

PSYCHOLOGY AND LAW A CRITICAL INTRODUCTION FOURTH EDITION

Now in its fourth edition, *Psychology and Law* is a comprehensive guide to the complex interactions between psychology and criminal law. Andreas Kapardis explores contemporary psycholegal issues both in and out of the courtroom, from eyewitness testimony, investigative interviewing, jury decision-making, and sentencing as a human process, to restorative justice, terrorism, police prejudice and offender profiling.

This edition features new contributions from two leading scholars in the field. David Farrington of the University of Cambridge, a pioneer of legal psychology in the United Kingdom, shares his recollections of the discipline's formative years in Chapter 1. Ian Freckelton of the University of Melbourne draws on his experience as a barrister to inform

discussion of psychologists as expert witnesses in Chapter 7.

The book draws upon sources from Europe, North America and Australia to investigate the subjectivity and human fallibility inherent in our systems of justice. It suggests ways of minimising undesirable influences on judicial decision-making, and discusses procedures for dealing with witnesses and suspects. Each chapter features case studies, chapter outlines, revision questions and further reading to consolidate learning.

Fully revised and with greater emphasis on relevant law, *Psychology and Law* remains the leading text on legal psychology for students and practitioners in psychology, law, criminology, social work and law enforcement.

Andreas Kapardis is Professor of Legal Psychology and Chairman of the Department of Law, University of Cyprus.

Cambridge University Press

978-1-107-65084-8 - Psychology and Law: A Critical Introduction: Fourth Edition

Andreas Kapardis

Frontmatter

[More information](#)

ANDREAS KAPARDIS

PSYCHOLOGY
AND LAW
A CRITICAL INTRODUCTION

FOURTH EDITION



Cambridge University Press
978-1-107-65084-8 - Psychology and Law: A Critical Introduction: Fourth Edition
Andreas Kapardis
Frontmatter
[More information](#)

CAMBRIDGE UNIVERSITY PRESS

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

Published in the United States of America by Cambridge University Press, New York
Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107650848

© Cambridge University Press 2014

This publication is copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 1997

Second edition 2003

Third edition 2010

Reprinted 2011

Fourth edition 2014

Cover design by Tanya De Silva-McKay

Typeset by Aptara Corp.

Printed in China by C & C Offset Printing Co. Ltd

A catalogue record for this publication is available from the British Library

A Cataloguing-in-Publication entry is available from the catalogue of the National Library of Australia at www.nla.gov.au

ISBN 978-1-107-65084-8 Paperback

Reproduction and communication for educational purposes

The Australian *Copyright Act 1968* (the Act) allows a maximum of one chapter or 10% of the pages of this work, whichever is the greater, to be reproduced and/or communicated by any educational institution for its educational purposes provided that the educational institution (or the body that administers it) has given a remuneration notice to Copyright Agency Limited (CAL) under the Act.

For details of the CAL licence for educational institutions contact:

Copyright Agency Limited
Level 15, 233 Castlereagh Street
Sydney NSW 2000
Telephone: (02) 9394 7600
Facsimile: (02) 9394 7601
E-mail: info@copyright.com.au

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

CONTENTS

<i>List of case studies</i>	<i>ix</i>
<i>Acknowledgements</i>	<i>x</i>
1 Psycholegal research: an introduction	1
Introduction: development of the psycholegal field	2
1 Bridging the gap between psychology and law: why it has taken so long	8
2 Remaining difficulties	14
3 Grounds for optimism	16
4 Conclusions	18
5 The book's structure, focus and aim	19
Revision questions	20
Additional reading	21
2 Eyewitnesses: key issues and event characteristics	22
Introduction	23
1 Legal aspects of eyewitness testimony	23
2 Characteristics of human attention, perception and memory	28
3 Eyewitness testimony research: methodological considerations	33
4 Variables in the study of eyewitness memory	38
5 Variables that impact on eyewitness testimony accuracy	40
Conclusions	50
Revision questions	51
Additional reading	51
3 Eyewitnesses: the perpetrator and interviewing	52
Introduction	53
1 Witness characteristics	53
2 Perpetrator variables	69
3 Interrogational variables	73
4 Repressed or false-memory syndrome?	80

5 Interviewing eyewitnesses effectively	87
Conclusions	94
Revision questions	96
Additional reading	97
4 Children as witnesses	98
Introduction	99
1 Legal aspects of children as witnesses	101
2 Evaluations of Live Link/closed-circuit television (CCTV)	106
3 Child witnesses and popular beliefs about them	109
4 Children's remembering ability and autobiographical memories	110
5 Deception in children	113
6 Factors that impact on children's testimony	114
7 Enhancing children's testimony	125
8 Interviewing children in sexual abuse cases	128
Conclusions	132
Revision questions	133
Additional reading	134
5 The jury	135
Introduction	136
1 A jury of twelve: historical background and legal aspects	136
2 The notion of an impartial and fair jury: a critical appraisal	140
3 Methods for studying juries/jurors	146
4 What do we know about juries?	151
5 Defendant characteristics	166
6 Victim/plaintiff characteristics	167
7 Interaction of defendant and victim characteristics	167
8 Lawyer and judge characteristics	168
9 Hung juries	169
10 Models of jury decision-making	169
11 Reforming the jury to remedy some of its problems	170
12 Alternatives to trial by jury	173
Conclusions	173
Revision questions	175
Additional reading	176
6 Sentencing as a human process, victims, and restorative justice	177
Introduction: the legal context	178
1 The concept of 'sentence'	181

