

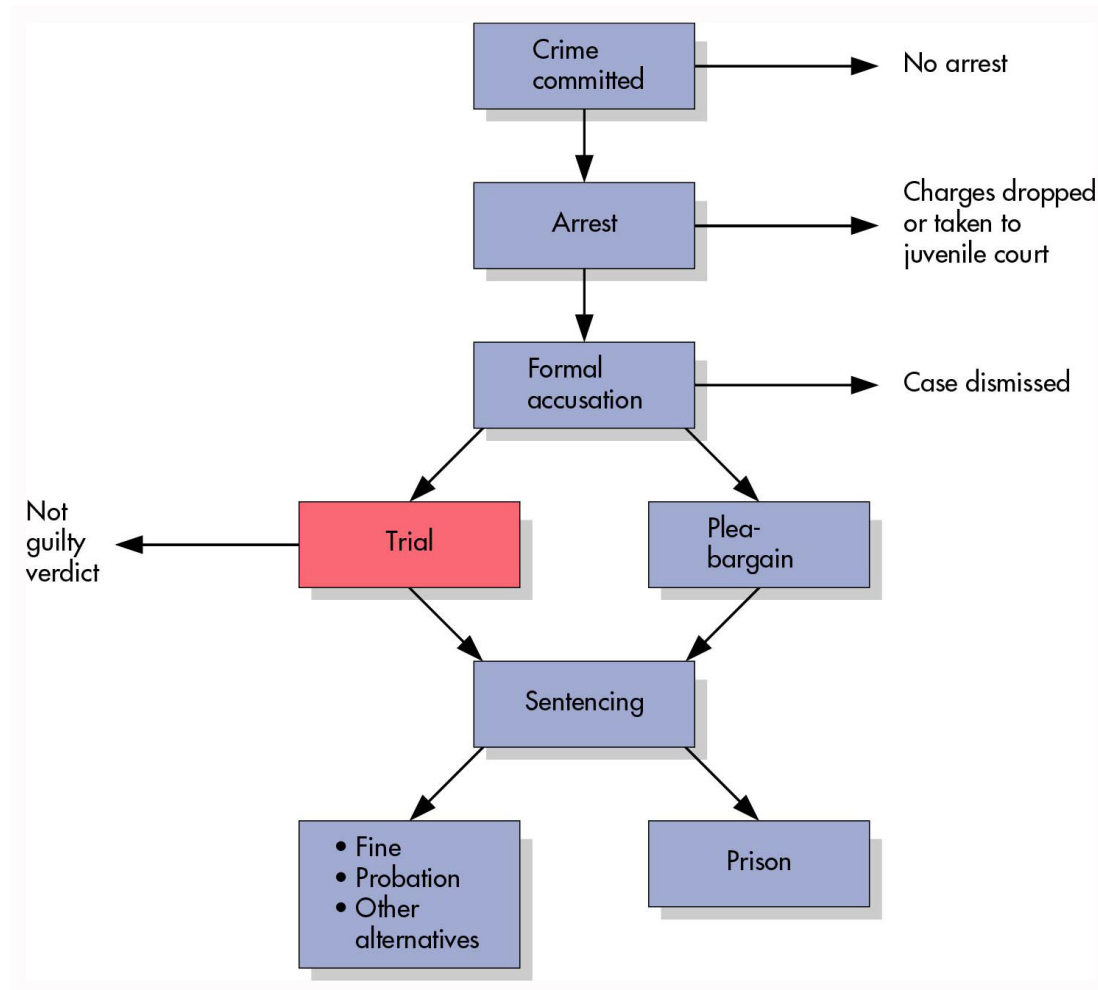
Social Psychology in the Legal System

Discussion Questions

1. What does the criminal justice system look like in the USA?
2. How reliable is eyewitness testimony? How can we increase the accuracy of eyewitness testimony?
3. How are suspects interviewed? How can we reduce the rate of false confessions?
4. How are juries selected?
5. What factors influence a jury's decision-making process? How can we build less biased juries?
6. How do juries deliberate?
7. Is our legal system just?

**What does the criminal
justice system look like in the
USA?**

What does the criminal justice system look like in the USA?



