (2000). Will they do it again? Predicting sex offense recidivism. *Current Directions in Psychological Science*, 9(3), 106-109.

For a recent related news story, check out the following news story:

<http://www.timesargus.com/apps/pbcs.dll/article?AID=/20080714/NEWS/133053252>

1. Laws are important but they often set up conflicts. One such conflict is that between the rights of individuals vs. the common good. How does the topic of the above article relate to that conflict?

2. Do a basic search for the case of *Kansas v. Hendricks*. Generally speaking, what was the outcome of this case? Do you agree with this outcome? Do you feel that psychologists and psychiatrists have something to contribute to this area of research and monitoring? Why might some people disagree with your response?

Exercise 2

SCOTUS

Read Wikipedia's entry on the Procedures of the Supreme Court of the United States (Yes, I know, I won't let you cite it, but I'll ask you to read it. Sometimes life is unfair like that.):

http://en.wikipedia.org/wiki/Procedures_of_the_Supreme_Court_of_the_United_States

1. What is a writ of certiorari and a Rule of four?
2. Do all justices have to write their own opinions?



3. Describe what it means to say someone is the petitioner or the respondent. How does this equate to the original ideas of defendant or prosecution?

Do a little online research and see if you can find out who are the a) funniest and b) quietest current members of the Supreme Court. ☺

Exercise 3

Ethical issues of applied psychology

Read the following selections:

News service article on "Dr. Death", James Grigson (available on WebCT):

Vincent, B. (1996). Dr. Death's demise? Prosecutors shun death penalty expert.

Chapter 1 from Hagan's book, *Whores of the court: The fraud of psychiatric testimony and the rape of American justice*. This book is available as a .pdf download here:

<http://whoresofthecourt.com/>

Faigman, D. J. & Monahan, J. (2005). Psychological evidence at the dawn of the law's scientific age. *Annual Review of Psychology*, 56(1), 631-660. – **You only need to read pages 638-647!!**

1. What were the basic issues with Dr. Grigson and his work? Relate this to what Hagan is presenting in the first chapter of her book. How do you feel about these issues?
2. What is the Daubert standard? Who does this standard leave as the 'gatekeeper' of scientific knowledge? What kinds of considerations must be taken into account when thinking about who counts as an 'expert'?

Exercise 4

Brown v. Board of Education

Read the following selection:

Van Delinder, J. (2004). Brown v. Board of Education of Topeka: A landmark case unresolved fifty years later. From Prologue magazine, available here:

<http://www.archives.gov/publications/prologue/2004/spring/brown-v-board-1.html>

1. What right does the Fourteenth Amendment give citizens?
2. What problems did Linda Brown encounter in Topeka that eventually resulted in this case?
3. What precedent did the Plessy v. Ferguson (1896) ruling establish? How was that precedent related to Brown?
4. This case is based on what the concept of "equality" means. What are the conflicting points of view on this concept in this case?

Also, look over the original Brown v. Board of Education case here, and print out a copy to bring to class:

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=347&invol=483>

We'll be going over how to read a court case in class.

Exercise 5

Proposed causes of crime

Each student will be assigned one chapter to read and informally present from Raine's The Psychopathy of Crime: Criminal Behavior as a Clinical Disorder. You will receive further info about this in class.

- Crime in the context of evolution
- Genetics and Crime
- Neurochemistry
- Neuropsychology
- Other biological factors
- Cognitive deficits
- Familial influences
- Extrafamilial influences



Exercise 6

Violence in the school system

Look through the following:

FBI report on school shooting, from <http://www.fbi.gov/publications/school/school2.pdf>

Search Gallup for polls on school shooting: <http://www.gallup.com/>

1. Based on your knowledge of media coverage on school shootings (do a search if you're unfamiliar with the details), do you agree with the personality and familial characteristics discussed in the report?
2. This report is technically available to the public, but it's likely that few laypeople read it when it came out. If they had, do you think it would lead them to feel more or less secure about school safety? Consider the warning that the report gave about not taking one factor into isolated consideration...why would they emphasize this?
3. Briefly describe the information included in the Gallup poll(s) that you found.

Exercise 7

Eyewitnesses

Read the following selections:

Ch 3 from Actual innocence: When justice goes wrong and how to make it right

Wells, G. L. et al. (2000). From the lab to the police station: A successful application of eyewitness research. *American Psychologist*, 55(6), 581-598.

1. DNA, in some cases, has the capability to exonerate those who have been wrongly convicted. Why might DNA not help in a given case?
2. Define system and estimator variables and give an example of each.
3. What instruction do researchers recommend for eyewitnesses who are viewing a lineup?
4. What is meant by the use of simultaneous versus sequential lineup presentation? Include the concepts of relative versus absolute judgment in your explanation.
5. Discuss the relationship between the confidence of a memory and the accuracy of a memory. What tends to increase an eyewitness' confidence?

