

**Psychology and Law**

**Course: CJ-652**

**School of Criminal Justice Dr. Colleen Berryessa**

**Rutgers University, Spring 2020 Office: CLJ, Room 579G**

**Tuesday, 1:00 pm to 3:40 pm in Room CLJ 572 Phone: 973-353-3456**

**Office Hours: Tuesday 11:30am to 1:00 pm Email:** [**colleen.berryessa@rutgers.edu**](mailto:colleen.berryessa@rutgers.edu)

**COURSE DESCRIPTION**

The primary goal of this course is to provide a graduate-level introduction to the field of psychology and law. These two fields are intimately related: Psychology is the study of the human mind and behavior, while the law is the societal regulation of human behavior. This class will provide both breadth and depth of topics in the field by providing different theoretical views, research methods, empirical findings, policy debates, and applications in psychology and law. The interplay between psychology and the legal system has increased dramatically in the past 40 years to address issues such as: Can innocent people be convinced to confess to a crime? Can false memories be implanted in witnesses? Are there valid cues to when a person is lying? Are children more or less honest than adults as witnesses? And many more! By the end of the semester, the benefits and limitations of using psychology to shed light on problems of law and injustice will be covered.

**COURSE OBJECTIVES**

Upon completion of this course, students will:

1. Have a better understanding of various contemporary issues in the legal system.
2. Have a basic understanding of research methods in the study of psychology and law.
3. Understand how psychological research can inform legal policies and procedures.

The overall grade for each course requirement will be weighted by the percentage indicated in the course requirements section. A final grade point average for the course will be calculated. Final grades will be determined by assigning the highest of the following grade categories the student’s score meets or exceeds: A, B+, B, C+, C, D, or F.

**METHODS OF EVALUATION**

**Assignments on the readings** (15%): For **five** classes of your choice, I will ask you to write a **1-page double-spaced response paper**, either based on a discussion question you may have or in response to something you found interesting in the reading that week. For example, you may explain a point in the readings that you found most challenging or confusing. Because these responses will focus primarily on your understanding of the material, they will be graded mainly on effort according to the following scale: perfect (5 points), good (4 points), satisfactory (3 points), and poor/inadequate (0-2 points). **These response papers should be uploaded to Canvas by 1 pm one day before class.**

**PowerPoint presentation** (30%): At the beginning of the semester, you will be asked to sign up for one week’s topic to give a **30-minute PowerPoint presentation** on a journal article of your choice related to that week’s topic (**please make sure to have the article approved by me at least a week in advance of your presentation!**). The article must be empirical (meaning it involves data, an experiment, etc.). The PowerPoint will involve you presenting and explaining your chosen paper to the class, including the introduction, research question, methods, results, and discussion. You will be graded on your presentation and slides, which should be **uploaded to Canvas no later than 11:59 pm the day before the presentation**. You will walk your classmates through each part of the paper, stimulating discussion. A separate handout will give additional information and tips on what is expected of you.

**Final paper** (45%): Students will prepare a 12- to 15-page final research paper involving class themes. While you can certainly build off materials discussed in class, you must supplement these with additional readings based on your research. The paper should provide an in-depth analysis of something related to the topics covered in the course, specifically supporting your thesis with outside empirical research. Additional information on what is expected of you and some pointers on how to write a good paper will be given on a handout.

* You should have your topic approved via email by **October 10th 2023by midnight,** or your participation grade will suffer.
* Either a complete rough draft of the paper OR a detailed outline of your paper’s structure and arguments (at least five pages) along with an annotated bibliography of at least ten sources should be uploaded to Canvas by **November 14th 2023 by 11:59 pm** (worth **15%** of the final paper grade). You will receive feedback to help you write the final paper.
* The final paper should be uploaded to Canvas by **Sunday, December 17th 2023 by 11:59 pm** (the final draft of the paper will be worth **30%** of the paper’s grade).

