

Test Bank for Forensic and Legal Psychology 5th Costanzo

Chapter 1 - Essay

1. Compare and contrast the cultures of psychology and law. Which system is more open to change?

ANSWER: Main points:

- Psychology and law represent two different cultures.
- They differ in goals (truth vs. justice), methods (data vs. rulings), and styles of inquiry (objectivity vs. advocacy).
- Psychology as a science is based on relativism (of knowledge and theories, or interpretations of facts).
- Law as a system is rooted in the past (rulings, precedents).
- Psychology is more egalitarian; law is a more hierarchical system.
- Psychology is more open to change since science implies skepticism and new discoveries, while law abides by past decisions (precedents).

2. Geert Hofstede found that cultures could be differentiated on the dimension of "uncertainty avoidance."

Discuss why legal culture ranks high on uncertainty avoidance, while the scientific process does not.

ANSWER: Main points:

- The legal system must render final, unambiguous decisions.
- Putting an end to legal disputes requires clear, binding rulings.
- The search for truth in the legal system is conducted in pursuit of a final judgment.
- No single research study is ever conclusive, and no finding is truly definitive.
- Judgments made by scientists are not dichotomous, as they are probabilistic.
- In science, no conclusion is final, and current understandings are subject to revision.

3. Discuss why it might be difficult for psychologists to maintain their impartiality as scientists while trying to successfully fulfill their roles as experts testifying in court.

ANSWER: Main points:

- The U.S. legal system is adversarial.
- Often, experts are hired by either defense or prosecution with the expectation of helping one side of the trial.
- Lawyers tend to "shop around" for an expert who would testify the way the lawyer needs.
- Experts may have ideals or convictions they want to advocate for.
- Being effective as an expert in court requires presenting a clear-cut, easy-to-understand picture.
- At the same time, science is rarely clear-cut or simple, as it requires objectivity and skepticism about one's own and others' findings.
- Conflicting explanations for the same facts are not uncommon in science but must be presented as clear, one sided, and convincing in court.

4. Given the fundamental differences between psychology and law, and the difficulty of changing the legal system, why should psychologists bother to continue investigating the legal system?

ANSWER: Main points:

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- The legal system is pervasive and powerful and therefore should be informed by the best available scientific knowledge.
- The law shapes one's lives from birth to death, and involvement in the legal system carries significant consequences.
- Many issues confronted by the legal system are psychological and can be answered by conducting research.

5. Compare the roles of psychologists as advisors and reformers in the legal system, discussing the ethical challenges they face and how these challenges can be addressed.

ANSWER: Main points:

- Advisors assist by providing case-specific information, whereas reformers advocate for systemic changes more broadly.
- Ethically, both advisors and reformers may be prone to bias. Advisors can be biased in favor of the hiring party, while reformers can be biased in favor of their cause and could overstate findings in an effort to advocate for change.
- To address these challenges, advisors can avoid bias by clearly setting and communicating expectations and limitations with the hiring party. Reformers must disclose any conflicts of interest. Both should prioritize objectivity, be transparent, and use peer-reviewed credible evidence to support their positions.

6. How did trial judges become the gatekeepers for expert testimony? Are there any problems with their gatekeeping role? How can the system be improved?

ANSWER: Main points:

- Under the *Daubert* standard (trilogy of Supreme Court decisions), trial judges are the sole decision makers on whether to allow expert testimony.
- Judges are expected to be "amateur scientists" to figure out if the proposed expert testimony has enough merit.
- Judges generally do not have any training in social science research methods and thus may not be able to discern between good and not-so-good science.
- To improve the system, judges need to undergo mandatory training in research methods and be kept abreast of new scientific knowledge in the field of forensic psychology and other social sciences through continuing education.

