



## Psychology and The Law

PSYC 3315 CRN 16420

The University of Texas at El Paso

Fall 2016-2017

### Instructor

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Office Hours: After class, or by appointment

### Course Time; Location

Tuesday 6:00pm – 8:50pm; UGLC 220

### Required Texts

Greene, E. & Heilbrun, K (2014). *Wrightsmen's Psychology and the Legal System (8<sup>th</sup> Ed.)* Belmont, CA: Wadsworth

And one of the following:

- Earley, P. (2006). *Crazy: A Father's Search Through America's Mental Health Madness*. New York, NY: The Berkeley Publishing Group.  
\*\*\* "Crazy" is available through the UTEP Bookstore \*\*\*
- Conover, T. (2001). *Newjack: Guarding Sing Sing*. New York, NY: Vintage Books
- Wicker, T. (2011). *A Time to Die: The Attica Prison Revolt*. Chicago, IL: Haymarket Books
- Grisham, J. (2006). *The Innocent Man: Murder and Injustice In a Small Town*. New York: Random House
- Bogira, S. (2005). *Courtroom 302: A Year Behind The Scenes In An American Criminal Courthouse*. New York, NY: Vintage Books
- Humes, E. (2015). *No Matter How Loud I Shout: A Year In The Life of Juvenile Court*. New York, NY: Simon and Schuster
- Butterfield, F. (2008). *All God's Children: The Bosket Family and the American Tradition of Violence*. New York, NY: Vintage
- Cullen, D. (2010). *Columbine*. New York, NY: Hachette Book Group.  
(more about these books below)

## **Course Description**

This course will provide a review of the relationship of psychology to the legal system. Topics include causes of criminal behavior, accuracy of eyewitness reports, examination of criminal responsibility and competency to stand trial, lie detection, false confessions, jurors and juries, and correctional practices.

## **Learning Outcomes**

At the end of this course, you should be able to:

- 1) Describe the different ways that psychologists interact with the legal system.
- 2) Describe the basic systems and procedures of the U.S. legal system.
- 3) Describe the major findings of experimental psychology that inform the legal system (e.g. eyewitness memory, jury decision-making)
- 4) Describe the ways that clinical psychologists' evaluations can inform legal proceedings (e.g. criminal responsibility, competency to stand trial).

## **Communication**

Email is the best way to communicate with me. I will do my best to respond to your messages within 24 hours, but it may occasionally take me longer to respond.

## **Blackboard**

Everything you need for this class can be found on Blackboard. I will make announcements regarding the course via Blackboard periodically, so please check Blackboard daily. Blackboard is where I will post the "Michael Riley" assignments (see below) and any other materials relevant to the course.

## **Disability Accommodations**

If you have a disability and require accommodation, please contact the Center for Accommodations and Support Services at 915-747-5148 or via email ([case@utep.edu](mailto:case@utep.edu)) during the first week of the semester. They will help you with the required paperwork necessary to obtain accommodation.

## **Academic Dishonesty**

Academic dishonesty in any form will not be tolerated. Per UTEP policy, Academic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts.

If I suspect you of engaging in academic dishonesty, I will contact the Office of Student Conduct and Conflict Resolution (OSCCR) regarding my suspicions. OSCCR staff will investigate the situation, decide if you have engaged in academic dishonesty, and will issue what punishment they find appropriate. This process will include asking me what I think your punishment should be. I WILL recommend, at a minimum, that you fail the class.

## Course Policies

### Attendance

#### Class Attendance

I strongly advise you attend class.

Strictly from the perspective of wanting to do well in the course, there ARE topics that will be presented in class but which are not in the book. In addition, by attending class you will have a good idea of what I think is important for you to know. And let's be honest, what I think is important for you to know will likely show up on the tests.

In addition, college is about more than reading the book. If it wasn't, we'd just give you a list of books to read and once you were done you'd get a diploma. Rather, college is about learning to share ideas, learning to learn from others, learning to ask questions, learning to say when the answer you get still doesn't help, learning to pay attention over a protracted period of time even if it doesn't involve Facebook, and numerous other "meta-skills" that only happen when you're interacting with people. No matter what you want to do after college, developing these skills now will greatly benefit you later.