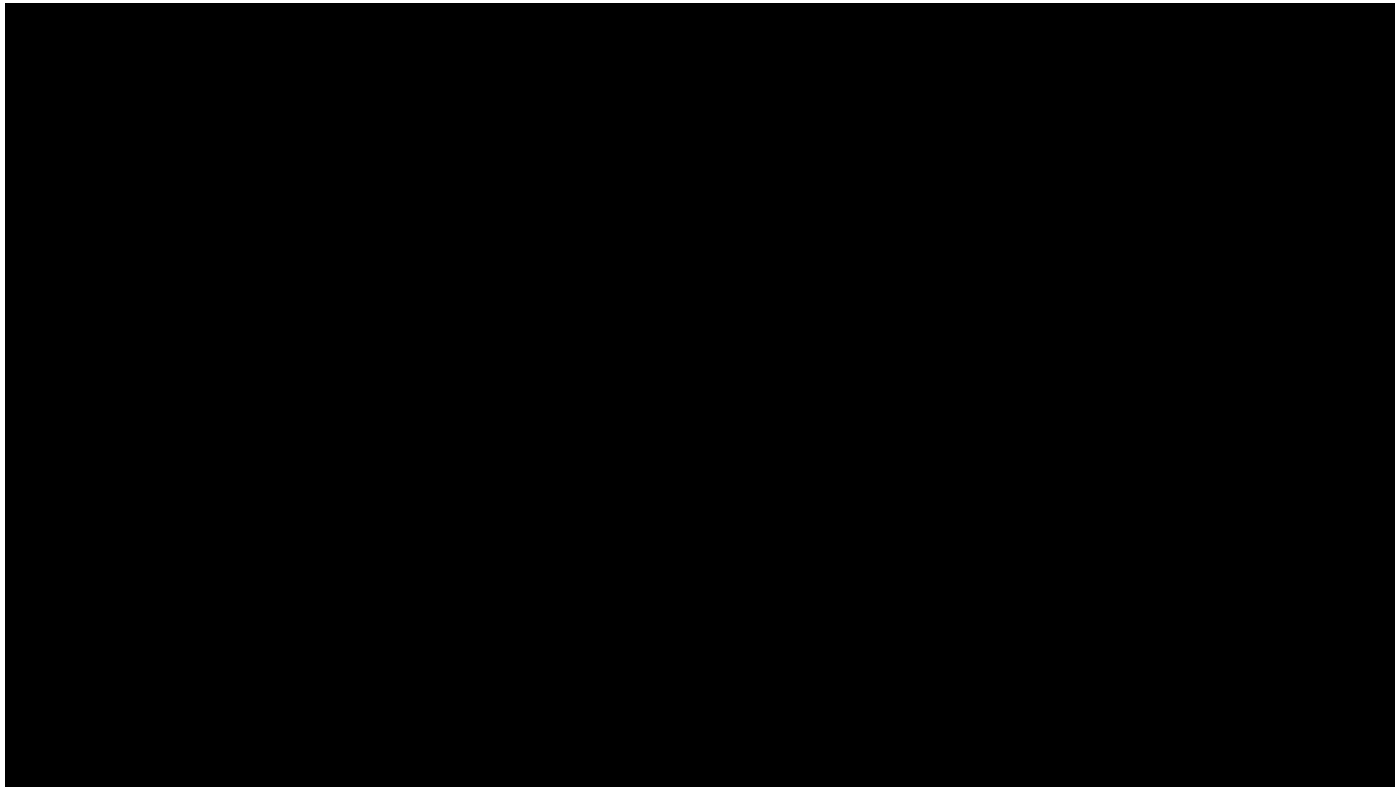
How reliable is eyewitness testimony? How can we increase the accuracy of eyewitness testimony?

How reliable is eyewitness testimony?

- 3 conclusions about eyewitness testimony:
 - Imperfect
 - Systematically influenced by certain personal and situational factors
 - Not well understood by judges, juries, and lawyers



How reliable is eyewitness
testimony?





How reliable is
eyewitness testimony?

- Jurors often overestimate accuracy
 - Lack knowledge
 - Base judgments on witness's confidence

How reliable is eyewitness testimony?

- **Encoding:** Refers to the witness's perceptions at the time of the event
- Influenced by:
 - One's emotional state
 - Weapon-focus effect
 - Race and age identification bias



How reliable is eyewitness testimony?

- **Storage:** Refers to rehearsing and storing information in memory to avoid forgetting
- Influenced by:
 - Time
 - Post-event information
 - **Misinformation effect:** The tendency for false post-event information to be stored in memory
 - Wording of questions
 - Repetition of questions
 - Leading questions

How reliable is eyewitness testimony?