Chapter 1 - Multiple Choice

1. Which type of legal issue is BEST addressed by the expertise of developmental psychologists?
- studying the group dynamics of jury deliberation
 - assessing a person charged with sexual assault for potential risk of violence
 - deciding whether an eyewitness is able to remember the scene of a crime
 - assessing parental fitness for a child custody evaluation

ANSWER: d

2. Which type of legal issue is BEST addressed by the expertise of clinical psychologists?
- designing a questionnaire to determine bias in potential jurors
 - assessing whether a defendant with mental illness is competent to aid in their own defense
 - determining the best type of lineup instructions to avoid biasing witnesses
 - evaluating whether a child witness understands the difference between the truth and a lie

ANSWER: b

3. Which type of legal issue is BEST addressed by the expertise of cognitive psychologists?
- selecting jurors potentially sympathetic to the defendant
 - assessing whether a defendant with mental illness is competent to aid in their own defense
 - determining the influence of weapon presence during a crime on eyewitness memory
 - assessing parental fitness for a child custody evaluation

ANSWER: c

4. Which type of legal issue is BEST addressed by the expertise of social psychologists?
- understanding who is most vulnerable to coercive interrogation tactics
 - assessing whether a defendant with mental illness is competent to aid in their own defense
 - determining the influence of weapon presence during a crime on eyewitness memory
 - evaluating whether a child witness understands the difference between the truth and a lie

ANSWER: a

5. Given their specialization in developmental psychology, Dr. Bernard's expertise would be MOST relevant in addressing which of these legal issues?
- when evaluating the state of mind of a teenager who brought a gun to school
 - when deciding whether jurors understand pattern jury instructions correctly
 - when assessing the competency of a defendant with mental illness to stand trial
 - when studying how interrogation methods are related to the likelihood of a false confession

ANSWER: a

6. Given their specialization in clinical psychology, Dr. Li's expertise would be MOST relevant in addressing which of these legal issues?
- when explaining who is most vulnerable to coercive interrogation tactics
 - when deciding whether jurors understand pattern jury instructions correctly
 - when assessing the competency of a defendant with mental illness to stand trial

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d. when studying how interrogation methods are related to the likelihood of a false confession

ANSWER: c

7. Given his specialization in cognitive psychology, Dr. Gomez's expertise would be MOST relevant in addressing which of these legal issues?

- a. when advising on the assessment of violence risk for the defendant
- b. when deciding whether jurors understand pattern jury instructions correctly
- c. when assessing the competency of a defendant with a mental illness to stand trial
- d. when studying the impact of domestic violence exposure on children's wellbeing

ANSWER: b

8. Given her specialization in social psychology, Dr. Ronaldo's expertise would be MOST relevant in addressing which of these legal issues?

- a. when conducting an assessment on the risk of future dangerousness of a person charged with sexual violence
- b. when deciding whether jurors understand pattern jury instructions correctly
- c. when assessing the competency of a defendant with a mental illness to stand trial
- d. when studying how interrogation methods are related to the likelihood of a false confession

ANSWER: d

9. Given his specialization in cognitive psychology, Dr. Morelli's expertise would be MOST relevant in addressing which of these legal issues?

- a. when analyzing how a driver's speed influences law enforcement decisions during traffic stops
- b. when advising at what age children can explain an abstract concept like honesty
- c. when evaluating a juvenile's competence to aid in their own defense
- d. when designing a questionnaire to determine potential juror biases

ANSWER: a

10. Which two events in 1908 led to the recognition by psychologists that their ideas could be used to transform the legal system?

- a. the publication of *On the Witness Stand* and the case of *Brown v. Board of Education*
- b. the case of *Muller v. Oregon* and the publication of *On the Witness Stand*
- c. Sigmund Freud's speech to Austrian judges about unconscious processes and the case of *Muller v. Oregon*
- d. the legal realism movement and the case of *Muller v. Oregon*

ANSWER: b

11. Who was the first psychologist to suggest that unconscious processes could be used to understand what motivates criminal behavior?

- a. Wilhelm Wundt
- b. Sigmund Freud
- c. Hugo Munsterberg

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d. Louis Brandeis

ANSWER: b

12. Brandeis's brief in *Muller v. Oregon* (1908) was a milestone in the development of the psychology and law union because it:

- a. relied on expert testimony from professional psychologists.
- b. expanded graduate training for psychologists.
- c. revolutionized how people thought of the functions of law.
- d. opened the door for U.S. courts to use social scientific evidence.

ANSWER: d

13. Which of these statements explains the difference between proponents of legal realism and proponents of natural law?

- a. Natural law proponents view judges' roles as shaping the law for the purpose of social policy goals, whereas legal realists view judges' roles as using logical deduction based on principles found in nature.
- b. Legal realists treat laws as static and unchanging, whereas natural law proponents focus on dynamic changes to laws based on modern society.
- c. Legal realists view judges' roles as shaping the law for the purpose of social policy goals, whereas natural law proponents view judges' roles as using logical deduction based on principles found in nature.
- d. Natural law proponents and legal realists both agree that judges should allow laws to evolve naturally based on legal precedents.

