

# APPLYING SOCIAL PSYCHOLOGY TO THE CRIMINAL JUSTICE SYSTEM

◆ DAVID M. DAY

◆ STÉPHANIE B. MARION

## CHAPTER OUTLINE

The Crime and the  
Criminal  
The Social Psychology  
of a Crime  
The Origins of Criminal  
Behavior

The Response of the Criminal  
Justice System  
The Police Investigation  
The Courtroom  
The Prison Setting  
Summary

*On the evening of November 14, 1999, Dmitri “Matti” Baranovski, a 15-year-old high school student from Toronto, sat with about six friends in the Harryetta Gardens playground in a park near their school and not far from where Matti lived with his mother. They often would come to the park to talk, socialize, and just hang out.*

*At approximately 8:45 p.m., they were approached by a group of 10 to 12 older teens and were asked whether they had any cigarettes and money. The intruders were wearing balaclavas over their faces so that their identities were not readily apparent. When Matti and his friends told them they had no cigarettes or money, the young men persisted in their demands. At this point, Matti stood up against the group and told the older teens to stop bothering him and his friends.*

*The details of what happened next are not entirely clear. According to newspaper reports, three of the young men began to punch and kick Matti*

about his face and body. Matti's friends ran away, leaving him alone with his assailants. As a result of the attack, Matti fell to the ground as he continued to be brutally hit and kicked. One kick caused Matti's head to simultaneously rotate and snap back, tearing the vertebral artery in his neck and killing him. The attack lasted only a few minutes, after which the assailants fled.

One of Matti's friends had run across the street to a residence to summon help. The first 911 call came in at 9:02 p.m. (Wong, 1999). By the time the paramedics arrived on the scene, Matti's body was lifeless. Although he was revived later at the hospital, Matti died during the early morning hours of the next day.

It was later revealed that the young men had apparently come to the park looking for a fight with another group whose members failed to show up. They then turned their attention to Matti and his friends and decided to rob them. It also was revealed that at least two cars had passed by the scene that evening on the busy street that runs by the park. The drivers, on hearing Matti's screams, had slowed down or even stopped. In all cases, no one came to assist Matti or called for help. According to one newspaper report (Wong, 1999), a woman driving by stopped her car when she and her two sons, who were passengers in the car, heard the noises from the attack. They reported hearing a loud cry for help and a lot of Russian words, followed by someone yelling "Get to the ground!" At that point, the woman, fearing that there might be weapons involved, became scared and drove off.

This vicious attack raises many questions about the nature of criminal behavior and about people's responses to criminal acts that may be examined from a social psychological perspective. Moreover, beyond the particular criminal incident, social psychological theory and research can be applied to understand and address other aspects of the criminal justice system, including the police investigation, the criminal trial, and the incarceration and rehabilitation of criminal offenders. Some of the questions that social psychologists could address include the following:

- What situational factors of that evening might have influenced the behavior of Matti's assailants?
- What factors might account for the responses of the bystanders who, on hearing the commotion, slowed down but did not stop to assist?

- Once the police become involved in a crime, what elements make for an effective investigative interview with witnesses, victims, and suspects?
- In a court case, how might the personal characteristics of a defendant or the situational characteristics of the courtroom influence decisions made by the judge or jury members?
- Can we increase the effectiveness of prisons by altering their social climates and creating more "humane" environments behind bars?

With regard to the potential role of social psychology in answering these questions, consider the following statement made by Schuller and Ogloff (2001): "Given that public policies, laws, and court decisions are based on assumptions about human behavior, the very subject matter of psychology, psychologists can play a vital and important role in this area" (p. 6). Consider also that criminal behavior is a social act, involving violations of socially defined laws. Some crimes are committed against people directly, including both violent offenses (e.g., murder, robbery, uttering a death threat) and nonviolent offenses (e.g., fraud, voyeurism, exhibitionism). In many cases, particularly among youths, crimes are committed by groups of individuals acting together. What social psychologists bring to these issues are theories and methodologies that take into account the role of both the person and the situation to account for behavior. This approach provides a more integrative and multilevel framework for addressing the issue of crime than does focusing only on the person or only on the environment.

To illustrate, criminal acts may be viewed from a **social ecological perspective**, that is, as the result of an interaction between the person and the environment. This notion derives from Kurt Lewin's famous theorem,  $B = f(P, E)$ , which states that *behavior* ( $B$ ) is a function of the *person* ( $P$ ), the *environment* ( $E$ ), and the *interaction* between the two (Lewin, 1951). With regard to criminal behavior, an individual may be compelled to offend only in the presence of an environmental stimulus that acts as a sort of "trigger." For example, a person might shoplift only after walking into a large department store; indeed, some offenders can be quite picky regarding the stores from which they will steal. In the absence of the large department store, the crime would not take place. As another example, a drug addict might start "jonesing" or craving a "hit" upon seeing drug paraphernalia sitting on a table.

In practice, social psychology has been of value to the police in developing techniques for interviewing suspects, to defense attorneys in demonstrating how a person can come to be wrongfully accused of a crime, to lawyers in selecting possible jurors for a trial, and to forensic psychologists in conducting risk assessments of offenders to predict the probability of future criminal behavior. Whereas many such topics may be explored, a full discussion of the contributions of social psychology is beyond the scope of this chapter. The topics examined here relate to four aspects of the criminal justice system in which the application of social psychology has been particularly fruitful: (a) explaining criminal behavior, (b) conducting the criminal investigation, (c) conducting the trial, and (d) incarcerating offenders. The chapter first examines criminal incidents from a social psychological perspective, focusing in particular on the attack on Matti.

## THE CRIME AND THE CRIMINAL

### The Social Psychology of a Crime

In some respects, the tragedy of the beating death of Matti Baranovski, described in the opening vignette, is reminiscent of the story of Catherine “Kitty” Genovese, who, in 1964, also was killed by her attacker in Queens, New York. This incident has received considerable attention in both the social science literature and the public media because of the original reports that a number of the victim’s neighbors were witnesses to the attack but had failed to intervene, although the number of such witnesses does remain in question (Manning, Levine, & Collins, 2007).

Research on bystander intervention (Darley & Latané, 1968; Latané & Nida, 1981) has shown that various factors influence a person’s decision to assist in an emergency situation, including the ambiguity of the situation and the perceived similarity of the victim to the potential helper. Another factor is the number of bystanders who witness the emergency. There is considerable research evidence of a phenomenon known as the **bystander effect**, which states that people are less likely to help in an emergency when other bystanders are present. One explanation for the bystander effect is that the presence of others lowers the individual bystander’s sense of responsibility. The drivers who passed by the Toronto park and heard Matti’s cries that evening might

not have intervened because they thought that, given the busy road nearby, others would intervene. Moreover, this **diffusion of responsibility** (i.e., the diminished sense of responsibility a person feels when he or she believes that others would or should intervene) is more likely to occur when a bystander can remain anonymous (the driver may remain in his or her car and continue driving without much notice), when there are relatively few victims (only Matti’s voice was heard screaming), and when the victim is perceived to be dissimilar to the potential helper (Russian words were heard). What would you have done if you had been a passerby that evening? Unfortunately, it seems that many of us would not have offered help. In Toronto on April 24, 2010, Yusuf Hizek, a 79-year-old male, was doing what many of us do on a regular basis, riding public transit home for the evening. At about 8:30 p.m., while taking the subway, Mr. Hizek was robbed by two men who asked for, then demanded, money. When Mr. Hizek stood up to press the passenger assistance alarm, the two men pulled him down and held him while one grabbed his wallet. They fled the subway at the next station. The attack took place in full view of perhaps two dozen other passengers. As Mr. Hizek cried out for help, no one came to his assistance or even called for help (White, 2010). Fortunately, the two men, both in their late 20s, were later arrested for the crime.

Let us consider the behavior of Matti’s assailants. What situational factors might have accounted for their violent actions? We could begin by asking questions such as the following: Would these young men have attacked Matti if they had not been wearing masks over their faces? Would they have engaged in the violent behavior if they had not been in a group, that is, if they had been on their own with Matti and his friends? To what extent did such factors contribute to Matti’s beating? Although we cannot know for sure, we can speculate based on sound principles derived from well-controlled social psychological research.

Wearing balaclavas over their faces provided the young men with a sense of anonymity and loss of personal identity, much like members of the Ku Klux Klan wearing hooded robes. Research on **deindividuation** (i.e., a diminished sense of self-awareness) suggests that people, under the cover of anonymity in which their identities are concealed, may deliberately choose to engage in behavior about which they might otherwise be

inhibited, including aggression. For example, Zimbardo (1969) demonstrated in a laboratory experiment that female research participants wearing Ku Klux Klan–type hoods and outfits delivered shocks for twice as long to an experimental confederate as did other research participants whose identities were revealed by large name tags.

The young attackers also were not acting alone. Moreover, they had come to the park prepared to fight. The notion of **social facilitation** (Zajonc, 1965) informs us that a person's performance on a well-learned task will be enhanced by the heightened arousal caused by the presence of others. Perhaps the aggressive behavior of these young men was well learned—something they were accustomed to doing and, indeed, something they were primed to do that evening. Within their antisocial peer group, such behavior might even be considered “normative.” As a result, the presence of the group might have heightened the young men's levels of arousal, which in turn enhanced their tendencies to engage in aggression, resulting in the vicious unprovoked attack.