- **Retrieval:** Refers to pulling information out of storage when needed
- Influenced by:
 - Facial composites
 - Lineup construction
 - Lineup instructions
 - Format of the lineup
 - Familiarity-induced biases
 - Lineup administrator



How reliable is eyewitness testimony?

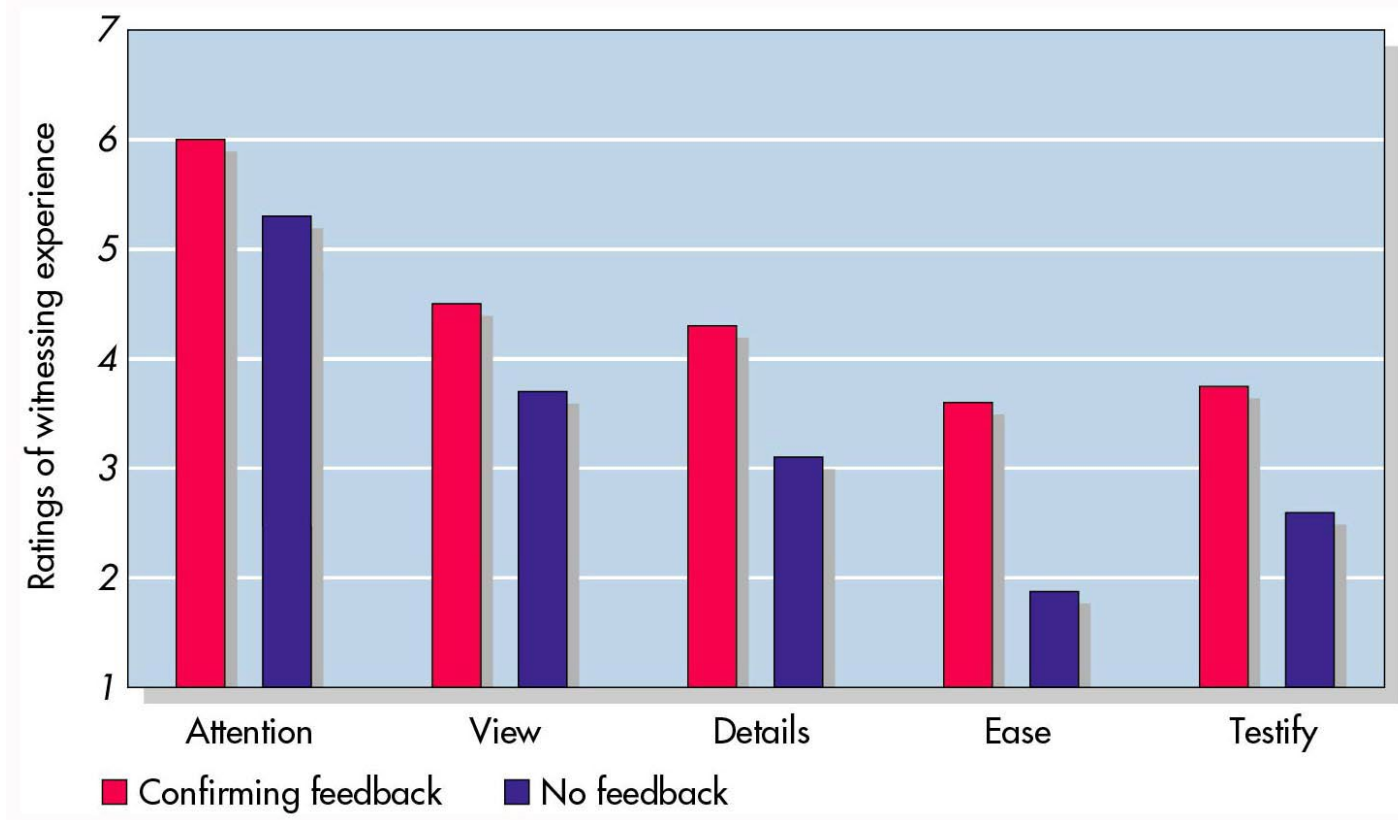


TABLE 12.6**What Eyewitness Experts Say in Court**

Presented with a list of eyewitness factors, 64 experts were asked what research findings were strong enough to present in court. In order of how much support they elicited, the following are among the most highly regarded topics of expert testimony.

(Kassin et al., 2001.)