ANSWER: c

14. Legal realists:

- a. thought judicial decisions reflected principles found in nature.
- b. felt judges used careful logic to arrive at a single correct decision in a particular case.
- c. believed judges constructed the law through their interpretations of evidence and precedent.
- d. showed little interest in applying social science research to the legal system.

ANSWER: c

15. Legal realism, as expressed by Karl Llewellyn in the 1920s and 1930s, embodied all of these views EXCEPT which?

- a. Law must be periodically reviewed for the good of society.
- b. Law should be judged independent of its effects.
- c. Law is not an end in itself.
- d. Law must be assessed based on its effects.

ANSWER: b

16. In 1930, a social scientist was asked to predict which crime prevention measures would deter criminal behavior. He noted that the likelihood of someone becoming a criminal could be reduced based on a number of probable factors. Which statement reflects how policymakers would react to this proposal?

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- a. They would adopt the findings and implement reforms.
- b. They would dismiss the findings due to their lack of certainty.
- c. They would demand additional research to confirm the results and analyses.
- d. They would seek alternative predictions from other disciplines, like biology.

ANSWER: b

17. The famous *Brown v. Board of Education* (1954) case, besides being one of the most important Supreme Court rulings of the twentieth century, was a milestone in the psychology and law alliance because:

- a. the ruling cited research conducted by social scientists.
- b. the judge admonished social scientists for their testimony.
- c. the jury overruled the social science expert's opinion.
- d. jurors' opinions were influenced by the expert's testimony.

ANSWER: a

18. In the 1960s and 1970s, all of these viewpoints were developing EXCEPT:

- a. a growing pessimism about the alliance of psychology and law.
- b. the legal system becoming more receptive toward social scientific research.
- c. psychologists becoming more eager to apply research to law-related matters.
- d. an enthusiasm about using therapeutic methods to rehabilitate criminals.

ANSWER: a

19. How might a social scientist in modern society describe the concept of culture?

- a. as a formal, regulated system of rules designed to regulate behaviors
- b. as an individual's cognitive processes and decision-making style
- c. as biological and genetic traits inherited by individuals
- d. as generationally shared attitudes, values, beliefs, and behaviors

ANSWER: d

20. When psychology and law are discussed as embodying different cultures, the underlying cultural differences focus on:

- a. behaviors, values, and beliefs.
- b. shared cognitions, standard operating procedures, and unexamined assumptions.
- c. assumptions, goals, and beliefs.
- d. goals, methods, and styles of inquiry.

ANSWER: d

21. During a trial, each side is trying to win the case. However, the goal of the legal system overall is to:

- a. achieve approximate justice.
- b. achieve peace.
- c. obtain compensation for all parties.
- d. not be hampered by fairness.

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ANSWER: a

22. _____ can be described as an effort to figure out how people behave, whereas _____ provides a system for regulating how people behave.

- a. Law; psychological science
- b. Psychological science; culture
- c. Culture; law
- d. Psychological science; law

ANSWER: d

23. The primary goal of psychological science is to:

- a. study the effects of laws on humans under various conditions.
- b. regulate human behavior.
- c. demonstrate how punishment works.
- d. provide accurate explanations of human behavior.

ANSWER: d

24. According to the text, psychology _____, whereas the legal system _____.

- a. emphasizes the characteristics of groups; emphasizes individual cases
- b. emphasizes individual cases; emphasizes the characteristics of groups
- c. applies abstract principles; understands the general nature of humans
- d. develops legal protocol; generalizes the details of a case

ANSWER: a

25. The culture of the legal system is averse to:

- a. opinions.
- b. precedents.
- c. uncertainty.
- d. persuasion.

ANSWER: c

26. Courts have been more receptive to clinical psychologists than to other types of psychologists. The MOST probable reason is that, like lawyers, clinicians:

- a. can lie easily to achieve their ends.
- b. are oriented toward the individual case.
- c. care more about justice than the truth.
- d. have a background in scientific methods.