Furthermore, it was alleged that Matti's assailants had come to the park intending to fight with another group whose members failed to show up. This aborted confrontation may have led to a heightened sense of frustration and anger among the young men. According to the **frustration–aggression hypothesis** (Berkowitz, 1989), frustration—defined as anything that blocks a person from attaining a goal—may have been a trigger for their aggressive behavior in the presence of a new set of potential victims.

A fourth factor that may influence antisocial behavior, and aggression in particular, is the presence of *situational cues* that incite the behavior. Recall the laboratory experiment by Berkowitz and LePage (1967), discussed in Chapter 7, in which the presence of a gun, rather than a badminton racquet, was shown to increase the aggressive behavior of research participants. Moreover, according to Anderson and Bushman (2002), some social contexts restrict opportunities to act aggressively, whereas others provide ample opportunities:

Church services contain many impediments to aggression—witnesses, strong social norms against aggression, and specific nonaggressive behavioral roles for everyone in attendance.

Country/Western bars on Saturday nights present better opportunities for aggression. Many aggression facilitators are present: alcohol, aggressive cues, aggression-prone individuals, males competing for the attention of females, and relative anonymity. (p. 43)

Perhaps, under the cool cover of night in a secluded area of a park, the stage was set for violence to erupt as a group of deindividuated, frustrated, and aggressive young men turned their sights on Matti and his friends.

But these factors do not explain all of the events of that evening, nor do they explain the events leading up to or subsequent to the attack on Matti. In fact, although deindividuation and social facilitation are good examples of some of the **proximal variables** (i.e., those occurring close in time to the event) that can influence criminal behavior, there is another set of factors that also is important, referred to as **distal variables** (i.e., those occurring in the distant past relative to the event). As we will see, a comprehensive social psychological theory of criminal behavior should include both sets of determinants.

It should be noted that recognition of the situational determinants of criminal behavior is not meant to imply that an individual's *personal responsibility* for engaging in antisocial acts should be reduced or diminished in any way. Rather, it is meant to acknowledge that many factors—both situational and individual differences—are needed to fully explain crime.

## The Origins of Criminal Behavior

Existing theories of criminal behavior implicate a wide range of variables that reside within the person, the person's immediate environment, and the broader sociological context. Presented in what follows are some of the major theoretical paradigms from biology, sociology, and social psychology that have been put forth to explain criminal behavior. Although this chapter emphasizes the social psychological perspective, it is important to always remember that the perspectives of other disciplines contribute to a more complete understanding of psychological phenomena, including the etiology of criminal behavior. A general discussion of biological and sociological theories is presented first, followed by a consideration of several social psychological approaches.

### *Biological Theories*

Biologically based theories view criminal behavior as the result of genetics, psychophysiology, neurological functioning, and biochemistry. Studies of genetic influences, for instance, have noted a greater preponderance of criminals among sons whose biological parents also were criminals (Lytton, 1990). The well-documented finding that males have a greater propensity for physical aggression than do females has been attributed to higher levels of testosterone (Dabbs, Carr, Frady, & Riad, 1995) and the presence of an extra Y chromosome (XYY) (Crowell, 1987), although the latter observation has been disputed (Mednick, Moffitt, Gabrielli, & Hutchings, 1986). In addition to these inherited biological characteristics, acquired biological deficits may influence criminal behavior. Even before birth, factors may conspire against the developing fetus, predisposing it to impulsive, hyperactive, or aggressive behavior. For example, a lack of proper nutrients during critical periods of prenatal development or pre- or postnatal exposure to toxic agents (e.g., alcohol, cigarettes, lead, drugs) may result in mild or severe deficits in cognition (e.g., learning disabilities, social information-processing deficits) and behavior (e.g., poor motor coordination, poor self-control) (Hodgins, Kratzer, & McNeil, 2002)—factors that are known to be markers of aggressive behavior in children.

### *Sociological Theories*

Some of the most enduring theories of crime are those that are based on sociological principles. These traditional theories (e.g., anomie, strain, control, subculture), although widely diverse, attempt to explain crime in relation to various factors in society such as social class, poverty, and social inequity. Thus, a person's socioeconomic status, determined by education, occupation, income, and neighborhood characteristics, explains substantial variability in criminal behavior. Lower socioeconomic status is associated with a higher rate of crime. However, the causal mechanisms purported to connect these variables will differ depending on the particular theory. For example, according to strain theory (Cohen, 1960), criminal behavior is caused by undue strain (frustration) experienced as a result of pathological social structures (e.g., social inequality, poverty) that prevent a person from achieving the

middle-class expectations for material success. The strain leads the person to engage in socially deviant behavior, such as crime, to attain goods and social prestige. Subculture theory (Wolfgang & Ferracuti, 1981) states that individuals who engage in criminal activity are merely conforming to the hedonistic, hostile, and destructive values of lower-class culture. Indeed, in the deviant subculture, the nonconformists who do not engage in theft, drug use, and gang affiliation are said to be the true deviants (Andrews & Bonta, 2010).

### *Social Psychological Theories*

Theories of criminal behavior from a social psychological perspective tend to consider the influence of both dispositional and situational factors. For example, as Hoge (2001) noted, social ecological models explain crime as a function of the interaction among multiple “forces operating at the level of the individual, their immediate social environment, and more distal factors within the larger social environment” (p. 58).

Recall that according to Bandura's (1977) **social learning theory** (discussed also in Chapter 4), criminal activity represents learned behaviors that develop through a person's interactions and experiences with the social environment. This learning takes place as a result of various processes, including observing and imitating the criminal behavior of others, receiving positive consequences for engaging in criminal behavior (e.g., peer approval), realizing that such behavior can effectively lead to desired outcomes (i.e., have instrumental value), and developing a high sense of self-efficacy in using antisocial means to achieve one's aims. As we will see, these notions have greatly influenced the development of current social psychological theories of crime.

This subsection focuses on the **general personality and social psychological model of criminal behavior** developed by Andrews and Bonta (2010). According to Andrews and Bonta, the likelihood that a person will engage in criminal behavior is increased by the presence of risk factors in his or her life. Eight categories of risk factors—some personal and some environmental—are proposed:

1. An early age of onset for antisocial behavior
2. Temperamental and personal characteristics that are conducive to criminal activity (e.g., impulsivity, aggressive energy, weak problem-solving abilities)

3. Antisocial attitudes, values, and beliefs
4. Association with procriminal peers and isolation from noncriminal associates
5. Negative parenting and family experiences (e.g., harsh and abusive discipline, poor parental monitoring and supervision, low family cohesion)
6. Low levels of school or vocational achievement
7. Poor use of leisure time and low levels of involvement in prosocial leisure pursuits and recreational activities
8. Abuse of drugs and/or alcohol

In addition, characteristics of the immediate situation are considered to interact with characteristics of the individual to increase the likelihood of criminal activity.

The factors in Andrews and Bonta's (2010) model are viewed from a developmental perspective, either appearing early in a person's life (e.g., temperamental factors, family factors) or emerging over time through middle childhood and into adolescence (e.g., antisocial attitudes, negative peer influences). In addition, the amount of influence of each set of factors on the propensity to engage in antisocial acts will vary depending on the stage of a person's life. For instance, the influence of family factors will be greater during childhood, and the influence of peer factors will be greater during adolescence (Moffitt, 1993). Clearly, Andrews and Bonta's model recognizes that the factors that influence the development of individuals who are predisposed to criminal activity are numerous and their interrelationships are complex.

Drawing on both Andrews and Bonta's (2010) model and a social learning perspective, one can see how the factors that the person brings to the situation, such as antisocial attitudes and perceived self-efficacy, in interaction with factors in the immediate situation, such as peer support for antisocial acts, are related to criminal behavior. For example, a person who values the use of antisocial behavior (e.g., violence, theft) as a means of achieving certain ends (e.g., settling a personal score, obtaining money), who feels competent to carry out the behavior (i.e., has high perceived self-efficacy), and who does not feel constrained in any way to behave in an antisocial manner has a relatively high likelihood of committing an offense, particularly in the presence of an

opportunity and antisocial peers. Add the influence of other social psychological factors discussed earlier, such as deindividuation and frustration, and there may be a recipe for disaster. Two elements of Andrews and Bonta's model—antisocial attitudes and antisocial peers—are examined in more detail in the following paragraphs.

***Antisocial attitudes and criminal behavior.*** The study of attitudes, including antisocial attitudes, and their relation to behavior is an important endeavor in social psychology. Attitudes are generally thought of as evaluative judgments that a person makes about an issue, an object, an event, or a person. Thus, a person's attitudes toward crime may be relevant to his or her tendency to commit a crime.

Andrews and Bonta (2002) identified five elements that comprise an antisocial pattern of attitudes (including values and beliefs): (a) high tolerance for deviance in general, (b) rejection of the validity of legal authority and institutions, (c) use of cognitive distortions (e.g., rationalization, denial) to make one's antisocial behavior acceptable, (d) interpretation of a wide range of environmental stimuli as a reason for anger, and (e) a style of thinking that is generally antisocial. Sample items from the Measures of Criminal Attitudes and Associates (Mills, Kroner, & Forth, 2002), a 46-item, self-report inventory of antisocial attitudes, are presented in Table 11.1. Taken together, antisocial attitudes, values, and beliefs, once stabilized, have been shown to be among the strongest predictors of criminal behavior, more so than social class, personal distress variables (e.g., low self-esteem, anxiety), and family-parenting characteristics (Gendreau, Little, & Goggin, 1996). Correlations between antisocial attitudes and criminal behavior have been found to be in the range of .35 to .40 (Andrews, Leschied, & Hoge, 1992).