Eyewitness Factor	Statement
Wording of questions	An eyewitness's testimony about an event can be affected by how the questions put to the witness are worded.
Lineup instructions	Police instructions can affect an eyewitness's willingness to make an identification.
Mugshot-induced bias	Exposure to mugshots of a suspect increases the likelihood that the witness will later choose that suspect in a lineup.
Confidence malleability	An eyewitness's confidence can be influenced by factors that are unrelated to identification accuracy.
Postevent information	Eyewitness testimony about an event often reflects not only what they actually saw but information they obtained later on.
Child suggestibility	Young children are more vulnerable than adults to interviewer suggestion, peer pressures, and other social influences.
Alcoholic intoxication	Alcoholic intoxication impairs an eyewitness's later ability to recall persons and events.
Cross-race bias	Eyewitnesses are more accurate when identifying members of their own race than members of other races.
Weapon focus	The presence of a weapon impairs an eyewitness's ability to accurately identify the perpetrator's face.
Accuracy-confidence	An eyewitness's confidence is not a good predictor of his or her identification accuracy.

How can we increase the accuracy of eyewitness testimony?

- Educate legal community
- Assess witnesses' confidence immediately
- Average multiple witnesses' facial composites
- Include 4-8 identical “foils” in lineups



How can we increase the accuracy of eyewitness testimony?

- Question witnesses immediately and carefully
- Use double-blind lineup procedures
- Use sequential presentation
- Use unbiased lineup instructions



**How are suspects
interviewed? How can we
reduce the rate of false
confessions?**

How are suspects interviewed?

TABLE 12.2

The Nine Steps of Interrogation

(Inbau et al., 2001.)

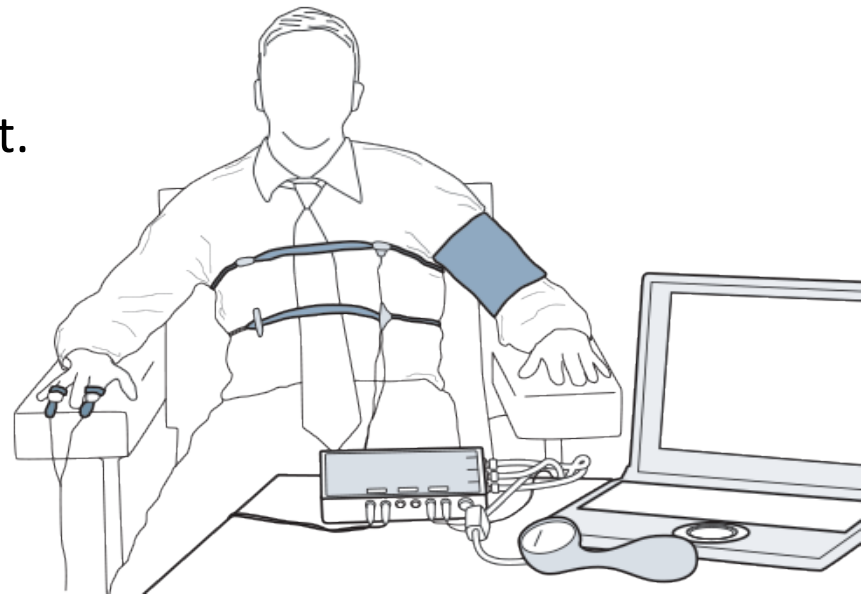
1. Confront the suspect with assertions of his or her guilt.
2. Develop “themes” that appear to justify or excuse the crime.
3. Interrupt all statements of innocence and denial.
4. Overcome all of the suspect’s objections to the charges.
5. Keep the increasingly passive suspect from tuning out.
6. Show sympathy and understanding, and urge the suspect to tell all.
7. Offer the suspect a face-saving explanation for his or her guilty action.
8. Get the suspect to recount the details of the crime.
9. Convert that statement into a full written confession.

How are suspects interviewed?

- People are not accurate lie detectors!
 - Laypeople only 54% accurate
 - Professionals only slightly more accurate
 - Verbal and nonverbal cues are not good indicators of deception

How are suspects interviewed?

- **Polygraph:** A mechanical instrument that records physiological arousal from multiple channels
 - Assumptions:
 - Innocent people more aroused by control questions
 - Guilty people more aroused by crime-relevant questions
 - Problems:
 - Innocent people can fail the test.
 - Guilty people can pass the test.



How can we reduce the rate of false confessions?

- 2 reasons for false confessions:
 - Compliance
 - Internalization
- Risk of false confession increased by:
 - Unclear memory of the event
 - Presentation of false evidence
 - Offer of leniency
 - Minimization of seriousness of the crime

How can we reduce the rate of false confessions?