**Class participation/attendance** (10%). Your grade for class participation and attendance will be based on how much and how well you consistently:

* Attend class, arrive on time, and notify me before class of potential absences
* Contribute to the class’s understanding of the material
* Relate the material to other course readings and topics
* Offer constructive criticism of the material
* Raise valuable questions about the readings and the session topic

**REQUIRED TEXTS**

**Required:** Bartol, C. R., & Bartol, A. M. (2018). *Psychology and Law: Research and Practice*. SAGE Publications. 2nd Edition.

**Additional required weekly readings outside the textbook, as noted below, will be posted to Canvas as PDFs.**

**COURSE SCHEDULE & READING ASSIGNMENTS**

**Week 1: Introduction (September 5th)**

*Psychology and Law: Research and Practice*, Ch.1

**Week 2: Psychology and the Courts (September 12th)**

*Psychology and Law: Research and Practice*, Ch. 2

Tyler, T. R., & Jackson, J. (2014). Popular legitimacy and the exercise of legal authority: Motivating compliance, cooperation, and engagement. *Psychology, Public Policy, and Law, 20,* 78-95.

Gromet, D. M., & Darley, J. M. (2006). Restoration and retribution: How including retributive components affects the acceptability of restorative justice procedures. *Social Justice Research*, *19*(4), 395-432.

Van Camp, T. (2017). Understanding victim participation in restorative practices: Looking for justice for oneself as well as for others. *European Journal of Criminology*, *14*(6), 679-696.

**Week 3: Discretion in Criminal Justice (September 19th)**

# [Discretion in the Criminal Justice System](http://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0083.xml) (Oxford Bibliographies, 2011). Available online at <http://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0083.xml>.

Foley, L. A., & Powell, R. S. (1982). The discretion of prosecutors, judges, and juries in capital cases. *Criminal Justice Review*, *7*(2), 16-22.

Bushway, S. D., & Forst, B. (2013). Studying discretion in the processes that generate criminal justice sanctions. *Justice Quarterly*, *30*(2), 199-222.

Robinson, P. H., Jackowitz, S. E., & Bartels, D. M. (2012). Extralegal Punishment Factors: A Study of Forgiveness, Hardship, Good Deeds, Apology, Remorse, and Other Such Discretionary

Factors in Assessing Criminal Punishment. *Vand. L. Rev.*, *65*, 737 – 805.

**Week 4: The Criminal Investigative Process (September 26th)**

*Psychology and Law: Research and Practice*, Ch.3

Kassin, S. M. (2008). Confession evidence: Commonsense myths and misconceptions.

*Criminal Justice and Behavior, 35,* 1309-1322.

Kukucka, J., & Kassin, S. M. (2014). Do confessions taint perceptions of handwriting evidence? An empirical test of the forensic confirmation bias. *Law and Human Behavior*, *38*(3), 256-270.

Nash, R. A., & Wade, K. A. (2009). Innocent but proven guilty: Eliciting internalized false confessions using doctored‐video evidence. *Applied Cognitive Psychology, 23*(5), 624-637.

Kassin, S. M., Drizin, S. A., Grisso, T., Gudjonsson, G. H., Leo, R. A., & Redlich, A. D. (2010). Police-induced confessions: Risk factors and recommendations. *Law and human behavior*, *34*(1), 3-38.

**Week 5: Eyewitness Evidence (October 3rd)**

*Psychology and Law: Research and Practice*, Ch.4

Wells, G. L., Small, M., Penrod, S., Malpass, R. S., Fulero, S., & Brimacombe, C. A. E. (1998).

Eyewitness identification procedures: Recommendations for lineups and photospreads. *Law and*

*Human Behavior,* 22, 603-647.

Lindsay, R. C., & Wells, G. L. (1985). Improving eyewitness identifications from lineups: Simultaneous versus sequential lineup presentation. *Journal of Applied Psychology*, 70(3), 556-564.

Meissner, C. A., Brigham, J. C., & Butz, D. A. (2005). Memory for own‐and other‐race faces: A dual‐process approach. Applied Cognitive Psychology: The Official Journal of the Society for *Applied Research in Memory and Cognition*, 19(5), 545-567.