Showing up for class late, or packing up and leaving early, is extremely distracting to everyone around you. As such, you will be expected to show for class on time and stay for the duration of class and I will consider showing for class late, or leaving early, to be an issue of class attendance.

***Any students who show late, or leave early, will need to sign in or out with name and student number.***

Per UTEP policy, if I come to believe that your showing up late, or leaving early, impairs your status relative to credit for the course, I may drop you from the class with a grade of "W" before the class drop deadline and with a grade of "F" after the drop deadline.

#### Attendance at Exams

It is your responsibility to ensure you are able to take the exams when they are scheduled. The reasons I will make exceptions to the exam schedule are a) observance of religious holidays, b) participation in UTEP-sponsored activities (e.g. sports competitions), and c) military duty. *If you expect to miss an exam for any of these reasons, you must alert me by the end of the first week of the semester and submit relevant documentation. Students in one of these situations will be required to take the exam **before** the rest of the class.*

In *extremely rare* situations, students who miss an exam due to a dire emergency (e.g. death of a family member, serious illness) may be allowed to take an examination after the rest of the class. If this applies to you, you must notify me via e-mail as soon as possible and subsequently provide written documentation of the emergency. If you do need to reschedule an exam because of a dire emergency, you will be expected to do so quickly.

Students who need to take an examination for either of the broad reasons above, and whether they are taking it before or after the rest of the class, may be given an alternate examination (i.e. one different from what the rest of the class takes).

### Attendance at Classes For Which You Turn In a “Michael Riley Assignment.”

As explained below, a sub-group of students will be responsible for leading the discussion regarding each week’s Michael Riley assignment. If you are in that sub-group, but fail to stay for the discussion, you will receive a score of zero on your Michael Riley assignment.

### **Late Written Assignments**

All written assignments are due at 6:00 pm on the night they are due. Turning a written assignment in between one second and 23:59:59 (twenty-three hours, fifty-nine minutes and fifty-nine seconds) late will result in decreasing your score by ten points. Turning a written assignment in between 24 hours and 47:59:59 (forty-seven hours, fifty-nine minutes and fifty-nine seconds) late will result in decreasing your score by twenty points. Written assignments turned in 48 hours or more late will receive a score of zero.

If you bring your written assignment to class on the day it’s due but turn it in late, you can still turn it in to me, just understand you will have ten points deducted from your score.

If your written assignment is not ready by class time, you will need to e-mail it to me.

### **Classroom courtesy**

Nobody can learn if they are distracted by inconsiderate behavior from those around them. As such, it is very important that everyone exhibit appropriate, courteous behavior while in class. This includes, but certainly is not limited to,

- 1) Refraining from side conversations. Although questions and comments are absolutely encouraged, these should be shared with the whole class in an orderly manner. Turning to the person next to you and having a conversation is terribly distracting not only to those around you but to me as well.
- 2) Leaving your phone alone. It’s really distracting to those around you – and me – when you check your phone during class.

Be aware that people also tend to greatly overestimate how well they are hiding the fact they are checking their phone. The truth is nobody’s lap is *that* interesting, and the ‘Facebook scroll finger flick’ is a motion humans only make when checking an app.

Mankind has existed for millennia without smartphones. Even without Snapchat we were able to build the Pyramids, develop written language, and land on the Moon. Keep the tradition alive. Ignore your phone.

(I do recognize you may have family emergencies that require you to be accessible during class time. If you have such a situation, I’m fine with you having your phone available but please step outside of class to answer any calls or respond to texts.)

## Situations Not Specifically Addressed In The Syllabus

Situations not specifically addressed in this syllabus will be addressed on a case-by-case basis. In deciding how to address the issue I will consult with other faculty and consider what is fair to all involved parties including the student at the center of the issue, myself, and other students in the course.

## Determination of Grade

Your grade will be based on the following:

### • **Mid-Term Exam (30%)**

October 4, 2016, during regular class time. Non-cumulative exam on material covered in the first six classes. Multiple choice, fill in the blank, and short answer. Information from the Michael Riley assignments will not be on the exams.