- Educate the legal community
- Invent better lie detectors
- Outlaw coercive interrogation tactics
- Record full interrogations





How are juries selected?

How are juries selected?

- Stage #1: Compile master list of eligible citizens
- Stage #2: Randomly draw and summon citizens



How are juries selected?

- Stage #3: Uncover bias and build jury
 - **Voir dire:** The pretrial examination of prospective jurors to uncover signs of bias
 - **Peremptory challenges:** A process of excluding some prospective jurors without the judge's approval



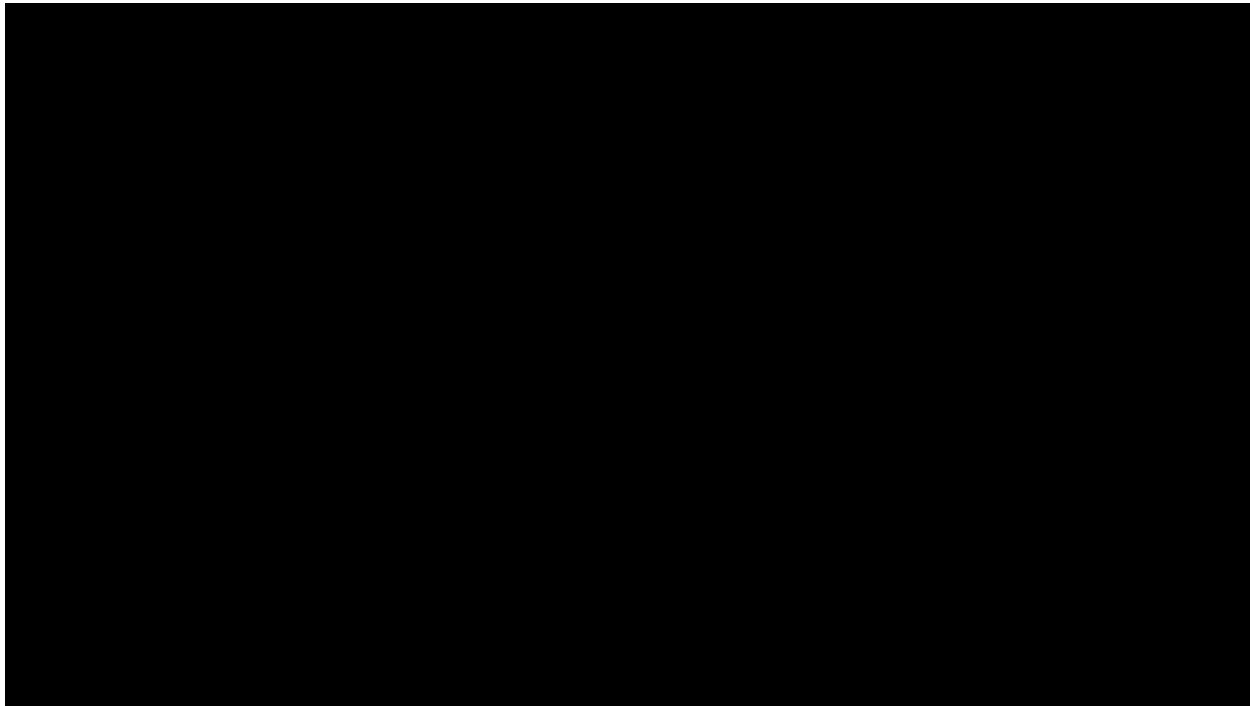
How are juries selected?

- Lawyers rely on:
 - **Implicit personality theory:** A set of assumptions about how attributes are related to each other and to behavior
 - **Stereotype:** A belief or association that links a social group with a specific characteristic
- Myth – Jurors' *demographics* predict verdicts.

How are juries selected?

- **Scientific jury selection:** A method of selecting juries through surveys that yield correlations between demographics and trial-relevant attitudes
 - Proponents – More refined version of current process
 - Opponents – Tips the scales in favor of wealthy clients