**Week 6: The Trial Jury (October 10th)**

*Psychology and Law: Research and Practice*, Ch.5

Crocker, B. C., & Kovera, M. B. (2010). The effects of rehabilitative voir dire on juror bias and decision making. *Law and Human Behavior, 34,* 212-226.

Pennington, N., & Hastie, R. (1992). Explaining the evidence: Tests of the Story Model for juror

decision making. *Journal of personality and social psychology*, *62*(2), 189-206.

Sommers, S. R., & Norton, M. I. (2008). Race and jury selection: Psychological perspectives on the peremptory challenge debate. *American Psychologist*, *63*(6), 527-539.

Lieberman, J. D., Krauss, D. A., Heen, M., & Sakiyama, M. (2016). The good, the bad, and the ugly: Professional perceptions of jury decision‐making research practices. *Behavioral sciences & the law*, *34*(4), 495-514.

**Week 7: Jury and Judicial Decision Making (October 17th)**

*Psychology and Law: Research and Practice*, Ch.6

Glynn, A. N., & Sen, M. (2015). Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?. *American Journal of Political Science*, *59*(1), 37-54.

Nuñez, N., Schweitzer, K., Chai, C. A., & Myers, B. (2015). Negative emotions felt during trial: The effect of fear, anger, and sadness on juror decision making. *Applied Cognitive Psychology*, *29*(2), 200-209.

Feigenson, N. (2016). Jurors’ emotions and judgments of legal responsibility and blame: What does the experimental research tell us? *Emotion Review, 8,* 26-31.

Berryessa, C. M. (2019). Judicial Stereotyping Associated with Genetic Essentialist Biases toward Mental Disorders and Potential Negative Effects on Sentencing. *Law & Society Review*, *53*(1), 202-238.

**Week 8: Social Psychology and the Law (October 24th)**

McKimmie, B. M., Hays, J. M., & Tait, D. (2016). Just spaces: Does courtroom design affect how the defendant is perceived?. *Psychiatry, Psychology and Law*, *23*(6), 885-892.

Kang, J., Bennett, M., Carbado, D., & Casey, P. (2011). Implicit bias in the courtroom. *Ucla l. Rev.*, *59*, 1124-1187.

Peer, E., & Gamliel, E. (2013). Heuristics and biases in judicial decisions. *Ct. Rev.*, *49*, 114-120.

Salerno, J. M., & Peter-hagene, L. C. (2015). One Angry Woman: Anger Expression Increases Influence for Men, but Decreases Influence for Women, During Group Deliberation. *Law and Human Behavior*, *39*(6), 581-592.

Berryessa, C. M. (2018). The effects of psychiatric and “biological” labels on lay sentencing and punishment decisions. *Journal of Experimental Criminology*, *14*(2), 241-256.

**Week 9: Competencies and Criminal Responsibility (October 31st)\***

**\*GUEST LECTURE BY DR. MIA THOMAIDOU**

*Psychology and Law: Research and Practice*, Ch.7

Wishart, H. (2018). Young Minds, Old Legal Problems: Can Neuroscience Fill the Void? Young Offenders & The Age of Criminal Responsibility Bill—Promise and Perils. *The Journal of Criminal Law*, *82*(4), 311-320.

Gowensmith, W. N. (2019). Resolution or resignation: The role of forensic mental health professionals amidst the competency services crisis. *Psychology, Public Policy, and Law*, *25*(1), 1-14.

Guarnera, L., & Murrie, D. (2017). Field Reliability of Competency and Sanity Opinions. *Psychological Assessment*, *29*(6), 795-818.

Iudici, A., Salvini, A., Faccio, E., & Castelnuovo, G. (2015). The Clinical Assessment in the Legal Field: An Empirical Study of Bias and Limitations in Forensic Expertise. *Frontiers in Psychology*, *6*, 1831.