### • **Michael Riley assignment (15%)**

In order to help you better understand some of the topics we'll discuss in class, and how they may come up in a case, we will follow a fictional criminal case I've created, *Commonwealth of Pennsylvania v. Michael Riley*, throughout the semester.

The case will be presented through a series of documents released via Blackboard each week. Each document will feature a question or issue that relates to a topic from the next week's reading. In addition, each document will have a written assignment (2-3 pages) related to the question or issue raised in the document which will be due before the following class. Each student will only turn in one of these assignments, and as such there will only be a sub-group of students turning in a written assignment each week. In addition, a portion of each week's class will be devoted to discussing the document and the issue at hand. The entire class will take part in each discussion, although the discussion should be led by those who completed the written assignment for that week. You will, however, only be graded for your written assignment.

For example, shortly before the August 30, 2016 class I will post the document "Pre-Trial Services Case History and Psychosocial Report" on Blackboard. This document will have a written assignment related to The Psychology of Crime, which will be covered in the September 6, 2016 class. The written assignment, however, will be due at the beginning of the September 6, 2016 class.

Each student will select which assignment they want to complete. Each of the documents, the topic the document/assignment is related to, and the date the assignment will be due is given in the Course Schedule below. ***By 5:00pm on August 26, 2016, each student needs to send me an e-mail letting me know which assignment they want to complete.*** If you do not send me an e-mail by that time I will assign you to a week.

### • **Written response to selected book (15%)**

Each student will need to read one of the selected books listed above and described below, and turn in a written response (2-3 pages) to the book. For all of the books, the written assignment will be to *select a problem presented in the book, and briefly discuss how the field of psychology could help to solve the problem through research, policy evaluation or improved clinical practice to include training of others,*

or public education. This written assignment will be due by the beginning of class on **November 22, 2016.**

A brief description of each book is given below

**“Crazy”** – Author Pete Earley is a well-known journalist who specializes in looking at the darker aspects of society. When his son develops schizophrenia, Earley sees first-hand the logical inconsistencies and associated no-win situations the seriously mentally ill and their families can find themselves in vis-à-vis the criminal justice system. “Crazy” uses Earley’s own family story as a basis for a larger look at how the seriously mentally ill are handled in the criminal justice system. “Crazy” highlights many issues we will cover in this course.

***Newjack*** – When author/journalist Ted Conover asked the New York State Department of Corrections if he could follow new recruits through their training academy he fully expected them to say yes. As such, when they said no Conover was both a little annoyed and curious as to why. Wanting answers to his questions, Conover applied to work as a corrections officer with the NYDOC, was eventually hired, completed the training academy and worked as an officer for 10 months at New York’s maximum-security Sing Sing prison. *Newjack* (the term for a rookie officer) is the story of Conover’s time with the NYDOC. Books about the American prison system are typically very politically slanted one way or the other. *Newjack* is one of the rare, genuinely balanced books on the subject.

***A Time To Die*** – In September, 1971 inmates at New York’s Attica Prison rioted, taking control of a quarter of the prison and several hostages in the process. When initial negotiations with state officials failed a team of people from outside law enforcement – including Author Tom Wicker – became the de facto negotiators trying to free the hostages while also addressing the inmate’s complaints. The Attica Riots highlighted many of the problems in the American prison system, and have come to be viewed as one of the last events in the American Civil Rights Movement. “A Time To Die” recounts the story of the prison riots and the efforts to bring them to an end.

***The Innocent Man*** – The real life story of a murder trial that highlights many of the flaws in the American criminal justice system and topics covered in this course.

***Courtroom 302*** – An inside look at the cases that pass through a single courtroom in Cook County, Illinois (Chicago) in a year. By focusing on just one courtroom, this book examines a vast array of problems faced by the American criminal justice system many of which are covered in the course of this class. For students interested in going to law school and eventually working in criminal law, *Courtroom 302* is an excellent look at the realities of such work.