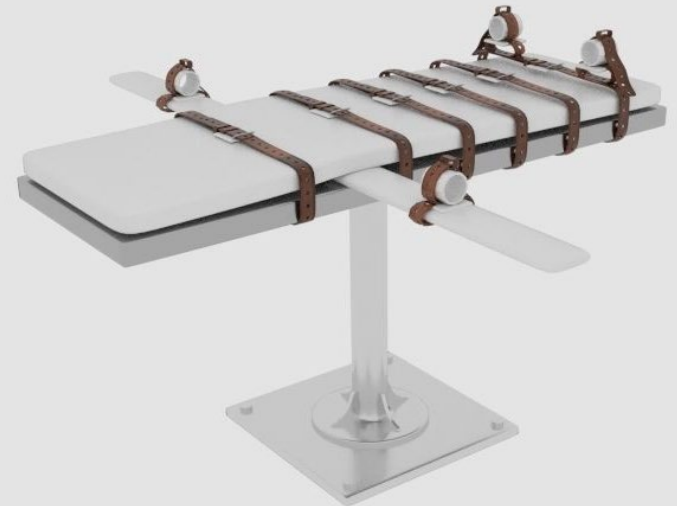
How are juries selected?



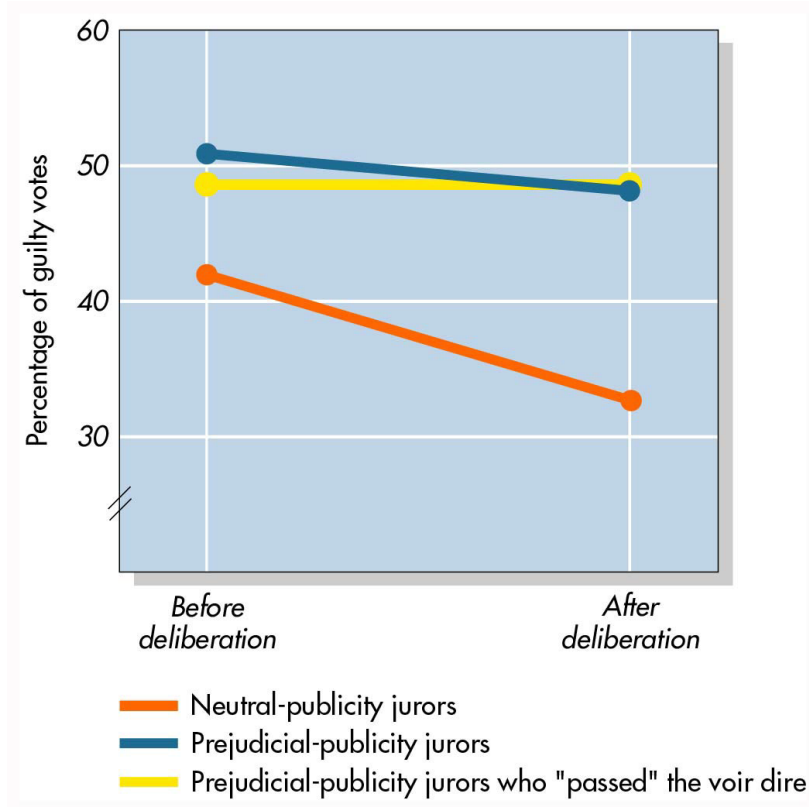
What factors influence a jury's decision-making process? How can we build less biased juries?

What factors influence a jury's decision-making process?

- Attitudes toward the death penalty
 - Influence jurors' sentencing for capital crimes
 - **Death qualification:** A process of excluding prospective jurors who would not vote for the death penalty
 - Death-qualified juries more likely to vote guilty before and after deliberation



What factors influence a jury's decision-making process?



Kerr, Kramer, Carroll, & Alfinin, 1982

- Exposure to pretrial publicity
 - Divulges information excluded from evidence
 - Distorts the way facts are interpreted

What factors influence a jury's decision-making process?

- Prejudicial and inadmissible information
 - Instruction to ignore draws attention to the information and arouses reactance
 - Highly relevant information activates the desire to make the right decision
 - Can be ignored if obtained through a serious violation of the defendant's rights

What factors influence a jury's decision-making process?