ANSWER: b

27. Dr. Cardona, a clinical psychologist, was asked by the court to evaluate a defendant for competency. She completes a battery of assessments and determines the defendant is not competent to stand trial. What is the MOST probable reason for the judge to accept Dr. Cardona's findings?

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- a. because Dr. Cardona is a hired gun who could lie to achieve her ends
- b. because Dr. Cardona is oriented toward the individual case
- c. because Dr. Cardona cares more about justice than the truth
- d. because Dr. Cardona has a background in scientific methods

ANSWER: b

28. A defendant is charged with battery and is claiming self-defense. A cognitive psychologist is allowed to testify about how brain disorders, like the defendant has, affect threat perception and decision making. Consistent with the goals of psychology versus the law, what should the judge do?

- a. The judge should remind the jury that the psychologist is speaking in general, not about this defendant specifically.
- b. The judge should instruct the jury to consider whether the defendant was temporarily insane.
- c. The judge should require another expert to testify about how a brain disorder could have impacted the defendant.
- d. The judge should tell the jury to disregard the testimony of the psychologist.

ANSWER: a

29. The law is based on _____, whereas psychology is based on _____.

- a. authority; empiricism
- b. procedure; advocacy
- c. empiricism; authority
- d. objectivity; procedure

ANSWER: a

30. Dr. Kamal, a cognitive psychologist, wants to understand how delaying eyewitness identification can impact accuracy. How would people expect Dr. Kamal to approach this issue?

- a. Dr. Kamal will look at past convictions and acquittals in cases involving eyewitness testimony.
- b. Dr. Kamal will design and conduct an empirical research study to collect reliable data.
- c. Dr. Kamal will review legal precedents on how the timing of identification affected testimony admissibility.
- d. Dr. Kamal will ask an eyewitness to assess the impact of delays on their accuracy.

ANSWER: b

31. Which statement is NOT true concerning precedent?

- a. Judges are strongly constrained by the doctrine of *stare decisis*.
- b. A connection to precedent can substantially increase the persuasiveness of a legal argument.
- c. Precedents are past decisions on legal issues.
- d. Precedents are continually revised in response to social change.

ANSWER: d

32. Precedents can BEST be described as:

- a. legal cases that have established a rule later applied to other cases with similar issues.

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- b. past decisions dictating all future cases, regardless of how well the rule fits new cases.
- c. reviews of facts in a case that occurred in a similar jurisdiction.
- d. rulings on the matters that were applied to the same plaintiff or defendant in an earlier case.

ANSWER: a

33. At the end of the nineteenth century, Justice Oliver Wendell Holmes famously said, "Law is the government of the living by the dead." His saying reflects the currently relevant principle that:

- a. criminal murder cases have to be solved even if the suspect is already dead.
- b. past decisions are often discarded to make way for future understanding.
- c. applying laws is a living, breathing, constantly changing process.
- d. legal rulings in cases decided a long time ago may still apply to current cases.

ANSWER: d

34. Which statement is NOT true of lawyers in the U.S. legal system?

- a. U.S. lawyers do a bit of acting at times.
- b. U.S. lawyers must be advocates for their clients.
- c. U.S. lawyers can knowingly permit witnesses to lie under oath.
- d. U.S. lawyers actively promote a one-sided view of the facts.

ANSWER: c

35. Which statement is NOT true of scientists?

- a. Values and biases do not impact scientists.
- b. Scientists must strive for objectivity.
- c. Researchers may disagree about the correct interpretation of data.
- d. Scientists are not capable of perfect objectivity.

ANSWER: a

36. The basis of the adversarial legal system is the belief that:

- a. the prosecution depends on the adverse nature of the case.
- b. truth will emerge as a result of the contest between opposing sides.
- c. the defense only depends on eyewitness testimony.
- d. the truth always prevails.

ANSWER: b

37. Mateo majored in psychology as an undergraduate and is now finishing his first year of law school. Can Mateo reconcile the different approaches between psychology and law and still be successful as an attorney?

- a. No. Mateo cannot be successful as an attorney and should have majored in criminal justice.
- b. No. The approaches are incompatible, so Mateo will have to disregard what he learned in psychology.
- c. Yes. Mateo understands that both attorneys and psychologists are advocates who must think critically and logically.

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d. Yes. Mateo can apply the psychological research methods he learned to investigate legal cases.