**Week 10: Children, Adolescents, and the Criminal Law (November 7th)**

*Psychology and Law: Research and Practice*, Ch.8

Trinkner, R., & Tyler, T. R. (2016). Legal socialization: Coercion versus consent in an era of mistrust. *Annual Review of Law and Social Science*, *12*, 417-439.

Chein, J., Albert, D., O’Brien, L., Uckert, K., & Steinberg, L. (2011). Peers increase adolescent risk taking by enhancing activity in the brain’s reward circuitry. *Developmental Science, 14,* F1-F10.

Cohen, A. O., Breiner, K., Steinberg, L., Bonnie, R. J., Scott, E. S., Taylor-Thompson, K., ... & Silverman, M. R. (2016). When is an adolescent an adult? Assessing cognitive control in emotional and nonemotional contexts. *Psychological Science*, *27*(4), 549-562.

Rodriguez, N. (2007). Restorative justice at work: Examining the impact of restorative justice resolutions on juvenile recidivism. *Crime & Delinquency*, *53*(3), 355-379.

**Week 11: Psychology and Family Law (November 14th)**

*Psychology and Law: Research and Practice*, Ch.9

Beck, C. J., Holtzworth‐Munroe, A., D'Onofrio, B. M., Fee, H. W. C., & Hill, H. F. G. (2009). Collaboration between judges and social science researchers in family law. *Family Court*

*Review*, *47*(3), 451-467.

Gourley III, E. V., & Stolberg, A. L. (2000). An empirical investigation of psychologists' custody evaluation procedures. *Journal of Divorce & Remarriage*, *33*(1-2), 1-29.

Turoy‐Smith, K. M., & Powell, M. B. (2017). Interviewing of children for family law matters: A review. *Australian Psychologist*, *52*(3), 165-173.

Naughton, C. M., O’Donnell, A. T., Greenwood, R. M., & Muldoon, O. T. (2015). ‘Ordinary decent domestic violence’: A discursive analysis of family law judges’ interviews. *Discourse & Society*, *26*(3), 349-365.

**THANKSGIVING BREAK (NO CLASS – NOVEMBER 21st)**

**Week 12: Involuntary Civil Commitment (November 28th)**

*Psychology and Law: Research and Practice*, Ch.10

Makin, D. A., Bernat, F. P., & Lyons, J. A. (2018). Who decides civil commitments? A statewide analysis of initial hold requests. *Victims & Offenders*, *13*(8), 1171-1192.

Hiday, V. A. (1988). Civil commitment: A review of empirical research. *Behavioral Sciences & the Law*, *6*(1), 15-43.

Evans, S. A., & Salekin, K. L. (2014). Involuntary civil commitment: communicating with the court regarding" danger to other". *Law and human behavior*, *38*(4), 325-336.

Winters, G. M., Calkins, C., Greene-Colozzi, E., & Jeglic, E. L. (2019). Mental abnormalities in sexually violent predator evaluations: ethical use of paraphilic disorder diagnoses. *Journal of forensic psychology research and practice*, *19*(2), 170-185.

Cavaiola, A. A., & Dolan, D. (2016). Considerations in civil commitment of individuals with substance use disorders. *Substance abuse*, *37*(1), 181-187.

**Week 13: Psychology in Civil Litigation (December 5th)**

*Psychology and Law: Research and Practice*, Ch.11

Girvan, E., & Marek, H. J. (2016). Psychological and structural bias in civil jury awards. *Journal of Aggression, Conflict and Peace Research*, *8*(4), 247-257.

Vallano, J. P., & Slapinski, K. A. (2018). The Impact of Psychological Injury Evidence and Jurors’ Schemas on Civil Case Decisions. *Psychological Injury and Law*, *11*(4), 362-369.

Weinberg, J. D., & Nielsen, L. B. (2017). What is Sexual Harassment: An Empirical Study of Perceptions of Ordinary People and Judges. *. Louis U. Pub. L. Rev.*, *36*, 39-58.