***Antisocial peer group and criminal behavior.*** Studies have shown that offending behavior, particularly among adolescents, is apt to be deeply embedded within an antisocial peer group, the second element (i.e., risk factor) of Andrews and Bonta's (2010) model on which we are focusing. The influence of the peer group can come about in one of two ways: (1) through a relatively casual and time-limited association with delinquent peers or (2) through a clearly indoctrinated, long-term affiliation with other antisocial youths,

**Table 11.1** Sample Items From the Measures of Criminal Attitudes and Associates

|   | <i>Response</i> | <i>Alternatives</i> |
|---|-----------------|---------------------|
| It's understandable to hit someone who insults you.   | Agree           | Disagree            |
| I have a lot in common with people who break the law. | Agree           | Disagree            |
| I could see myself lying to the police.               | Agree           | Disagree            |
| Rules will not stop me from doing what I want.        | Agree           | Disagree            |
| I would run a scam if I could get away with it.       | Agree           | Disagree            |

SOURCE: Mills, Kroner, and Forth (2002).

NOTE: Individuals who agree with these and similar types of items score high on antisocial attitudes.

such as membership in a street gang. Adolescents who follow the first path are identified as the adolescence-limited group, and those who follow the second path are identified as the life-course-persistent group (Moffitt, 1993).

For **adolescence-limited individuals**, antisocial behavior is limited, as the name implies, to the teen years. The onset of their problem behaviors is largely explained as resulting from an association with delinquent peers. These individuals experience few developmental risk factors (e.g., harsh and punitive parenting, academic problems) and include as many females as males. Their criminal behavior is typically mild in nature, involving primarily nonviolent offenses (e.g., property damage, drug use, and shoplifting) rather than violent offenses. The criminal activity tends to end within a few years of onset.

Indeed, the adolescence-limited group comprises the vast majority of adolescents given that rule-breaking behavior becomes common during this period of life. For example, Moffitt, Caspi, Dickson, Silva, and Stanton (1996) found that only 6% of male adolescents in their survey reported *not* engaging in some form of delinquent activity (e.g., drug use, underage drinking, smoking).

The process by which an association with a delinquent peer group and the subsequent criminality of the adolescence-limited group comes about is related to a perceived “maturity gap” experienced by these young people. This is the discrepancy between what they would like to do as they strive for greater autonomy and self-reliance and what they are allowed to do given the social and legal constraints on their behavior.

It becomes increasingly apparent to the adolescence-limited group that the small numbers of youths who already display antisocial characteristics, including a flagrant disregard for rules, do not experience the maturity gap to the same extent that they do. Consequently, this antisocial precocity “becomes a coveted social asset” (Moffitt, 1993, p. 687), leading some youths to mimic the antisocial behaviors and attitudes of the antisocial group. During this period of development, participation in delinquent activities becomes normative social behavior. As Moffitt (1993) explained, for those youths who become adolescence-limited delinquents, their antisocial activity “is an effective means of knifing-off childhood apron strings and of proving they can act independently to conquer new challenges” (p. 688). For healthy adolescents, the antisocial behavior is discontinued within a few years of its onset with the impending social and emotional maturity and responsibilities of early adulthood.

For the **life-course-persistent group**, the influence of the delinquent peer group follows a more lengthy and complex developmental pathway (Moffitt, 1993). This precocious antisocial group, comprising fewer than 10% of adolescents, is more likely to consist of males than females, experience many developmental risk factors, and show an early age of onset for problem behaviors (i.e., before 12 years). These individuals tend to engage in a wide variety of antisocial acts (e.g., violence, drug use, vandalism) referred to as “versatility.” They are also at particular risk for becoming chronic and serious offenders with lengthy criminal careers (Day, 1998). Their trajectory often begins with

exposure to harsh and punitive discipline practices during childhood, lack of effective parental monitoring, parental criminality or psychopathology, failure at school, and rejection by non-deviant peers. Such factors lead them into the company of similarly fated individuals (Patterson, DeBaryshe, & Ramsey, 1989). The antisocial

behavior of life-course-persistent adolescents is further reinforced within their delinquent peer group, where it becomes more serious and diverse in nature, often including violence. The process by which this peer reinforcement takes place is referred to as deviancy training (Dishion & Piehler, 2007).



## FOCUS ON RESEARCH

### Exploring the Deviancy Training That Occurs Among Delinquent Peers

Dishion, Spracklen, Andrews, and Patterson (1996) conducted an observational study in which they examined the notion of **deviancy training**, that is, how the socialization process in a deviant peer group takes place. Given the considerable evidence of the causal role of the antisocial peer group in the commission of serious delinquent behavior, studying how this influence is exerted is important to the development of effective early intervention and prevention programs.

The major goal of Dishion and colleagues' (1996) research was to *examine the relationship between the social interactions of pairs of 13- and 14-year-old males and their rates of antisocial behavior 2 years later*. The researchers analyzed the conversations of 186 boys, each with one of his friends, as they engaged in a 25-minute problem-solving task in a clinic-based laboratory setting. The sample of 186 boys was part of a longitudinal study of antisocial behavior in high-crime neighborhoods. The problem-solving task for each pair of boys involved five segments: (a) planning an activity together, (b) solving a problem that occurred recently for the target boy (from the sample of 186) about not getting along with his parents, (c) solving a problem that occurred recently for the target boy about not getting along with his peers, (d) solving a problem that occurred recently for the friend about not getting along with his parents, and (e) solving a problem that occurred recently for the friend about not getting along with his peers.

The videotaped interactions were coded to assess normative and rule-breaking talk during the task. The boys' reactions during the interactions and the discussions also were coded as either positive (i.e., characterized by laughter) or negative (i.e., characterized by pauses in the conversation). Long-term data also were gathered. At the end of a 2-year follow-up, based on police records, the pairs were classified as either not arrested, mixed arrested (one boy arrested), or both arrested. In addition, at the end of 2 years, the boys' self-reported delinquent behavior was measured.

The analyses of the boys' interactions that had occurred two years prior to being classified into one of the three arrest groups revealed that the most common *normative topics* had included recreation, school, family, money, social, and peer relations. The most common *deviant topics* had included mooning the camera, using drugs, stealing, vandalizing, victimizing women or minorities, making obscene gestures, and getting into trouble at school. As shown in Table 11.2, boys in all three groups had discussed both topic types. However, there was an important difference. The *no-delinquent group* (neither boy arrested at the end of the 2-year follow-up) and *mixed group* (one boy arrested) had spent much more time discussing normative topics than rule-breaking topics. On the other hand, and importantly, the *delinquent group* (both boys arrested) had spent more time discussing rule-breaking (deviant) topics than normative topics. In addition, the conversations of the *no-delinquent* and *mixed* groups had been characterized by approval through laughter for talk about prosocial topics whereas the *delinquent* group had showed approval through laughter for talk about antisocial activities. Thus, only the delinquent group had demonstrated a pattern of social interaction that encouraged the display of deviant behavior. It was further revealed, at the end of the 2-year follow-up, that the tendency to discuss rule-breaking topics (but not normative topics) at 13 and 14 years of age was associated with increases in self-reported delinquency at 15 and 16 years of age, even after controlling for prior levels of delinquency. Dishion and colleagues (1996) concluded that the types of social interaction that reinforce rule-breaking discussions that they observed in their study (i.e., providing approval and acceptance for antisocial values and attitudes)



are indications of the deviancy training that takes place within delinquent peer groups on the streets. They further suggested that such interactions contribute to an escalation in criminal behavior over time. At the same time, caution must be exercised in generalizing the findings of this study given the questionable *ecological validity* (see Chapter 3) of the investigation's problem-solving task. Interactions between boys who are observed in a contrived setting of a clinic may not be reflective of the interactions that take place away from the prying eyes of social scientists.

**Table 11.2** Mean Number of Topics Discussed per Minute by Arrest Status of the Dyads

|                     | <i>Neither Boy Arrested</i> | <i>One Boy Arrested</i> | <i>Both Boys Arrested</i> |
|---------------------|-----------------------------|-------------------------|---------------------------|
| Rule-breaking topic | 1.90                        | 3.01                    | 8.59                      |
| Normative topic     | 14.61                       | 12.49                   | 6.27                      |

SOURCE: Dishion, Spracklen, Andrews, and Patterson (1996).

### ***Treatment Implications***

In keeping with the general personality and social psychological approach, the effective treatment of antisocial behavior involves targeting the factors that support or maintain the criminal behavior. As outlined in the model, this includes targeting factors such as antisocial attitudes, beliefs, and peer associations as well as family factors. For example, treatment programs that target antisocial thinking as one component of a rehabilitation strategy have been shown to yield positive effects in reducing the risk of reoffending or recidivism (Coates, Miller, & Ohlin, 1978).