ANSWER: c

38. During a trial, attorneys make opening statements and closing arguments for the purpose of:

- a. swaying the expert's opinion.
- b. convincing the opposing side's attorneys.
- c. advancing their version of the evidence.
- d. finding out the truth of what happened.

ANSWER: c

39. Differences in goals, methods, and styles of inquiry made the relationship between psychology and law:

- a. natural and harmonious.
- b. difficult but important.
- c. impossible to forge.
- d. successful in every way.

ANSWER: b

40. According to the textbook, the working definition of forensic and legal psychology is:

- a. the intersection of the discipline of psychology and the law to solve social problems.
- b. the application of psychological principles to address clinical issues in legal settings.
- c. using psychological techniques to aid in criminal investigations.
- d. the use of psychological knowledge or research methods to advise, evaluate, or reform the legal system.

ANSWER: d

41. Firoza is a clinical psychologist hired by the defense to testify on whether a defendant is likely to be dangerous in the future. This is an example of a psychologist acting in which role in the legal system?

- a. clinician
- b. evaluator
- c. reformer
- d. advisor

ANSWER: d

42. Which is NOT an advisory role played by psychologists?

- a. trial consulting
- b. actively promoting change in the legal system
- c. testifying on whether a defendant is competent to stand trial
- d. writing briefs submitted to the court

ANSWER: b

43. Obinze is hired by the defense to help select jurors who would be less likely to convict. This is an example of a psychologist acting in which role in the legal system?

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- a. advisor
- b. evaluator
- c. reformer
- d. clinician

ANSWER: a

44. Trial consultants are usually hired to:
- a. prepare witnesses and shape courtroom strategy.
 - b. cite law and write abbreviated briefs.
 - c. perform psychological evaluations and risk assessment.
 - d. conduct research and advocate for reform.

ANSWER: a

45. Get-tough interventions like Scared Straight and boot camps have been found:
- a. extremely effective in reducing recidivism.
 - b. not to work and even backfire.
 - c. promising but in need of further evaluations.
 - d. not to be amenable to evaluation.

ANSWER: b

46. _____ evaluations provide ongoing information about a program's effectiveness, while _____ evaluations judge overall effectiveness and recommend whether a program should be continued.
- a. Policy; program
 - b. Summative; formative
 - c. Formative; summative
 - d. Program; policy

ANSWER: c

47. Psychologists as evaluators are MOST likely doing research to answer which question?
- a. Who committed the crime?
 - b. Can laws be improved?
 - c. Does the policy or program work?
 - d. Is the lawyer using an effective trial strategy?

ANSWER: c

48. Dr. Adichie has been asked to serve as an evaluator to check the effectiveness of the drug court. Dr. Adichie is most likely going to conduct research to answer which of these questions?
- a. Will this brief persuade the drug court to grant probation for a juvenile accused of drug offenses?
 - b. When is the right time to communicate the findings of the practical applications of this research on drug courts?
 - c. Do drug courts work to reduce the likelihood of reoffending among those with substance use

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disorder?

- d. Is the lawyer using an effective trial strategy when preparing witnesses at the drug court?

ANSWER: c

49. Ricardo is conducting research to determine the effectiveness of the D.A.R.E. program. This is an example of a psychologist acting in which role in the legal system?

- a. advisor
- b. evaluator
- c. reformer
- d. clinician

ANSWER: b

50. Isabella is advocating for a change in the way domestic violence victims are treated by the police and the courts. This is an example of a psychologist acting in which role in the legal system?

- a. advisor
- b. evaluator
- c. reformer
- d. clinician

ANSWER: c

51. Which statement is NOT true about psychologists as reformers?

- a. Psychologists must wait for absolute certainty before communicating their findings and advocating for a position.
- b. To promote change, a psychologist must step away from the role of objective scientist.
- c. Psychologists must grapple with whether or not they have sufficient confidence in their findings before advocating a particular change.
- d. Many psychologists are uncomfortable when stepping away from the role of an objective scientist.

ANSWER: a

52. In consideration of scientific testimony, *gatekeeping* in the legal sense includes:

- a. determining the court session protocol and procedures.
- b. assessing the scientific validity of potential testimony.
- c. counseling juries on the value of scientific evidence.
- d. providing instructions to the jurors before they start deliberation.