Vines, P. (2015). Apologising for personal injury in law: Failing to take account of lessons from psychology in blameworthiness and propensity to sue. *Psychiatry, psychology and law*, *22*(4), 624-634.

**Week 14: Psychological Assessment and the Law (December 12th)**

*Psychology and Law: Research and Practice*, Ch.12

Skeem, J. L., & Monahan, J. (2011). Current directions in violence risk assessment. *Current Directions in Psychological Science*, *20*(1), 38-42.

Zapf, P. A., Kukucka, J., Kassin, S. M., & Dror, I. E. (2018). Cognitive bias in forensic mental health assessment: Evaluator beliefs about its nature and scope. *Psychology, Public Policy, and Law*, *24*(1), 1-10.

Monahan, J., & Skeem, J. L. (2016). Risk assessment in criminal sentencing. *Annual review of clinical psychology*, *12*, 489-513.

Eher, R., Olver, M., Heurix, I., Schilling, F., & Rettenberger, M. (2015). Predicting Reoffense in Pedophilic Child Molesters by Clinical Diagnoses and Risk Assessment. *Law and Human Behavior*, *39*(6), 571-580.

### **LATE OR MISSING ASSIGNMENT POLICY**

Assignments are due on their due date. If you want to request an extension, you MUST contact the professor at least ONE WEEK before the due date and document the reason for the extension.

### **CLASSROOM RULES**

Please turn the volume OFF on all cell phones, internet on computers, MP3 players, and any other electronic device before you come to class. Students who wish to dispute grades on any assignment will be offered an anonymous re-grading opportunity at the instructor's discretion. I will regrade your paper (anonymously and without knowing your original grade) along with a blinded individual to the grade. After the re-grade, you will be given the average of the two grades. You should recognize that this may increase or decrease your grade.

**ACADEMIC INTEGRITY**

As a member of the Rutgers University community, you are not to engage in academic dishonesty. You are responsible for adhering to basic academic standards of honesty and integrity as outlined in the Rutgers University Policy on Academic Integrity for Undergraduate and Graduate Students: <http://studentconduct.rutgers.edu/academic-integrity>

Your academic work should be the result of your individual effort, you should not allow other students to use your work, and you are required to recognize and reference any material that is not yours. Violations of the university’s policy will result in appropriate action.

**LANGUAGE STATEMENT**

The Rutgers University School of Criminal Justice (SCJ) encourages students, faculty, and staff to use *person-first* and *humanizing* language in their verbal and written communications.  Being mindful of the ways in which we describe people impacted by our criminal legal systems is an important step in restoring their dignity and humanity.  This evolution of language is an important piece of broader systemic shifts that are needed to make our justice systems more equitable.  We encourage *replacing* labels that refer to people as “offender,” “inmate,”  “parolee” or related terms with more neutral descriptors such as “person convicted of a crime,” “incarcerated person,” and “person under parole supervision.”  Additional details about why this is important can be found [here](https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.themarshallproject.org%2F2021%2F04%2F12%2Fthe-language-project&data=05%7C01%7Ccolleen.berryessa%40rutgers.edu%7C0701f5856e3343ce797f08db4595a435%7Cb92d2b234d35447093ff69aca6632ffe%7C1%7C0%7C638180281249226084%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=%2FD0OkahtZlWuCCaWUPcl1Z9R94GveN47Oh%2BcDCpzA3o%3D&reserved=0), [here](https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ncbi.nlm.nih.gov%2Fpmc%2Farticles%2FPMC6240232%2F&data=05%7C01%7Ccolleen.berryessa%40rutgers.edu%7C0701f5856e3343ce797f08db4595a435%7Cb92d2b234d35447093ff69aca6632ffe%7C1%7C0%7C638180281249226084%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=4Fei56%2FA3mPT6SiaNQXXKk2nlnDiC5bIFVqiMt75qfk%3D&reserved=0), and [here](https://onlinelibrary-wiley-com.proxy.libraries.rutgers.edu/doi/full/10.1111/1745-9125.12145).