One successful intervention strategy, the Multisystemic Therapy (MST) program for seriously violent youths (Henggeler, Schoenwald, Borduin, Rowland, & Cunningham, 2009), attempts to influence the multiple social systems in which young people are embedded (e.g., family, school, peer, neighborhood, justice system) to bring about a decrease in criminal behavior. Thus, program staff members intervene in several ways and areas, including working with the families to modify parenting practices and dysfunctional dynamics within the youths' homes, linking the families to community supports, diverting the youths from negative peer associations, providing individual counseling, and providing supports at school.

Outcome evaluations of MST programs, using experimental and quasi-experimental designs, have found the intervention to be promising. Pointing to its clinical utility, the program has

been shown to be superior to usual services for offenders such as psychiatric hospitalizations and individual counseling. Positive gains in reducing the rates of recidivism have been observed for up to 5 years after treatment (Edwards, Schoenwald, Henggeler, & Strother, 2001). For example, Borduin and colleagues (1995) reported that the rate of recidivism 4 years after discharge from a treatment program was only 22% for program youths, compared with 72% for youths who received individual counseling and 87% for youths who refused either type of treatment. This is a sizable difference in program effectiveness. Last, according to Aos, Phipps, Barnoski, and Lieb (2001), MST yields \$13.36 in benefits to public safety for every \$1 spent. These findings speak clearly to the value of an approach that addresses both personal and social factors that influence criminal behavior.

The general personality and social psychological approach also suggests that efforts to *prevent* the onset of antisocial and delinquent behavior may begin during early childhood. Appropriate targets for prevention and early intervention strategies include (a) young children who show signs of aggression, impulsivity, and poor social skills; (b) the home environment to provide parent training in the use of inductive discipline techniques (e.g., instructing, explaining) rather than punitive discipline techniques (e.g., hitting, yelling); and (c) the school environment to support children who display academic or behavior problems (Day & Golench, 1997). One can only wonder whether Matti would be

alive today if his assailants had been involved in an early intervention program or an intervention such as the MST program.

## THE RESPONSE OF THE CRIMINAL JUSTICE SYSTEM

The previous section suggested that myriad factors, both proximal and distal, likely led the young men to pick on Matti and his friends and then brutally beat Matti to death. Once a crime has been committed, various areas of the criminal justice system become involved. For instance, in an effort to bring a case to its proper resolution, the police must identify and interview witnesses and possible suspects and must gather evidence to build a strong case for the prosecution to present in a court of law. This section examines several ways in which social psychology has been applied in three areas of the criminal justice system: (a) the criminal investigation, (b) the events in the courtroom, and (c) the prison setting (which is where Matti's attackers are likely to end up if they are convicted).

### The Police Investigation

Once the police determine that a crime has occurred, they begin their investigation. This means that evidence about the crime should be carefully and systematically gathered in an effort toward substantiating an allegation against one or more suspects who, in the face of sufficient evidence, may be tried in court. The process of conducting an investigation can be extremely complex. Eyewitnesses, victims, and suspects must be properly interviewed and evidence must be gathered in ways that are in keeping with the law (e.g., no entrapment, no beating a confession out of a suspect, no improper searches, no contamination of "trace evidence" such as hair, fingerprints, and bodily fluids).

The utmost attention to detail required in following proper police procedure places considerable demands on the investigating officers. In this regard, social psychological research, guided by social psychological theory, has played a significant role in identifying possible sources of bias and error that occur during police investigations and in developing procedures to increase the accuracy and integrity of the work of police officers.

The practical utility of this research has been to assist police in guarding against systemic biases that may invalidate their investigations and in applying empirically valid procedures, for example, for conducting investigative interviews and constructing police lineups (Wells et al., 2000). Some of this literature has contributed considerably to the development of a document called *Eyewitness Evidence: A Guide for Law Enforcement* (Technical Working Group for Eyewitness Evidence, 1999), which was put together by a panel of experts convened by the U.S. Attorney General. The panel included social scientists, prosecutors, defense lawyers, and law enforcement officers. The guide provides a set of national guidelines for "the collection and preservation of eyewitness evidence for criminal cases" (Wells et al., 2000, p. 581) and has been distributed to more than 17,000 police services across the United States and Canada.

Let us consider some social psychological contributions to improving the effectiveness of police interview procedures.

### *The Investigative Interview*

Interviewing witnesses, victims, and suspects constitutes a significant part of a criminal investigation. Sometimes a distinction is made between *interviewing* a witness or victim and *interrogating* a suspect (Bennett & Hess, 2001). Although an objective of both types of interviews is to elicit information about a crime, a unique goal of the interrogation is to obtain a confession from the suspect (Leo, 2008). In fact, police in North America are trained to conduct interrogations only with individuals who they believe are guilty (Kassin et al., 2010). This can be problematic because sometimes a suspect is "determined" by police to be guilty based on reliable evidence, but at other times such a determination is based on little more than a hunch. Because good interviewing skills should be used in both types of interviews, the broader term *investigative interview* will be used in this section when discussing interviews with either witnesses or suspects.

How should the investigative interview be conducted to elicit the most accurate, complete, and detailed information? How might the social dynamics of the interview context influence the effectiveness of the interview? It is clear that the way in which an interviewer behaves can alter the behavior of the interviewee. For instance,

Akehurst and Vrij (1999) demonstrated that fidgety behavior (e.g., continuous fiddling with a pen) by an investigating officer can elicit fidgety body movements in an interviewee. Such parallel behavior is in keeping with the notion of **interactional synchrony**, that is, the tendency of people to coordinate their body movements during conversations. Of course, in this instance, the danger is that the fidgetiness of an interviewee might be interpreted by the investigating officer as suspicious and possibly as a sign of lying and deception. This is in spite of the evidence that suggests that people who are lying (i.e., engaged in a cognitively complex task) usually make fewer body movements than do people who are being truthful (Sporer & Schwandt, 2007). The expectations of an interviewer can also influence the behavior of an interviewee in such a way that the behavior confirms the interviewer's expectations. For example, in a study by Hill, Memon, and McGeorge (2008), participant-interviewers of suspects of a mock crime were told either that the suspect was probably guilty or that the suspect was probably innocent. The interviews were audio-recorded, and naive participant-observers then listened to the recordings and made judgments of the guilt or innocence of the suspects.

The observers were more likely to believe that a suspect was guilty when the interviewer had the preconceived idea that the suspect was guilty than when the interviewer had the preconceived idea that the suspect was innocent. What is especially noteworthy about the results was the fact that while the observers listened to the recordings, they could not hear the voice of the interviewer; they could hear only the suspect. Therefore, the observers had been influenced by the interviewer's expectations but only in an indirect way; that is, the expectations influenced the responses of the suspects, which in turn influenced the judgments of the observers. This research nicely demonstrates, within the context of criminal investigations, the pitfalls of **self-fulfilling prophecies**, that is, the way in which a person's expectations can influence his or her own and others' behaviors in a way that will confirm the person's beliefs.

False and possibly incriminating information may be elicited from a suspect in an improperly conducted interview, particularly if the suspect is vulnerable in some way (e.g., due to young age, low intelligence, or anxious mental state) or if the interviewing officer already has made up his or her mind about the guilt or innocence of the person.



## FOCUS ON RESEARCH

### The Ease of Eliciting False Confessions From College Students

A fascinating laboratory experiment by Kassin and Kiechel (1996) demonstrated how easily people can be led to confess to crimes they did not commit and to not only confess but also internalize the false confessions and confabulate details of the events to make them consistent with their false confessions. A total of 75 university students participated, one at a time, in the experiment. They were led to believe that they were participating in a study on reaction time in which they had to type letters on a computer keyboard as quickly as possible as the letters were read to them by another person. The other person was actually an experimental confederate. At the start of the experiment, participants were warned by the experimenter against pressing the "ALT" key because doing so would cause the computer to crash, and all of their data would be lost. Shortly after the task began, the computer ceased functioning, and a very distressed experimenter accused the participant of pressing the forbidden ALT key. Initially, each participant denied hitting the key. The experimenter then tinkered with the computer, confirmed that the data had been lost, and asked whether the participant had hit the ALT key. The experimenter also asked the confederate what had happened and handwrote a confession for the participant to sign. The experimenter explained that, as a consequence for signing the confession, the participant would receive a telephone call from the principal investigator.

How the participants responded to the accusation of hitting the ALT key depended on the experimental condition to which they had been randomly assigned. Two independent variables were manipulated:

*(Continued)*

(Continued)

low versus high vulnerability and absence versus presence of a falsely incriminating witness. In the low-vulnerability condition, the pace of the task was slow, so a participant might be reasonably certain that the ALT key had not been pressed. In the high-vulnerability condition, the pace of the task was very fast, decreasing a participant's certainty about not having pressed the key. In the absence of a falsely incriminating witness condition, the confederate told the experimenter that she had not seen what happened. In the presence of a falsely incriminating witness condition, the confederate said that she had seen the participant press the ALT key. Thus, there were four conditions: low-vulnerability/no-incriminating witness, low-vulnerability/incriminating witness, high-vulnerability/no-incriminating witness, and high-vulnerability/incriminating witness.