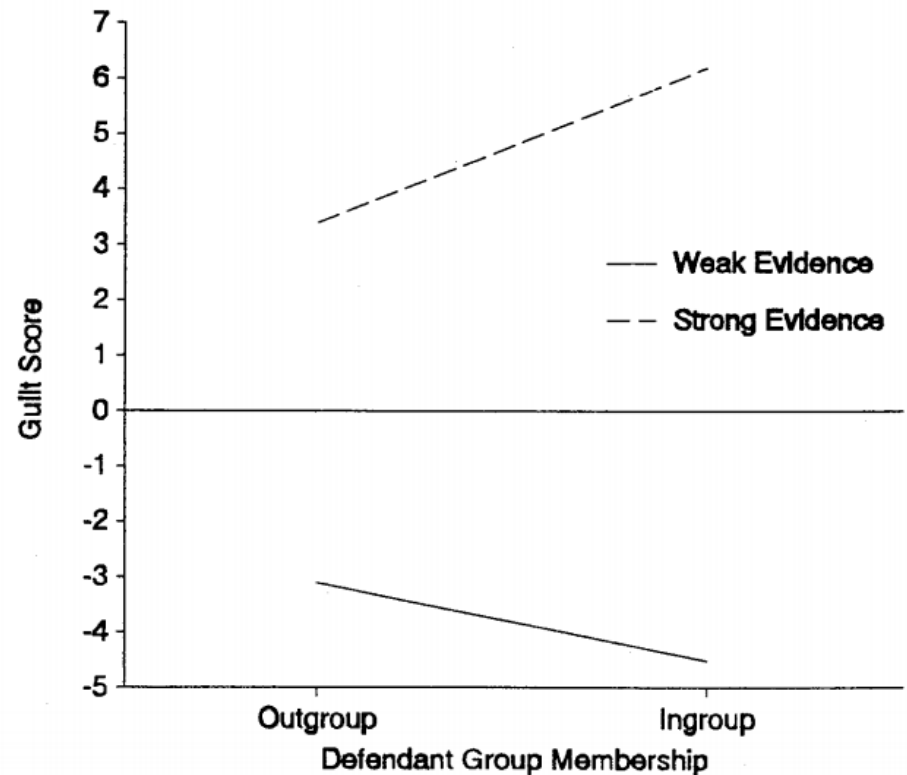
- Race

- Strength of evidence

- Weak – More lenient toward ingroup
 - Strong – Harsher toward ingroup

- Case's focus on race

- No – More favorable toward ingroup
 - Yes – No discrimination





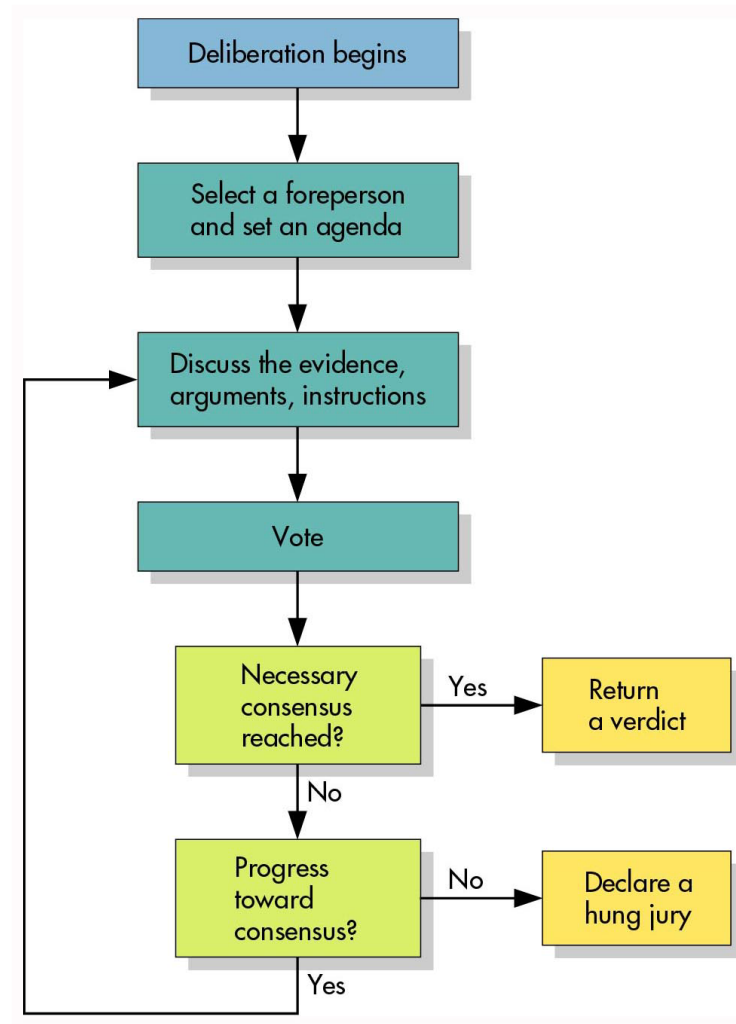
How can we build
less biased juries?