***No Matter How Loud I Shout*** – A behind the scenes examination of Los Angeles’ juvenile criminal justice system.

***All God’s Children*** – In March, 1978 fifteen-year-old Willie Bosket shot and killed three people in three separate incidents. Under New York law, however, he could only be incarcerated until his 18<sup>th</sup> birthday. This led to a public uproar and significant changes to New York law allowing juveniles accused of certain crimes to be transferred to adult court and be punished as adults if convicted. These changes to the law were subsequently adopted by numerous other states across the country. “All God’s Children” looks at Bosket, his family and American society as possible causes for his extreme violence, and does a fabulous

job of discussing the role of nature, nurture and the interaction between the two in determining human behavior. A truly great book.

***Columbine*** – We all know the story of the April 20, 1999 shootings at Columbine High School. Two students, endlessly harassed by their classmates eventually sought revenge by targeting those who had targeted them. This understanding of the shootings led to wide-spread changes in American schools to include targeted efforts to address bullying and instituting “zero-tolerance” policies for students who make ‘threats’ or carry ‘weapons’ into school. Turns out, however, that most of what we thought we knew about Columbine was wrong and the truth was, arguably, more disturbing. *Columbine* is an amazing book that touches on the juvenile justice system, psychopathy, and how we as a society react to incidents of criminality that we have difficulty understanding.

• **Final Exam (40%)**

A non-cumulative Final Exam on material presented since the Mid-Term. Will be held during Finals Week. Multiple choice, fill in the blank, and short answer. Information from the Michael Riley assignments will not be on the exam.

Students will be allowed to bring one 3 x 5 card to the Mid-Term and Final respectively with whatever information they want to put on it. There can be information on both sides of the card. You can print things out in teeny-tiny font and then tape that sheet to the card, as long as you do not increase the total area of the card. Students will not have to bring Scantron sheets, blue books, or anything else like that to the tests. Just your 3 x 5 card and a pen(s).

**\*\*\* How The Written Assignments Will Be Graded \*\*\***

The ability to write well is one of the core skills that anyone who attends college should develop and it is my hope that I can help each of you become better writers. Toward this goal, I have written a *Guide To Improving Your Writing* which is posted on Blackboard. I STRONGLY advise each of you read this guide and ask me questions about anything in it you do not understand. In addition, clarity of writing and grammar (including spelling) WILL affect your grade on both written assignments.

Here is how the written assignments will be graded.

I will assign an initial score (out of 100) for the overall quality of the points you make in your assignment. This is essentially “how well did you answer the question that lies at the heart of the assignment?” The ‘best’ paper will receive an initial score of 100, with other initial scores assigned relative to the paper that earns the 100.

After this score is assigned, I will then deduct points for lack of clarity and poor grammar in the following way:

A 2-point reduction for each sentence that I consider to be unclear in that I have to read it twice to understand what you are saying. In addition, there will be a 2-point reduction for each simple sentence that reduces the overall stylistic quality of the paper. I understand that sometimes simple sentences improve the clarity of written material. I really do. I do not, however, want people turning in assignments that are a string of simple sentences in an effort to ensure each individual sentence can be understood. My goal here is to push

you to become better writers, and turning in a paper filled with simple sentences does not move us toward that goal. These ‘clarity reductions’ will be capped at 10 points so as a poorly written paper will be reduced by one letter grade.

A 2-point reduction for each of the specific errors mentioned in the *Guide To Improving Your Writing*. Because these specific errors are truly very easy to avoid there will be no cap for these reductions.

### \*\*\* “Do you curve your grades?”

Yes, in the following ways.

For the mid-term and final exam, somebody will get the highest score in the class. However many points it takes to get that highest score to 100 will then be awarded to everyone. For example, if the highest score in the class is 95, everybody will get 5 points added to their score.

A word to the wise. Do not get too excited about this. Last semester one student got a 99 on the mid-term and a 100 on the final.

For the written assignments, and as explained above, the paper(s) which answer the question at the heart of the assignment the best will receive an initial score of 100 with other papers receiving initial scores relative to that paper. This effectively ‘curves’ the scores for the written assignments.

Because these ‘curves’ are worked into each assignment, there is no ‘curve’ for your final score for the class.