2	The nature of the sentence decision-making process	183
3	Studying variations in sentencing	185
4	Some extra-legal factors that influence sentences	188
5	Models of judicial decision-making	202
6	Victims	203
7	Restorative justice	206
	Conclusions	210
	Revision questions	211
	Additional reading	211
7	Psychologists as expert witnesses	212
	Introduction	212
1	Admissibility of expert evidence	217
2	United States	222
3	England and Wales	227
4	Australia, New Zealand and Canada	233
5	The impact of expert testimony by psychologists	237
6	Appearing as an expert witness	240
	Conclusions	243
	Revision questions	245
	Additional reading	245
8	Detecting deception	247
	Introduction: deception and lying	248
1	Paper-and-pencil tests	250
2	Paradigms used to study deception-detection	253
3	The social psychological approach	253
4	Deception-detection accuracy	258
5	Expert lie-detectors: how accurate?	262
6	Computerised lie-detection	268
7	Physiological and neurological correlates of deception	268
8	Brainwaves as indicators of deceitful communication	277
9	Stylometry	279
10	Statement reality/validity analysis (SVA)	280
11	Reality monitoring	284
12	Scientific content analysis	285
	Conclusions	287
	Revision questions	289
	Additional reading	289

9 Witness recognition procedures	290
Introduction	290
1 Identification test medium	295
2 Person identification from photographs	295
3 Show-ups/witness confrontations	299
4 Group identification	304
5 Identification parades/line-ups	305
6 Identification from video footage and CCTV	319
7 Facial composites	320
8 Voice identification	323
Conclusions	332
Revision questions	333
Additional reading	333
10 Psychology and the police	334
Introduction	335
1 Selection	335
2 Predicting success within the force	338
3 Encounters with the public	339
4 Prejudice and discrimination	340
5 Stress	344
6 Questioning suspects	347
7 False confessions	357
8 Profiling offenders	364
9 Psychology of terrorism	372
Conclusions	379
Revision questions	379
Additional reading	380
11 Conclusions	381
References	385
Index	490

CASE STUDIES

A miscarriage of justice in England	25
A Christmas Day murderer who did not get away	41
Identifying a familiar war crime perpetrator	72
Examples of alarming jury verdicts and juror behaviour	145
Prosecution promises evidence in opening statement to jury that is not subsequently adduced	168
Disparities in sentencing: a cause for international concern	184
The case of Patrick Kane in Northern Ireland	230
<i>R v Steven Davis</i>	232
Line-up misidentification	291
Witness photo misidentification	296
The <i>Rogers</i> case	301
A horrifying photographic line-up to identify unfamiliar people	313
Real conditions for voice witness identification	325
Stephen Lawrence	342
Profiling armed robbers	367

ACKNOWLEDGEMENTS

While the decision by Cambridge University Press to go for a fourth edition was unexpected, I accepted the challenge having first, as in the past, been assured by my wife Maria and our children Elena and Konstantinos-Raphael that I would have their full support and understanding. Little did they know, of course, that this time they would need to develop steeplechase skills to cross from one side of the study room at home to the other as the piles of books, articles and notes kept growing. I have particularly enjoyed collaborating with, and I am grateful to, two friends and distinguished scholars – David Farrington of Cambridge University and Ian Freckelton of Melbourne University – for their inputs into Chapters 1 and 7 respectively. David's account of his personal experience as one of a small number of pioneers who helped to establish psychology and law in the United Kingdom is a unique contribution, and so is Ian's enrichment of the chapter on the psychologist as expert witness.

Once again, the book reflects my own background and interests in psychology and law, criminal law, criminal justice, criminology and law enforcement. I hope it will be used as a textbook and will be of interest to undergraduate and graduate students as well as to professionals in psychology, criminal law, evidence law, law enforcement, forensic psychology, police studies, criminal investigation and social work. The reader will note that this edition contains more law, which I believe balances the book.

As the manuscript goes to print, a sense of gratitude goes first of all to Maria, Elena and Konstantinos-Raphael for their understanding, patience and support through all the months in 2012 and 2013 when I was working on the manuscript. A big thanks goes to Elena, a budding legal scholar in her own right, for helping to obtain journal articles and newly published books at very short notice. Once again, I consider myself very fortunate to have enjoyed the excellent facilities and helpful assistance of the staff at the Radzinowicz Library, Institute of Criminology, Cambridge University, especially Mary and Stewart. As other Life Members of Clare Hall, Cambridge, know, the College provides a very conducive environment for writing books! A special thanks also goes to Ray Bull for supplying me with some much-needed material on police questioning of suspects. Finally, I am greatly indebted to David Farrington who, while I was a student of his at Cambridge, inspired my interest in psychology

and law, was a great PhD supervisor and, finally, has been a fantastic mentor over the years. I am also especially grateful both to Nina Sharpe of Cambridge University Press in Melbourne for her support and understanding while working on the manuscript and to Sarah Shrubbs for editorial corrections of the manuscript. Of course, none of the individuals or institutions is responsible for any weaknesses, mistakes or opinions expressed in this work.

Soon after I started work on the fourth edition in the first half of 2012 I was elected Chair of my Department, and at the same time the consequences of the financial crisis in Cyprus necessitated a number of adjustments that meant the manuscript could only be revised if I burned the candle at both ends. This book would not have been possible without the tremendous support and patience of my wife Maria. In appreciation, I dedicate this book to her and to our delightful children, Elena and Konstantinos-Raphael.