Exercise 8

More eyewitnesses

Read the following article:

Brigham, J. C. et al. (2007). The influence of race on eyewitness memory.

http://digitalcommons.utep.edu/cgi/viewcontent.cgi?article=1027&context=christian_meissner

1. How do psychologists explain the cross-race effect? Provide both a cognitive and social explanation. (pp. 132-133)
2. Look through newspaper sources for a real-life case which involved at least one eyewitness and note the factors that could have influenced the eyewitness(es) in that particular case.



Exercise 9

Repressed memories/daycare scandals

Read the following article:

Loftus, E. (2004). Memories of things unseen. *Current Directions in Psychological Science*, 13(4), 145-147.

Check out this page from Douglas Linder at UMKC about the McMartin Preschool Case:

<http://www.law.umkc.edu/faculty/projects/ftrials/mcmartin/mcmartin.html>

Be sure to go through all of the links on the left-hand side of the page.

1. If recovered memories are not true memories, then where could they come from? What issues can you find with the McMartin case that (in hindsight) seem problematic for the gathering of accurate information?
2. The American Psychological Association appointed a group of six psychologists to work together as a Working Group on Investigation of Memories of Childhood Abuse. What was the result of this group's work? *You might need to refer back to the Brigham article from Exercise 1 for this question*
3. Do some sleuthing to see if you can find out the delayed reporting statutes for sexual abuse in Georgia.

Exercise 10

Criminal profiling

Read the following article:

Torres, A. N., Boccacchini, M. T., & Miller, H. A. (2006). Perceptions on the validity and utility of criminal profiling among forensic psychologists and psychiatrists. *Professional Psychology: Research and Practice*, 37(1), 51-58.

Malcolm Gladwell's New Yorker article: Dangerous minds: Criminal profiling made easy

http://www.newyorker.com/reporting/2007/11/12/071112fa_fact_gladwell

1. What are your own personal feelings about the validity and utility of profiling? How do your feelings compare to those of the authors?
2. Take a minute to do some basic sleuthing on the basic or average profile for serial killers. Taking this profile into consideration, why might it be a good idea to use a profile when searching for someone? Why might it be a bad idea? Can you come up with cases in recent history where the profile has been dead on or where it has fallen short?

Exercise 11

Confession Issues

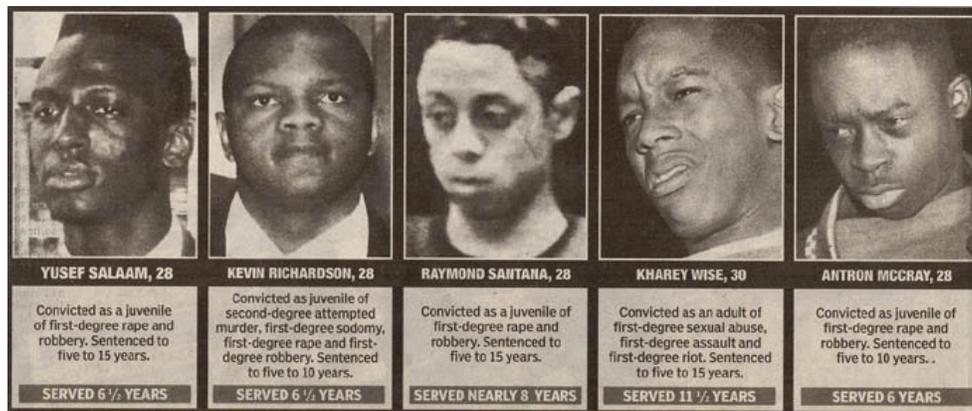
Read the following chapter and articles:

Ch 4 from Actual innocence: When justice goes wrong and how to make it right

Meissner, C. A., Hogan, A. J., & Albrechtsen, J. S. (in press). False confessions. In R. Kocsis's (Ed.) Applied criminal psychology: A guide to forensic behavioral sciences.

Kassin, S. M. (Nov 1, 2002). False confessions and the jogger case. New York Times, p. A31.

1. How far should police go to get a confession? Does this change depending on the age of the suspect?
2. Explain the fundamental attribution error as it relates to a confession. Given this error, do you think that the confessing defendant is likely to be convicted?



The confessed attackers of the Central Park jogger. Others escaped apprehension. Steve Lopez (not shown) plea bargained to a lesser charge.

Exercise 12

More confession issues

Kassin, S. M. (2005). On the psychology of confessions: Does innocence put innocents at risk? *American Psychologist*, 60, 215-228.

Be familiar with the following cases. For these two cases it is okay to read the general summary vs. the entire opinion.

Miranda v. Arizona:

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=384&invol=436>

Brewer v. Williams (aka the “Christian burial case”):

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=430&invol=387>

1. If you wanted to tell someone outside of psychology about the research in the first article, what would be your three main points?
2. How do the findings of the court cases relate to coerced confessions? When you consider those findings, do you feel that the criminal justice system has moved toward more of those protections over time or fewer? In other words, has the movement been toward a more due process or crime control orientation?

Exercise 13

Hypnosis & Entrapment

Rock v. Arkansas:

Check WebCT for the annotated copy.

Jacobson v. United States:

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=503&invol=540>

Come to class prepared to work on a summary of *Jacobson v. US*.