ANSWER: b

53. For a reasonable evaluation of the scientific validity of a potential expert testimony, sufficient understanding of which is needed?

- a. court proceedings
- b. jury instructions
- c. research methods
- d. legal terminology

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ANSWER: c

54. Roles that psychologists may play in the legal system include:

- a. auxiliary judges.
- b. gatekeepers.
- c. reformers.
- d. parapsychologists.

ANSWER: c

55. The *Daubert* trilogy of cases impacts trial courts by:

- a. putting the burden of decisions about allowing expert testimony on trial judges.
- b. demonstrating that judges understand social science research and methods.
- c. making judges take statistics courses and regular refresher trainings.
- d. proving that scientific research is well understood by key actors in the legal system.

ANSWER: a

56. The ways the *Daubert* trilogy affected the legal system include all of these EXCEPT which?

- a. Judges are now more likely to exclude expert testimony, even if it's scientifically sound.
- b. Lawyers are more likely to often "shop around" for an expert who would support their side.
- c. Superior courts are more likely to question trial judges' decisions about allowing expert testimony.
- d. Judges admit expert testimonies based on the expert's characteristics.

ANSWER: c

57. According to the article "Neuroscience in the Courtroom" (*Scientific American*), recent advances in neuroscience have:

- a. improved the reliability of expert witnesses.
- b. increased cohesiveness of jury decision making.
- c. made brain scans a universally accepted piece of evidence at trials.
- d. raised important questions about free will and personal responsibility.

ANSWER: d

58. Psychologists testifying in court feel it is their responsibility to correctly and clearly present scientific findings, even if this may lead to an unfair verdict by the jury. According to Saks (1990), such an expert fulfills the role of:

- a. conduit-educator.
- b. philosopher-advocate.
- c. hired gun.
- d. inadvertent influencer.

ANSWER: a

59. Dr. Lower is hired by the defense to give expert testimony in court on whether the defendant was insane at the time of the crime. When preparing their testimony, they chose to present information that only supports the

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defense's case. According to Saks (1990), such an expert fulfills the role of:

- a. conduit-educator.
- b. philosopher-advocate.
- c. hired gun.
- d. inadvertent influencer.

ANSWER: c

60. Which statement is NOT true about cross-disciplinary education?

- a. Exposure to psychological science is likely to make lawyers and judges less receptive to scientific testimony.
- b. Psychologists with legal training are more likely to communicate their findings to legal professionals.
- c. Psychologists with legal training are better equipped to ask questions that are useful to the legal system.
- d. Exposure to psychological science is likely to make lawyers and judges less receptive to testimony lacking a solid scientific foundation.

ANSWER: a

61. *Amicus curiae* briefs:

- a. help experts testifying in court get their point across.
- b. educate judges about research findings and their meaning.
- c. summarize the questions raised by the jury during the deliberation of a verdict.
- d. reflect scientists' lack of interest in the legal system.

ANSWER: b

62. According to the text, when writing *amicus curiae* briefs, it may be hard for psychologists to balance the goals of:

- a. science translation and advocacy.
- b. authoritativeness and leniency.
- c. speculation and deliberation.
- d. reflectivity and action orientation.

ANSWER: a

63. The text mentions several impactful ways for scientists to influence the thinking of legal professionals. Which is NOT one of them?

- a. disseminating the knowledge gained from research studies by describing them in popular press like *Time* magazine
- b. participating in continuing education programs that judges and lawyers are required to attend
- c. lobbying legislators to pass laws requiring the testimony of psychologists at every trial
- d. making scientific findings easy to understand and accessible to the public

ANSWER: c

64. Which is NOT a way that psychologists have influenced the thinking of legislatures?

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- a. translating voluminous research into a series of recommendations
- b. serving as expert witnesses in individual cases
- c. testifying before the U.S. Congress
- d. creating several research-based procedures for gathering eyewitness evidence

ANSWER: b

65. The roles of psychologists and their influence in the legal system created which positive change?
- a. Judges now tend to be well informed about the recent advances in psychological research.
 - b. Judges are now more likely to accept expert testimony from psychologists as truth.
 - c. Judges have to articulate more clearly what their decisions are based on.
 - d. Judges often defer to the jury regarding whether an expert should be allowed to testify.

ANSWER: c