### **Grade Breakdown**

90 – 100 % = A

80 – 89.99... % = B

70 – 79.99... % = C

60 – 69.99...% = D

0 – 59.99...% = F

You will receive a score of 0 – 100 on each of the four components of your grade (Mid-Term, Michael Riley written assignment, Written Response to Selected Book assignment, and Final Exam). Your final grade for the class will be calculated with the following formula:

$$[W(.30) + X(.15) + Y(.15) + Z(.40)] = \text{Final Grade}$$

Where W = score on Mid-Term

X = score on Michael Riley assignment

Y = score on Written Response To Selected Book assignment

Z = score on Final Exam

I will not round up. In order to get a grade you MUST get the minimum score listed above for that grade, i.e. an 89.7 is a B, not an A.

## Course Schedule

Adjustments to the course schedule are unlikely, but may occur. Adjustments will be announced in class and via Blackboard.

Readings must be completed before class. Materials for “Michael Riley” handouts will be available via Blackboard at least one week before the associated assignment is due. The “Michael Riley” assignments are due at the beginning of the class in which they will be discussed.

### **August 23, 2016**

**Topic:** Psychology and The Law; The Legal System (Chapters 1 and 2)

### **August 30, 2016**

**Topic:** Psychology of Police (Chapter 4)

### **September 6, 2016**

**Topic:** Psychology of Crime (Chapter 3)

**Michael Riley:** Pre-Trial Services Case History and Psychosocial Report. (What causes crime?)

### **September 13, 2016**

**Topic:** Eyewitnesses to Crimes and Accidents (Chapter 5)

**Michael Riley:** Report of Witness Identification (Accuracy of eyewitness identifications)

### **September 20, 2016**

**Topic:** Psychology of Victims of Crime and Violence (Chapter 6)

**Michael Riley:** Summary of Initial Investigation (Effects of victimization; whether or not to bring criminal charges)

### **September 27, 2016**

**Topic:** Evaluating Criminal Suspects (Chapter 7)

**Michael Riley:** Transcript of Questioning (Whether to admit confessions into evidence)

### **October 4, 2016**

**MID-TERM!! (30% of Final Grade)**

### **October 11, 2016**

**Topic:** Traditional Prosecution: Arrest, Bail, Plea Negotiation/Settlement, and Trial (Chapter 8)

**Michael Riley:** Transcript of Bail Application Hearing (Whether to grant bail)

### **October 18, 2016**

**Topic:** Alternatives to Traditional Prosecutions (Chapter 9)

**Michael Riley:** Psychological Evaluation for Possible Transfer to Mental Health Court (Whether to transfer a case to a Mental Health Court)

**October 25, 2016**

**Topic:** Forensic Assessment in Juvenile and Criminal Cases (Chapter 10)

**Michael Riley:** Psychological Evaluation of Competency to Stand Trial (Is someone competent to stand trial?)

**November 1, 2016**

**Topic:** Forensic Assessment in Civil Cases (Chapter 11)

**Michael Riley:** Complaint of Intentional Infliction of Emotional Distress (Has someone established a civil cause of action?)

**November 8, 2016**

**Topic:** Preparing For Trials (Chapter 12)

**Michael Riley:** Motion for Change of Venue; Motion to Deny Change of Venue (Does pretrial publicity warrant a change of venue?)

**November 15, 2016**

**Topic:** Jurors and Juries (Chapter 13)

**Michael Riley:** Motion to Admit Expert Testimony; Motion to Exclude Expert Testimony (Should expert testimony be admitted into evidence?)

**November 22, 2016**

***WRITTEN RESPONSE TO SELECTED BOOK DUE AT THE BEGINNING OF CLASS!***

**Topic:** Punishment and Sentencing (Chapter 14)

**Michael Riley:** Pre-Sentence Investigation Report (Appropriate sentence for a felony)

**November 29, 2016**

**Topic:** Juvenile and Adult Corrections (Chapter 15)

**Michael Riley:** Intake Screening; Clinical Contact. (Assessing treatment needs for a newly incarcerated person).