Overall, a full 69% of the participants signed the confession admitting that they had hit the ALT key when, of course, they had not. In the condition that was most biased toward yielding a confession—high-vulnerability/incriminating witness—100% of the participants signed the confession. Moreover, most of the participants in this condition internalized the belief that they were guilty: 65% later admitted to a waiting research participant (another confederate) that they had ruined the experiment, and 35% fabricated additional information about how and when they hit the ALT key when asked by the experimenter to reconstruct the event (e.g., “I hit it with my right hand when I typed the letter G”).

Since the publication of Kassin and Kiechel's (1996) study, several researchers have replicated and extended these findings. A recent study by Klaver, Lee, and Rose (2008) demonstrated additional ways in which the likelihood of eliciting a false confession can be increased or decreased. In their study, the rate of false confessions was significantly reduced (but not eliminated) when the plausibility of participants' “crime” was decreased (for example, by accusing them of having pressed the ESC key rather than the ALT key), and the rate was significantly increased when the experimenter used an interrogation technique called *minimization* (i.e., an implicit promise of leniency, for example, by stating that the participant “didn't mean to press the key”) (Klaver et al., 2008). Similar studies also have found that false confessions can be obtained even when participants are told there will be a financial loss or cost associated with confessing (Horselenberg et al., 2006) and even when participants' purported crime involves more deliberate actions, such as cheating on a test (Russano, Meissner, Narchet, & Kassin, 2005).

---

Kassin and Kiechel's (1996) original study and the research on false confessions that followed represent another example of the power of the situation. It highlights the powerful effect of the social context on eliciting false confessions, particularly the use of providing false incriminating evidence and the use of minimization, ploys commonly used by police during interrogations of suspects. In California, 19-year-old Bradley Page confessed to the murder of his girlfriend after detectives told him, during a 16-hour interrogation, that he had flunked a lie detector test, he was seen near the scene of the crime, and officers had found his fingerprints nearby. None of those details was true. The suspect confessed to the crime after being befriended by the detective, who “put his arms around him and called him ‘son’” (Kassin, 1997, p. 226) and whose trust the suspect desperately wanted. His confession came in spite of the fact that there was no evidence whatsoever against him. He seemed to have a solid alibi and no motive. Nonetheless, he was sentenced to 9 years in prison as a result of his statement, but was

released after serving 2 years and 8 months. Despite his questionable confession, the lack of evidence against him, and new evidence pointing to another suspect (a convicted serial murderer!), Bradley Page's case was never reopened, and his probable innocence was never acknowledged.

Applied social psychological research has led to the identification of some of the key variables that distinguish a productive interview from an unproductive one. In numerous studies conducted over the past four decades, Elizabeth Loftus, Gary Wells, and their colleagues (e.g., Loftus & Palmer, 1974; Wells et al., 2000) have identified some of the more *common errors* that police make in conducting interviews, all of which can limit the amount and quality of information obtained from witnesses. Two decades ago, a content analysis of 11 police interviews selected at random from the Miami-Dade Police Department in Florida revealed that police often made mistakes such as asking too many closed-ended questions (e.g., “Was the offender tall or short?”), asking too few open-ended questions (e.g., “Tell me everything

you saw”), interrupting witnesses in the middle of their narratives, asking leading questions (e.g., “Did you see the knife?”), and asking questions in a fixed and inflexible order (Fisher, Geiselman, & Raymond, 1987). Such questioning techniques may have the effect of both drawing out brief and concise answers that contain few details and leading an interviewee to selectively attend to certain aspects of the incident to the exclusion of other—perhaps more important—aspects (Fisher, 2010). Closed questions and leading questions can also encourage a witness to guess and provide incorrect information.

Fortunately, research has determined a number of techniques of a good interview. One of the most widely accepted interviewing techniques among psychologists is the **cognitive interview** (CI) (Fisher & Geiselman, 1992). The CI involves asking open-ended and nonleading questions, and using strategic silence. Interviewers are encouraged to use follow-up questions (e.g., “You said before that the person who stabbed the student looked angry. Can you tell me more about what that means for you?”) and the interviewees’ own words to phrase questions in order to convey good listening skills, facilitate rapport, increase trust, and provide opportunities for the interviewer to elicit additional and more accurate information. A procedure involving explicitly encouraging witnesses to describe events in as many details as possible without guessing and allowing interviewees to tell their stories with minimal interruption or redirection elicits better information than does a procedure that involves asking a barrage of questions. The use of mnemonic instructions or situational cues may facilitate recall of events. Bringing interviewees back to the scene of a crime, either physically or psychologically, is a valuable technique that may trigger important memories. In addition to using techniques from the CI, investigators should also continue to reevaluate working hypotheses in light of new information.

Overall, studies done both in the laboratory and in the field have shown that, compared with the typical police interview, addressing the social dynamics and patterns of communication between the interviewer and the interviewee (i.e., by applying the interviewing principles of the CI) can increase the amount of information a witness recalls by 20% to 50% without sacrificing accuracy (Fisher, 2010). The CI has also proved useful with people of different ages, cognitive abilities,

and socioeconomic and educational backgrounds. In one study, for example, Stein and Memon (2006) compared the amount of information that was gathered from witnesses of a mock crime by university students who were trained as interviewers in two different ways. Two interviewers were trained in CI techniques, whereas two others were trained in the interview method that was used by the local police service. The contents of 61 audio-recorded interviews conducted by the four interviewers were analyzed for the amount of relevant information that was elicited. The results indicated that the interviewers who had received the CI training elicited 47% more correct information than did the interviewers who had not received CI training and without an increase in the proportion of inaccurate information provided by the witnesses.

Despite decades of empirical research demonstrating the superiority of the CI, a recent analysis of investigative interviews from 23 experienced detectives from Florida provided little evidence that the actual interview techniques used by police have improved (Fisher & Schreiber, 2007). Although the sample of police officers was small, the results were reminiscent of the study by Fisher and colleagues (1987) described earlier in this section; rapport building with the witness was minimal, open-ended questions were rare, suggestive questioning was common, and interviewers frequently interrupted their witnesses. On a more promising note, Fisher and Schreiber (2007) report that police services in other countries (e.g., England, Australia, New Zealand, and other Western European countries) have more vigorously and successfully incorporated CI techniques into their training programs.

Special steps must be taken when interviewing child witnesses or victims, particularly young children, such as preschoolers, because they may be especially susceptible to the demand characteristics of the interview context. For example, repeating a question to a child may signal to the child that his or her first answer was not acceptable. The child might then change his or her answer even though the first response was correct (Köhnken, 1996). As a result, the reliability of children’s testimony can easily become contaminated through the use of improper procedures, thus possibly leading to miscarriages of justice. At the same time, there is widespread agreement in the literature (Lamb, Orbach, Hershkowitz, Esplin, & Horowitz, 2007) that

children are capable of providing accurate and reliable testimony “provided they are questioned in a neutral, non-suggestive manner” (Köhnken, 1996, p. 269). The use of a structured forensic interview, such as the National Institute of Child Health and Development (NICHD) Investigative Interview Protocol, has been shown to improve the effectiveness of investigative interviews with children, provided interviewers are well trained to use the instrument (Lamb et al., 2007).

### *Witness Identification of Suspects*

Imagine that you are sitting in class. Your professor is writing notes on the board about the upcoming exam. Suddenly you detect, out of the corner of your left eye, several students getting into what appears to be a heated, although muffled, argument. Although you try to ignore the ruckus and pay attention to your instructor, you notice, again to your left, the flash of something shiny and metallic. In an instant, you realize that one of the students has just been stabbed with a knife. In the moments that follow, through all the commotion that has transpired, as your professor and classmates become aware of the situation, you glance back to see three students running out of the room through the rear exit, with one of these students appearing to be leaving behind a trail of blood.

You have just witnessed a crime. As an eyewitness, you are asked to be interviewed by the police. How much information are you able to provide about what you saw? How accurate is your perception of the events that transpired? Can you recall what the person who stabbed the student was wearing? Was the victim a male or a female? Will you be able to identify the perpetrator in a police lineup?

As a possible eyewitness at some time, you may be asked to identify a perpetrator from a variety of formats, including a collection of photographs (i.e., “mug book”), a photo lineup, or a “live” lineup. The identification of a suspect by an eyewitness represents one of the most important pieces of evidence in building a case for the prosecution. Given the importance of this kind of information, there is an essential need to develop lineup identification procedures that reduce eyewitness errors, including the very serious error of *false identifications*.

The consequences of wrongly accusing an innocent person of a criminal offense can be dire.

In 2010, the Innocence Project, an organization working toward freeing the wrongfully convicted, reported that mistaken eyewitness identification was a contributing cause in more than 75% of the 258 criminal cases in which a convicted person was subsequently exonerated through DNA testing. You are encouraged to gain a deeper awareness of these terrible miscarriages of justice by visiting the Innocence Project website to review the profiles of the individuals who were exonerated. One such individual is Ronald Cotton, who in 1984 was convicted of raping Jennifer Thompson, who was 22 years old at the time. Jennifer positively identified Ronald from both a photo lineup and a live lineup as the man who attacked her. As a result, he was sentenced to prison for life. In 1987, the case was retried because another man who was in prison at the time for another crime, Bobby Poole, had bragged that he was the actual perpetrator. In court, however, Poole denied committing the offense, and again Cotton was found guilty. This time he received two life sentences. In 1995, the victim was asked to provide a blood sample so that DNA tests could be done on evidence from the case. She gladly complied because she was certain this evidence would confirm what she had known all along. However, the DNA results indicated that Poole was, in fact, the man who had attacked her. As a result, Poole was sentenced for the crime, and Cotton was released from prison after serving 11 years for a crime he had not committed (Dowling, 2000). Remarkably, Jennifer Thompson and Ronald Cotton have since become friends, and their journey of reconciliation and forgiveness has been told in their compelling and uplifting book, *Picking Cotton: Our Memoir of Injustice and Redemption* (Thompson-Cannino, Cotton, & Torneo, 2009).