- Limit death qualification
- Limit peremptory challenges
- Limit scientific jury selection
- Rewrite instructions
- Select diverse juries



How do juries deliberate?

How do juries deliberate?



How do juries deliberate?

- Foreperson = moderator (\neq leader)
- Tend to:
 - Be of higher occupational status
 - Have prior jury experience
 - Be the first person who speaks
 - Be seated at the head of a rectangular table

How do juries deliberate?

- Majority rules – Final verdict often consistent with initial vote
- **Leniency bias:** The tendency for jury deliberation to produce a tilt toward acquittal

TABLE 12.7

The Road to Agreement: From Individual Votes to a Group Verdict

Research has shown how verdicts are reached by mock juries that begin with different combinations of initial votes. You can see that the results support the majority-wins rule. But also note the evidence for a leniency bias: When the initial vote is split, juries gravitate toward acquittal.

(Kerr, 1981, as cited in Stasser et al., 1982.)

Initial Votes (Guilty–Not Guilty)	Final Jury Verdicts (percent)		
	Conviction	Acquittal	Hung
6–0	100	0	0
5–1	78	7	16
4–2	44	26	30
3–3	9	51	40
2–4	4	79	17
1–5	0	93	7
0–6	0	100	0

How do juries deliberate?

Small Juries

- Fewer allies = More difficult to resist normative pressures
- Less representative of minority groups
- Less deliberation

Not Unanimous Verdicts

- Undermines minority influence
- Less deliberation
- Less confident about verdict



Is our legal system just?

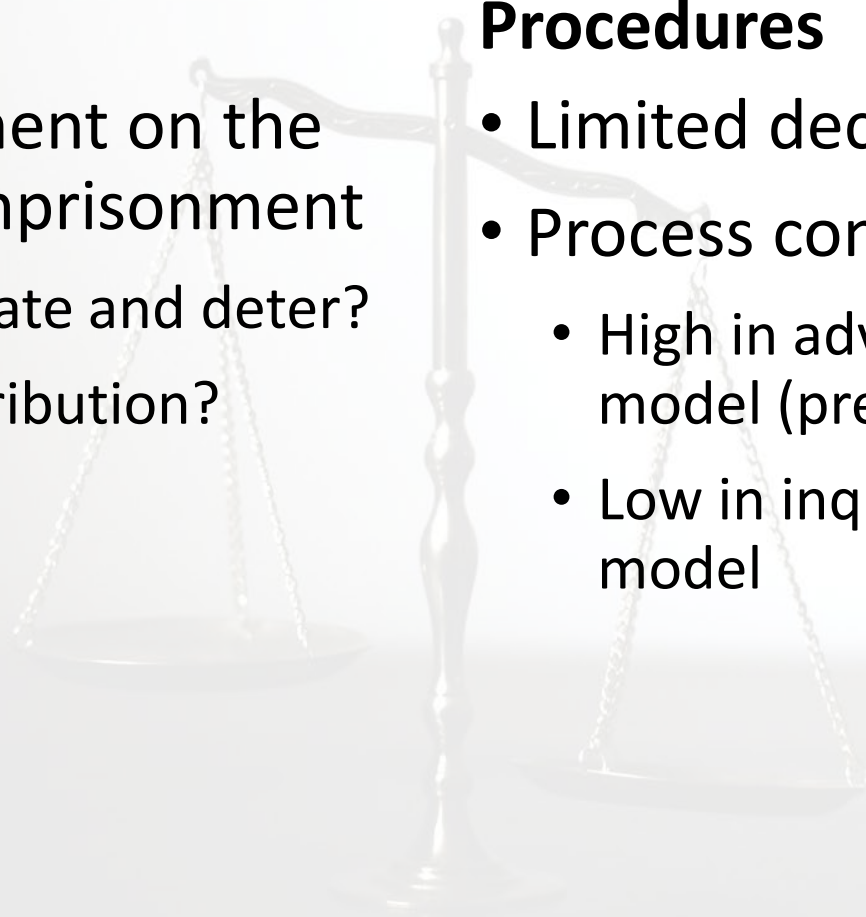
Is our legal system just?

Outcomes

- Disagreement on the goals of imprisonment
 - Incapacitate and deter?
 - Exact retribution?

Procedures

- Limited decision control
- Process control
 - High in adversarial model (preferred)
 - Low in inquisitorial model



Is our legal system just?

- Cultural differences
 - Cultural practices
 - Laws to regulate cultural practices
 - Processes used to enforce laws
 - Consequences of breaking laws