Exercise 14

Plea bargaining

Gregory, W. L., Mowen, J. C., & Linder, D. E. (1978). Social psychology and plea bargaining: Applications, methodology, and theory. *Journal of Personality and Social Psychology*, 36(12), 1521-1530.

Lynch, T. (2003). The case against plea bargaining. *Regulation*, Fall, 24-27.

Look over the website accompanying “The Plea”:

<http://www.pbs.org/wgbh/pages/frontline/shows/plea/>

1. Should plea bargaining exist? Why are defendants motivated to plea bargain? Why are prosecutors motivated to plea bargain? What would an advocate of plea bargaining say justifies the existence of this procedure? What would a critic say?

Exercise 15

Criminal mental health issues

Textbook information (criminal mental health)

Sell v. United States (summary only):

<http://www.law.cornell.edu/supct/html/02-5664.ZS.html>

Related articles involving “Kendra’s law”:

<http://query.nytimes.com/gst/fullpage.html?res=9C05EFD6173DF930A15750C0A9669C8B63>

<http://www.nytimes.com/2006/11/03/nyregion/03kendra.html>

1. Should defendants who have been stabilized on medication so that they are competent to stand trial be allowed to go off that medication during the trial so that they can demonstrate psychological impairment?



Exercise 16

Civil mental health issues

Rosenhan, D. (1973). On being sane in insane places. *Science*, 179, 250-258.

Rebuttals to Rosenhan, various authors, *Science*, 180, 356-359.

1. What were some of the basic criticisms of the original article? Do you share those concerns? Do you think the current system has corrected problems seen in Rosenhan's day?
2. Do some sleuthing and find out the basic guidelines for civil commitment within the state of Georgia.

Exercise 17

Jury issues

Read the following selections:

Batson v. Kentucky:

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=476&invol=79>

1. Summarize the Batson case. Was the Batson decision a good one? Are there other characteristics that you feel should be protected in the same way (either in addition or in lieu of race) that the court protected race in this instance? How easy or difficult do you think it is to enforce this ruling?
2. Should trial consultants be allowed? Do you have any reservations about consultants assisting defense lawyers in their selection of a jury? Does the fact that trial consultants often assist rich defendants influence the validity of the assumption that everyone is treated equally by the courts?

Exercise 18

More jury issues

Read the following articles:

Cowan, C. L., Thompson, W. C., & Ellsworth, P. C. (1984). The effects of death qualification on jurors' predisposition to convict and on the quality of deliberation. *Law and Human Behavior*, 8, 53-79.

Lockhart v. McCree:

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=476&invol=162>

Take notes on the most important or interesting facts from each of these readings.

Exercise 19

Even more jury issues

Read the following article:

Ellsworth, P. & Reifman, A. (2000). Juror comprehension and public policy: Perceived problems and proposed solutions. *Psychology, public policy, and law*, 6(3), 788-821.

1. Should anyone who wants to have the right to be exempt from jury service? Why or why not?
2. What are some of the jury reforms suggested by Ellsworth and Reifman? How feasible do you feel it would be to implement these reforms?

Exercise 20

Death Penalty

Read the following case and browse through these websites:

McClesky v. Kemp:

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0481_0279_ZS.html

For a collection of stats similar to those from the Baldus study, see here:

<http://www.aclu.org/capital/unequal/10389pub20030226.html>

Capital Jury Project:

<http://www.albany.edu/scj/CJPwhat.htm>

APA resolution on the death penalty:

<http://www.apa.org/pi/deathpenalty.html>

Opinions on the death penalty from both sides:

<http://www.pbs.org/now/society/deathpdebate.html>

1. Should what you've done with your life lately be a factor in granting clemency? That was one of the questions considered in the Stanley Tookie Williams case. Williams, once a founder and a leader of a street gang, later in life worked to provide an anti-violence message for at-risk youth, and wrote children's books. While he claimed to be innocent of the crimes for which he was convicted, his lawyers requested clemency based on the good that he did while in prison. Should the crime have outweighed what he had done since?
2. Some have argued that they are against the death penalty due to the concern that those in the legal system can make errors that could result in the wrong person being put to death. Would it matter if we made the system less likely to yield an error? That is precisely what Governor Mitt Romney proposed to do in Massachusetts. He proposed to bring back the death penalty to Massachusetts and make it virtually fool-proof. How would he do this? There would have to be "conclusive scientific evidence" (i.e., DNA or

fingerprints), and the death penalty would be allowed only if a sentencing jury (the defendant would have the option of having one or two juries) finds there is “no doubt” about a defendant’s guilt (this changes the standard from “beyond a reasonable doubt”). Every defendant would get at least two attorneys, any scientific evidence would be examined by a review board, and every death sentence would be reviewed by the state’s highest court. Opponents said that this approach would be very expensive (e.g., extra lawyers) and would result in very few death sentences. In November of 2005, state legislators voted 100-53 to kill Romney’s ‘gold standard’ death penalty bill. What do you think of Romney’s idea?