Based on a prodigious body of social psychological research, it is now well established that witnesses are prone to making errors in judgment under certain circumstances (Wells et al., 2000). Experimental studies on eyewitness identification typically involve staging a mock crime (e.g., robbery) in front of a group of research participants, or having participants view a video of a mock crime and then identify the perpetrator from an array of suspects. The conditions of a crime scene that are thought to affect a witness’s ability to accurately identify the culprit are manipulated by the researcher to identify factors that may facilitate or undermine eyewitness

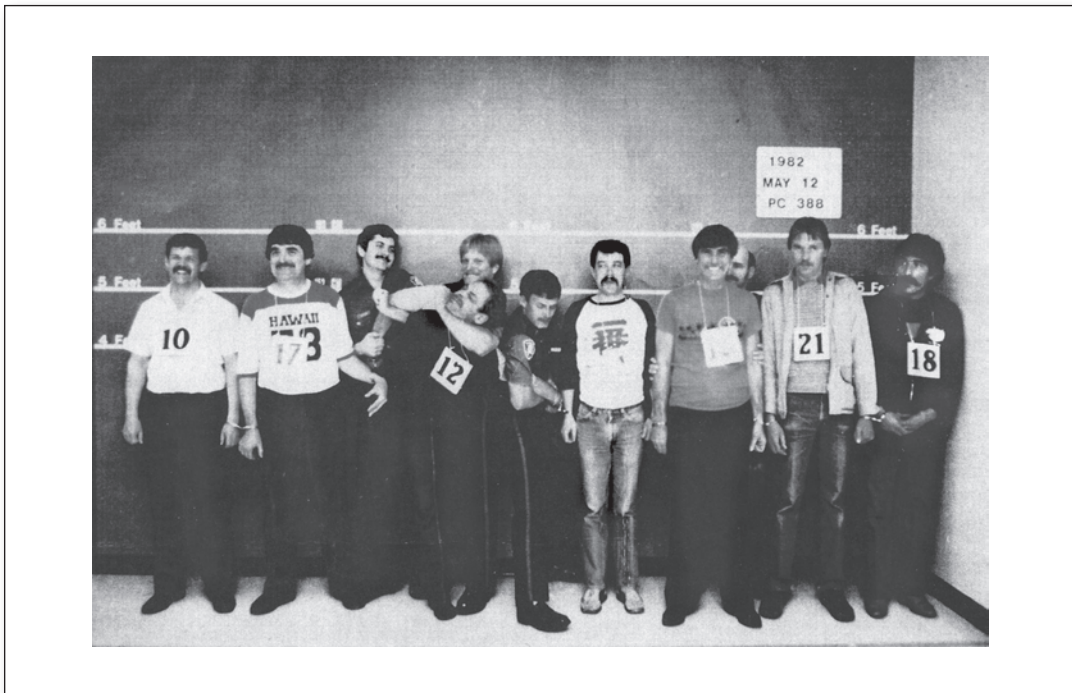
accuracy. For example, studies have shown that witnesses tend to make fewer errors when they are under low stress at the time of the witnessed crime, when the perpetrators do not have a weapon, when witnesses can make an identification shortly after the crime, and when witnesses can attend to perpetrators' entire faces rather than to select features (e.g., due to a disguise) (Wells, Memon, & Penrod, 2006). One other factor affecting the accuracy of an eyewitness is his or her race vis-à-vis the race of the perpetrator of the crime. The **cross-race effect** is a well-established phenomenon that refers to the tendency for individuals to be better at recognizing and identifying faces of their own race than faces of a different race (Sporer, 2001).

The conditions under which participants are asked to identify the culprit from a police lineup also have been manipulated in studies to identify the optimal procedures for reducing errors. Lineups can vary in terms of composition, using either all suspects or one suspect and several **foils** (i.e., people who are known to be innocent). In a

review of the literature, Wells and Turtle (1986) reported that when a lineup consists entirely of suspects rather than a suspect and foils, witnesses are more likely to identify an innocent person as the perpetrator, resulting in charges being brought against the innocent person. Wells and Turtle explained that the use of foils allows for the possibility of the eyewitness making a *known error*. Without foils, there can be no known errors, and thus less opportunity to detect witness fallibility.

To further reduce errors, the foils must be carefully selected to ensure that they share certain physical characteristics with the suspect. Wells and colleagues (2000) reported that, in the absence of clear guidelines, a common procedure is for lineups to be constructed so that only the suspect fits the description of the eyewitness. This would bias the witness toward selecting the person whom the police believe committed the offense. The photograph in Figure 11.1 shows the police lineup used in the trial of Ivan Henry in 1983. Mr. Henry is the person in the lineup who is being held by the three police officers and who

**Figure 11.1** Police Lineup Used in the Appeal Case of Ivan Henry



SOURCE: Photo courtesy of the British Columbia Court of Appeal.

has the number 12 around his neck. At the time of Mr. Henry's arrest, he was charged with 17 counts involving sexual offenses of women. He was brought in for a physical lineup but refused to participate, in part because he believed the lineup would be biased as he was the only redheaded person among those who were to be members of the lineup. Despite his protests Mr. Henry was forced to participate by the police officers as shown in the photo. In spite of the fact there was no evidence linking him to any of the complainants or crime scenes and no reliable precourt identification of him by any of the complainants, Mr. Henry was found guilty on all counts and sentenced to an indefinite period of incarceration as a dangerous offender. On October 27, 2010, after serving 26 years of his sentence, he successfully appealed his case to the British Columbia Court of Appeal at which time he was acquitted of all charges. The appeal court judgment stated that "the physical line-up should not have been conducted at all because it became a farce. There was no telling what influence the prominent display of Henry by the police officers during that event ultimately had on the six complainants when they were asked in court if they could identify the assailant. . . . The process of identification was polluted so as to render in-court identification of Henry on each count highly questionable and unreliable" (*R. v. Henry*, 2010).

Furthermore, research has shown that foils must not be *too* similar to the suspect because that would make it unnecessarily difficult for the witness to discriminate among the lineup members (Tredoux, 2002). As a middle ground, the foils should generally fit the description of the perpetrator given by the witness prior to the lineup, for example, a tall man with a medium build, dark hair, and a mustache. Witnesses also should be told prior to the lineup procedure that the suspect *might or might not* be in the lineup. This serves to guard against a witness feeling pressured to identify one of the lineup members as the perpetrator, for example, the one who matches the description most closely, as happened when Jennifer Thompson selected Ronald Cotton's lineup picture. The confidence level of a witness's identification decision also should be recorded immediately, before any feedback is received from investigators or other witnesses. Studies have shown that confidence tends to increase dramatically after positive feedback is received and to decrease dramatically after negative

feedback is received (e.g., Wells, Olson, & Charman, 2003). This can then influence jurors' perceptions of the accuracy of the eyewitness identification (e.g., Bradfield & Wells, 2000). Finally, the lineup should be conducted by an officer who is unaware of the identity of the suspect so as not to consciously or unconsciously guide the witness. Presenting the lineup individuals one at a time (**sequential lineup**), rather than all at once (**simultaneous lineup**), and asking the witness to state whether the person is the perpetrator may serve to reduce the rate of misidentifications. The reduction occurs because in a sequential lineup witnesses must compare each lineup member with the representation of the perpetrator in their minds rather than adopting a strategy of choosing the lineup member who most closely matches this representation (Lindsay & Wells, 1985). Recommended procedures for composing and administering an effective mug book or lineup are presented in the aforementioned document, *Eyewitness Evidence: A Guide for Law Enforcement* (Technical Working Group for Eyewitness Evidence, 1999). Sample recommendations for a photo lineup are presented in Table 11.3.

## The Courtroom

A lengthy police investigation led three men to be charged with second-degree murder in the beating death of Matti Baranovski. Their criminal trial was conducted according to the adversarial model of the legal system that is adopted in North America, Britain, and a few other countries. Under the **adversarial model**, two sets of lawyers, one for the defense and one for the prosecution, present their arguments, question witnesses, and make their case before an impartial judge and, perhaps, a jury, who will determine the guilt or innocence of the defendant(s). (This is in contrast to the inquisitorial model that is adopted in some European countries, such as France, where the court takes an active role in the investigation of the facts of the crime.)

