

# APPLYING SOCIAL PSYCHOLOGY

## Applied Social Psychology: Law

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## ▶ Jury selection

- Science or Intuition?

- Harrisburg Seven
- OJ Simpson
- Hans (2000) – pro/anti business types for corporate trials
- Mock juries

## ▶ Death Qualification

- Exclusion of prospective jurors who oppose the death penalty (from potential death–penalty cases)
- Those who support death penalty more authoritarian and dogmatic (Butler & Moran, 2007)
  - Just–world hypothesis
- Those who support death penalty more likely to be prosecution–minded than those who oppose (Fitzgerald & Ellsworth, 1984)

## ► Ethics

- Should lawyers try to slant juries in their favour
- ‘A trial by peers’?
- Death qualification voir dire suggests guilt (Haney, 1984)

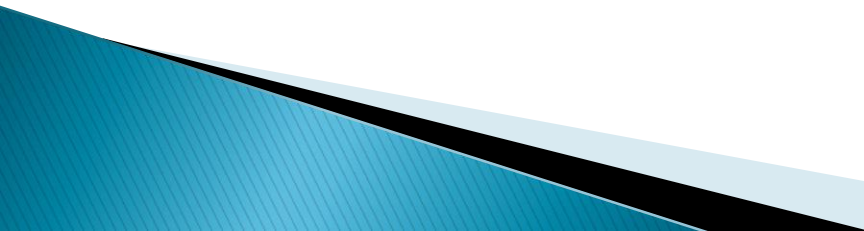
## ▶ Juries and race

- Do in-group members protect other in-group members?
  - When evidence is weak, in-group bias
  - When evidence is strong, backlash (harsher sentences) against in-group member (Kerr et al., 1995)
  - White jurors more likely to find Black defendant guilty when in all-White jury compared to diverse jury (mock voir dire; Sommers, 2006)

# Confessions/False confessions

- ▶ Inbau et al. (2001): Tactics for eliciting confessions
  - Isolation
  - Expression of certainty of guilt (including use of false information tactics)
    - Futility of defence
  - Befriend/Minimise offence (mitigation)
    - But not officially
  
- ▶ Should work
  - If suspect is guilty, justice is done
  - If suspect is innocent why would they incriminate themselves?

- ▶ In 20% of cases where subject cleared by DNA, a false confession had been made (Garrett, 2008)
  - Compliance
    - To escape situation
  - Internalisation
    - Belief that crime was committed (Hammel, 2008)
  - Lack of clear memory of event/time
  - False evidence
    - Computer task (Kassin & Kiechel, 1996)

- ▶ If a confession is withdrawn and coercion claimed, what will happen?
    - FAE influence on juries (Kassin & Sukel, 1997)
  
  - ▶ Polygraph (lie detector)
    - Legal for use in USA but questions regarding use now raised
      - Judges can refuse polygraph information
    - Never been legal in British courts
  
    - Control question versus test question issues
    - Innocent people can easily fail the test
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# Eyewitness Testimony

- ▶ Eyewitness error... The most common cause of wrongful convictions (Wells et al., 2007)
- I. Eyewitnesses are imperfect
- II. Factors influence ability to notice or recall events
- III. Belief in eyewitness testimony not equal to fact
  - 1. Acquisition of information
  - 2. Storage of information
  - 3. Retrieval of information

# 1. Information acquisition

- Emotion state
  - Morgan et al. (2004)
  - High-stress participants worse at recall than low-stress participants
- Weapon fixation effect
  - Loftus et al. (1987)
  - Participants spent more time looking at weapon than chequebook in bank robbery simulation
  - Impairment of subsequent face recognition

- ▶ Cross-race effect/Other-race effect
  - Malpass and Kravitz (1969; 2004)
  - Difficulty accurately recognising members of racial out-groups
    - One of the most robust findings in social psychology

## 2. Storage

- Increased forgetting over time (Shapiro & Penrod, 1986)
- Lack of 'purity' of events
- Loftus and Palmer (1974)
  - 'How fast were cars going when they *hit/smashed/collided/bumped/contacted* each other?'
  - 'Smashed' = highest estimate, 'Contacted' = lowest estimate
  - Later, 32% of 'smashed' group reported seeing broken headlight glass
- False memories
  - Leichtman and Ceci (1995)
  - Children and 'Sam Stone'

### 3. Retrieval

- By trial, eyewitness will have been primed in many ways
- Use of 'face composites' etc. can impair correct recognition (Kovera et al., 1997)

- Construction (of line-up)
- Instruction (to witness)
  - Malpass & Devine (1981) – when told suspect is present, 78% make false ident. when suspect is actually absent
- Format (of identification)
  - Presenting pictures individually leads to less false identification than when presented together
- Familiarity-induced
  - People may use context
  - Falsely accuse other bystanders from crime scene

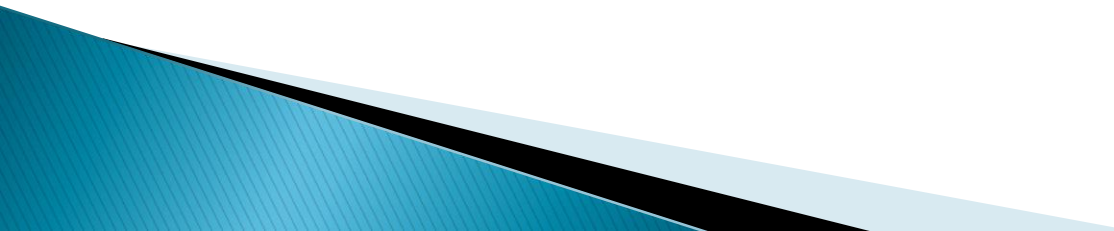
## ▶ Courtrooms and Eyewitnesses

- Strong belief in eyewitness testimony
  - Judges unable to distinguish between correct and incorrect eyewitness testimony (Wise & Safer, 2004)
- Eyewitnesses often confident
  - But confidence not highly correlated with accuracy (Sporer et al., 1995)

- ▶ Media influence: Pre-trial publicity
  - Kramer et al. (1990) – prejudicial info about suspect (prior conviction) influenced number of guilty verdicts
    - Those influenced not recognised in voir dire
  - Tyler (2006)
    - ‘CSI effect’ – does watching such programmes influence the importance people put on types of evidence in actual trials?

## ▶ Inadmissible evidence

- If introduced but ruled inadmissible, can jurors ignore evidence?
  - ‘White bear’ study (Wegner, 1994)
  - ‘Forbidden fruit’ (Wolf & Montgomery, 1977)
  - Own decision of what to ignore and what not to ignore (Wissler & Saks, 1985)
- Comply when involves serious breach of defendant’s rights (Fleming et al., 1999)

- ▶ Instructions from the judge
    - Legal terms which many lay people do not understand
    - Greater comprehension when instructions are put into plain English (English & Sales, 1997)
  
  - ▶ Jury nullification
    - E.g., euthanasia cases, homeowner protection cases
    - Jurors bringing a ‘moral law’/commonsense into criminal law (Finkel, 1995)
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# Jury Deliberation

- ▶ Group formation
  - Central/peripheral
  - Group leadership
    - Occupational status
    - Prior experience
    - Table position
  
- ▶ Consensus/Conflict/Reconciliation
  - Normative/informative influence
  
  - Is a 5/1 split the same as a 10/2 split?
    - Asch studies on conformity

## Other areas of interest

- ▶ Zimbardo's prison experiment
  - ▶ Adversarial versus Inquisitorial methods of justice
  - ▶ Cultural differences in law and justice
    - Notions of law and justice in society
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