**ACCOMMODATION AND SUPPORT**

Rutgers University-Newark (RU-N) is committed to the creation of an inclusive and safe learning environment for all students and the University as a whole. RU-N has identified the following resources to further its mission of access and support:

**For Individuals Experiencing Disability:** The Office of Disability Services (ODS) works with students with medical, physical, and/or mental conditions who encounter disabling barriers to determine reasonable and appropriate accommodations for access. Students who have completed the process with ODS and have approved accommodations are provided a Letter of Accommodation (LOA) specific to each course. To initiate accommodations for their course students must both provide the LOA and have a conversation with the course instructor about the accommodations. This should occur as early in the semester as possible. More information can be found at the RU-N ODS website (ods.newark.rutgers.edu). Contact ODS at (973) 353-5375 or via email at ods@newark.rutgers.edu.

**For Individuals who are Pregnant**: The Office of Title IX and ADA Compliance is available to assist with any concerns or potential accommodations related to pregnancy. Students may contact the Office of Title IX and ADA Compliance at (973) 353-5063 or via email at TitleIX@newark.rutgers.edu.

**For Short-term Absence Verification:** The Office of the Dean of Students can help with absences related to religious observance, emergency or unavoidable conflict (illness, personal or family emergency, etc.). Students should refer to University Policy 10.2.7 for information about expectations and responsibilities. The Office of the Dean of Students can be contacted by calling (973) 353-5063 or emailing deanofstudents@newark.rutgers.edu.

**For Individuals with temporary conditions/injuries:** The Office of the Dean of Students can assist students who are experiencing a temporary condition or injury (broken or sprained limbs, concussions, recovery from surgery, etc.). Students experiencing a temporary condition or injury should submit a request using the following link: https://temporaryconditions.rutgers.edu.

**For Gender or Sex-Based Discrimination or Harassment:** The Office of Title IX and ADA Compliance can assist students who are experiencing any form of gender or sex-based discrimination or harassment, including sexual assault, sexual harassment, relationship violence, or stalking. Students can report an incident to the Office of Title IX and ADA Compliance by calling (973) 353-1906 or emailing TitleIX@newark.rutgers.edu. Incidents may also be reported by using the following link: tinyurl.com/RUNReportingForm. For more information, students should refer to the University’s Title IX Policy and Grievance Procedures located at https://uec.rutgers.edu/wp-content/uploads/60-1-33-current-1.pdf

**For support related to Interpersonal Violence:** The Office for Violence Prevention and Victim Assistance (VPVA) can provide any student with confidential support. VPVA is a confidential resource and does **not** have a reporting obligation to Title IX. Students can contact the office by calling (973) 353-1918 or emailing run.vpva@rutgers.edu. VPVA also maintains a confidential text-based helpline available to students; students can text (973) 339-0734 for support. Students do not need to be a victim/survivor of violence to receive assistance; any student can receive services, information, and support.

**For Crisis and Concerns:** The Campus Awareness Response and Education (CARE) Team works with students in crisis to develop a plan of support plan and address personal situations that might impact their academic performance. Connect with the CARE Team by using the following link: tinyurl.com/RUNCARE or emailing careteam@rutgers.edu.

**For Psychological Support (Stress, Mood, Family Issues, Substance Use concerns and other personal challenges):** The Rutgers University-Newark Counseling Center provides individual therapy and support groups for students dealing with psychological issues. To schedule an appointment, email counseling@newark.rutgers.edu or call (973) 353-5805.

Additional support is available to any RU-N student through Uwill services:

* Umatch: Teletherapy with flexible scheduling, starting with a free account.
* Uhelp: Crisis support at 833-646-1526 (available 24/7/365).
* Urise: Wellness-based video collection with a free account.

Access Uwill@RUN at https://my.rutgers.edu using your netid. Services are confidential and free. **For emergencies**, call 911 or Rutgers University Police Department at (973) 353-5111.