Since the publication in 1908 of Hugo Münsterberg's book, *On the Witness Stand: Essays on Psychology and Crime*, applied psychologists have been actively involved in conducting research on the courtroom, including the behavior of jurors. Social psychologists have been particularly interested in understanding the social processes (e.g., attributions, social influence,



**Table 11.3** Some Recommended Procedures for Preparing a Photo Lineup

The officer should ensure that:

1. Each lineup should include the photo of only one suspect.
2. Photos of foils should resemble the general description of the perpetrator provided by the witness, such that the suspect's photo does not stand out from the rest of the photos. At the same time, foils should not resemble the suspect to such an extent that it is difficult to distinguish them.
3. A minimum of five foils should be in a lineup.
4. All photos should have the same format (e.g., color or black-and-white, Polaroid, 35 mm, digital) so that none unduly stands out.
5. Do not reuse foil photos for different lineups shown to the same witness.
6. No identifying information or information regarding previous arrests should appear on the photos.

SOURCE: Technical Working Group for Eyewitness Evidence (1999, p. 29).

group decision making) that take place within the courtroom among the lawyers, judges, witnesses, defendants, and jurors (see Figure 11.2).

This subsection examines three issues that are relevant to understanding how jurors think and behave as individuals and as members of a group: jury size, juror impartiality, and inadmissible evidence.

### *Jury Size*

A jury of “one’s peers” is composed of individuals from the community-at-large who are selected at random from voter registration and enumeration lists and are summoned to appear for jury duty. In the United States, a jury may be composed of either 6 or 12 members. The smaller number is meant to be a time- and cost-saving measure. In keeping with the British tradition, Canadian criminal law only allows for a 12-person jury. The jury that rendered the verdict in *Matti’s* case was highly unusual in that it was made up of 11 jurors (6 men and 5 women) after 1 juror was dismissed from the jury because she failed to disclose that she worked in a bank that had been robbed and was subpoenaed midway through the trial to testify as a witness. (Note that, in Canada, a trial will go on with a minimum of 10 jurors, allowing up to two jurors to leave for unforeseen circumstances.)

Is there a functional difference between 6- and 12-member juries? An abundance of social science research concerning social perception, minority

opinion, and normative and informational social influence (see Chapter 10) has had a bearing on answering this question. However, applying knowledge gleaned from research has sometimes been challenging because the courts have not always interpreted the findings correctly. For example, in *Williams v. Florida* (1970), the U.S. Supreme Court ruled that no adverse effects would result from reducing the size of the jury to 6 members from 12 members, in other words stating that the 6- and 12-person juries are “functionally” equivalent. Drawing on social science research at the time, including Asch’s (1951) classic studies of conformity in groups, the Supreme Court erroneously concluded that a juror in a 5-to-1 split faces the same pressure to conform as does a juror in a 10-to-2 split. However, Asch actually had demonstrated the opposite—that having at least one ally in a group increases an individual’s ability to resist pressure to conform (see also Saks & Marti, 1997).

What else does the research show about the effects of jury size? The results of a meta-analysis conducted by Saks and Marti (1997) indicated that jury size tends to have a greater impact on the deliberation process than on the jury’s verdict. Although the overall distribution of verdicts (i.e., guilty vs. not guilty) from small and large juries tends not to differ, smaller juries tend to spend less time deliberating and tend to recall fewer details of the case. Moreover, consistent with what Asch (1951) found, studies confirm that it is easier to be a minority member in a 10-to-2 split than it

**Figure 11.2** The Courtroom: A Legal and Social Arena in Which People's Lives Can Be Dramatically Affected



SOURCE: Photo courtesy of Centre for Flexible Learning, University of Windsor.

is to be a minority member in a 5-to-1 split. Indeed, a 12-person jury is twice as likely to arrive at a hung verdict as a 6-person jury (Ellsworth & Mauro, 1998). Finally, statistically, larger juries are thought to be more representative of the diverse community from which they are drawn (Diamond, Peery, Dolan, & Dolan, 2009).

### ***Juror Impartiality***

The strength of the jury, rather than a single judge, is that consideration of the facts of the trial evidence are based on the combined perspectives of 12 ordinary individuals who are brought together to function as a group to reach a unanimous decision. As Vidmar and Schuller (2001) explained,

Because jury verdicts are rendered by members of the community, their legal decisions about guilt or innocence are assumed to have greater legitimacy and public acceptance than decisions by a single judge.

The jury also serves as the conscience of the community because it is drawn precisely from the community in which the crime was committed. (p. 130)

Therefore, for a jury to function as intended, the members not only must be representative of the community but also must be free of any preconceived biases that might prevent them from rendering a fair decision. In other words, jury members must be impartial. But what does this mean, and how is it achieved? In *R. v. Parks* (1993), the Court of Appeal for Ontario defined **partiality** in much the same way a social psychologist would, that is, as having an attitudinal (i.e., prejudicial) and a behavioral (i.e., discriminatory) component that could potentially affect a juror's verdict on a case. What has the research found about the relationship between juror attitudes and verdict decisions?

Considerable research on the attitude-behavior link has shown that attitudes and behavior are strongly correlated, but only under certain

conditions. Ajzen and Fishbein (1977) reported that attitudes correlate with behavior when the attitudes are *specific* to the behavior, for example, when predicting whether a person will start jogging based on his or her attitude toward jogging rather than on his or her attitude toward exercising in general. Similarly, Schuller and Yarmey (2001) reported that, within the courtroom, attitudes that are specifically relevant to a particular case will predict a juror's verdict (e.g., a juror's attitude toward sexual abuse will predict his or her verdict in a sexual assault case). Likewise, Ellsworth (1991) found that favorable attitudes toward the death penalty are predictive of guilty verdicts in capital murder trials (in which the defendants can be sentenced to death).

What are the possible sources of bias in a juror? Vidmar and Schuller (2001) identified four types of juror prejudice: interest, specific, generic, and normative prejudice. First, **interest prejudice** refers to a juror having a particular interest or stake in the outcome of a trial. For example, a juror might be related to someone who is called to testify or might know someone who has been charged with the same offense. Second, **specific prejudice** occurs when the juror holds attitudes or beliefs that might interfere with his or her ability to be impartial in a particular case. Specific prejudice might arise from exposure to pretrial publicity presented in the media that biases the juror's judgment of the case. Third, **generic prejudice** refers to possessing general attitudes (e.g., racist views) that would interfere with an unbiased evaluation of the evidence. Finally, **normative prejudice** refers to a juror believing that there is such strong community sentiment supporting a particular outcome of the case that his or her ability to decide the case impartially based on the evidence becomes compromised in favor of the perceived normative attitude.

There are several remedies that may be invoked to deal with biased jurors. First, as stated, if a potential juror is deemed to be biased, he or she can be removed during the *voir dire* (i.e., the preliminary examination to determine the competency of a juror). Second, with a high-profile crime, extensive pretrial publicity sometimes can make it difficult to select impartial jurors from the community in which the crime took place. In such an instance, the location of the trial can be moved to another city. Third, if during a trial there is a risk that members of a jury might

become aware of information that could bias their judgment (e.g., hearing a rumor, seeing information in the media), the trial can be adjourned until sufficient time passes to allow the prejudicial information to become less salient. Vidmar and Schuller (2001) noted that the latter is the most rarely used solution.

We have considered possible sources of bias in individual jurors, but can a jury as a whole be biased? One area of research that has attracted much attention is how the racial composition of a jury can influence the outcome of a trial. For example, do juries composed entirely of members of a racial majority perform differently than juries composed of at least a few members of a racial minority? A review by Sommers (2007) suggests that they do. Most empirical and archival research has focused on the difference between all-White juries and either mixed White and Black juries or mixed White and Latino juries. The most consistent finding is that the greater the proportion of White members on a jury, the greater the likelihood of a conviction, especially when the defendant is a member of a racial minority (i.e., Black or Latino) or when the victim is White. There is also evidence that suggests that compared with all-White juries, mixed-race juries deliberate for longer periods of time, discuss more facts, and recall more accurate details from the trial (Sommers, 2006). Interestingly, this difference is not solely due to the added contributions of minority jurors, as White jurors in mixed juries also report greater and more accurate details and are generally more thorough in their discussions than White jurors in homogeneous juries. Therefore, the presence of jurors of different races may serve to benefit both the performance of the group and the performance of individual jurors, although the underlying mechanism responsible for such effects is not yet well understood (Sommers, 2007).

### ***Inadmissible Evidence***

The function of the jury is to reach a decision about the guilt or innocence of the defendant beyond a reasonable doubt based solely on the admissible trial evidence. The jury sometimes may be exposed to evidence that is determined to be unreliable or deemed by the judge to be legally inadmissible, in which case the jury members may be instructed to "disregard" what they have just seen or heard. In the Matti Baranovski case,

for example, the jury heard that the prosecution's star witness, a 16-year-old male, had told the police that he saw the whole thing and reported in considerable detail what had happened, describing how each of the three suspects had "soccer kicked" Matti "like a lifeless bag . . . like a rag doll" (Gadd, 2003, p. A11). Under cross-examination, however, the witness admitted that he had fabricated the whole story three days after the killing to protect himself from prosecution. He was repeatedly caught in lies under oath, and it also was revealed that he had his own criminal history for robbery, theft, and drug offenses, leading the judge to refer to him as an "unsavory witness." Moreover, the defense attorney claimed that the police, acting under intense pressure from the public to make an arrest, adopted this witness's version of the crime and failed to consider disconfirming evidence. All this negative information about the witness and the actions of the police led the judge to instruct the jury to disregard the witness's testimony in arriving at the verdict. How do the members of a jury deal with evidence that they have been exposed to but that turns out to be inadmissible, fabricated, or otherwise false?

Research suggests that it is difficult for jurors to simply erase such information from their minds. In a recent meta-analysis of 48 studies investigating the effect of judicial instructions on the ability of jurors to ignore inadmissible evidence that was pro-prosecution, Steblay, Hosch, Culhane, and McWethy (2006) found that, compared with mock jurors who did not receive inadmissible evidence, mock jurors who received inadmissible evidence and were then instructed by the judge to disregard it were more likely to give guilty verdicts (37% vs. 46%, respectively). Moreover, of mock jurors who were exposed to

inadmissible evidence, those who were instructed to disregard it convicted more often than those who were not given such instructions! This suggests that not only do jurors have difficulty following instructions to disregard evidence, but the instructions themselves may make the evidence more salient to jurors as well. Steblay and colleagues (2006) did find, however, that the impact of inadmissible evidence was diminished when an explanation of *why* the inadmissible evidence is not reliable accompanied the instructions to disregard, and when the jurors were again reminded of the instructions at the end of the trial. Although the findings in the literature are by no means unequivocal, Lieberman and Arndt (2000) noted that various social psychological theories, including belief perseverance, the hindsight bias, and reactance, help to account for the above findings concerning juror responses to situations involving inadmissible evidence.

On July 23, 2003, after a four-and-a-half-month trial and seven days of deliberation, the jury found two of the three young men accused in the death of Matti Baranovski guilty of manslaughter. The third was acquitted due to a lack of evidence. In the end, did the three defendants receive a fair trial given the complexities of the case? Based on the admissible evidence, did the jurors construct a valid narrative or "story" of what happened that November evening (Pennington & Hastie, 1986), or—as the defense claimed—was justice denied? Although the trial has ended, the court's decision was subsequently appealed to the Ontario Court of Appeal. It was heard by the court on March 6, 2007, and dismissed on May 3, 2007 (*R. v. Mariani*, 2007). The time, it seems, had come for the two men to be handed over to the prison system to serve out their sentence.



### CULTURE CAPSULE: SENTENCING CIRCLES—AN ABORIGINAL APPROACH TO SANCTIONING

Sentencing circles represent a unique, community-based approach to criminal sanctioning that draws on traditional healing practices of North American aboriginal cultures. The underlying philosophy of the sentencing circle is *restorative justice*, or repairing harm. There is a focus on healing (the victim, the offender, and the community), engaging in respectful dialogue, taking responsibility, achieving consensus, condemning the behavior and not the person, and rebuilding community relations. The sentencing circle involves a process in which people sit together in a circle and face each other. The people typically include victims, offenders, friends, family members, and various members of the community, including

elders and representatives of the traditional criminal justice system (e.g., judges, lawyers, police). Indeed, a fundamental principle of the sentencing circle is that the process is seen as more important than the sentence (Griffiths & Cunningham, 2000). In deciding to use a sentencing circle, all relevant stakeholders, including the victim and the offender, must agree to the process. Ensuring that the sentencing circle is seen as a safe place for open dialogue is of paramount importance. Sentencing circles are coordinated by community members in collaboration with representatives from the criminal justice system. They may be used for a variety of offenses and for both adult and juvenile offenders.

Within the sentencing circle, each member has a chance to speak while holding a *talking piece*, which can be anything that has a connection to, and meaning for, the community (e.g., feather, stone, stick, piece of sculpture). At the end of the process, the participants as a group formulate a sanction that addresses the needs of all stakeholders. The agreement that is reached is signed by the offender, the victim, and the police with the understanding that the agreement will be implemented by the community. As a result, the community, rather than the justice system alone, has control over the disposition of the case and ensuring that the sanction is carried out. The agreement may include conditions such as an apology to the victim and the community, compensation payment to the victim, community work, house arrest, banishment to a wilderness location, surrendering weapons or ownership of a vehicle, and entering a counseling program for substance abuse, anger management, or domestic violence (Griffiths & Cunningham, 2000). Although there is very little formal evaluation of sentencing circles (Wilson, Huculak, & McWhinnie, 2002), the available evidence suggests that they are a promising alternative to the traditional criminal justice system's response to crime that far too often excludes the community and the victim from the justice process (Braithwaite, 2000; Souza & Dhimi, 2008). Indeed, there has been a slow but steady movement across North America toward restorative community justice practices as a response to crime.

---

## The Prison Setting

For their crime of killing Matti Baranovski, the guilty men were sentenced to 10 years in prison and joined the many thousands of other people, both in Canada and in the United States, who already were confined to prison. In the United States, as of year-end 2009, there were 1,613,656 inmates serving time in state and federal prisons (U.S. Department of Justice, Bureau of Justice Statistics, 2010) at a cost of roughly \$7.4 billion (for correctional facilities only), just a fraction of the \$26.5 billion in the total Department of Justice budget (Office of Management and Budget, 2010). In addition, these individuals represented only a small proportion of people serving time in the two countries given that the vast majority of convicted criminals—70% in the United States in 2008—serve their sentences in the community, such as through probation or parole (U.S. Department of Justice, Bureau of Justice Statistics, 2009).

If asked to reflect on what it is like inside a prison, you might draw on images you have seen in the media, for instance, on television shows such as *Prison Break* and *Oz* or in movies such as *The Shawshank Redemption*, *The Green Mile*, and *Dead Man Walking*. Your sense might be that

prisons are hard, cold, and brutal places, where inmates keep their mouths shut and mind their own business; where the sound of slamming heavy steel doors pervades the place as access from one corridor to the next is carefully monitored and controlled; where there is a clear hierarchy among the prison population that is controlled by the toughest “solid” inmates and the sex offenders are on the bottom rung; and where the correctional officers, also known as guards or “screws,” look askew from this coercive environment or even contribute to it.

On the other hand, your impression might be that prisons are quite the opposite, that is, that they are places where inmates enjoy many rights and privileges; where they receive a bed and “three squares” a day and can engage in recreational activities; and where they can upgrade their educations, acquire valuable trade skills, and participate in treatment programs (and all at no financial cost to them). To an extent, these depictions might characterize some maximum (the former) or minimum (the latter) security facilities. However, the reality is more complex than this given that there is a wide range of social environments—from very repressive to more humane—found within prison walls across

North America. This subsection examines the social climate of correctional facilities, including the impact of a “therapeutic” prison environment on offenders’ chances for rehabilitation and subsequent reintegration into society.

### ***Goals of Prison***

What purpose is served by a prison sentence? Prisons serve different (sometimes conflicting) functions, one of which is to protect society by removing a criminal from the streets, and this also serves as a form of punishment for the criminal’s antisocial behavior. This function represents the goal of incapacitation. Other goals include general deterrence (for society), specific deterrence (for the individual), rehabilitation (i.e., to correct or modify the criminal behavior and prepare the offender for reintegration into society), denunciation (i.e., to send a message that this type of behavior will not be tolerated), and retribution (i.e., to serve a sentence as “repayment” for the crime). Each goal reflects a different conceptualization of justice, equity, and fairness dating back to the ancient philosopher Aristotle. Since the 1970s, we have seen a shift away from a philosophy that endorses the goal of rehabilitation to one that places greater emphasis on punishment and a “get tough on crime” perspective (Benson, 2003).

How effective is the practice of incarceration in preventing future crime? Research suggests that it is of limited value and may, in fact, contribute to an increase in the risk of recidivism. Furthermore, longer sentences have been found to be unrelated to the risk of recidivism (Griffiths & Cunningham, 2000). Although there are many possible reasons to explain the limited effectiveness, one possible explanation is that the prison environment is not conducive to the offender making the kinds of personal changes that lead to a reduced risk of reoffending. In other words, there is a poor *fit* between the environment and the needs of the inmate. If we change the prison environment to match the needs of the offender, would the result be a better outcome? The answer is a resounding yes, although matching the individual to the appropriate environment is by no means an exact science.

### ***Social Climate of Prisons***

One way in which to think about the social dynamics of a prison environment, or its *social*

*climate*, is in terms of the notion of the keeper and the kept. At the most basic level, the role of the prison staff members is to enforce the rules, and the role of the inmates is to toe the line. Moving beyond this simplistic paradigm, as you extend the concepts of roles and relationships, there exists a vast array of social climates.

The notion of social climate derives from various streams of psychology, including the work of Barker (1968) on the impact of environments (i.e., “behavior settings”) on human behavior and Murray’s (1938) theory of personality. Murray proposed that behavior is determined by the degree of fit between the needs of the individual (e.g., need to affiliate, need to achieve) and environmental *press* (demands), which entail aspects of the environment that either facilitate or impede the likelihood of the individual meeting these needs. For example, a designated study area in a student residence building that is furnished with sofas, a television, and a fully stocked bar fridge might impede satisfaction of achievement needs but promote satisfaction of affiliation needs.

***Measuring the social climates of prisons.*** Moos (1973) seized on the notion of the person–environment relationship and suggested that environments, like individuals, have “personalities” similar to the needs put forth by Murray (1938) (e.g., achievement-oriented environments, interpersonally supportive environments, controlling environments). Moos believed, furthermore, that these environmental personalities could be assessed, at least as they are perceived by the setting members. As a result, he developed a number of scales to assess the environments of various settings, including psychiatric wards, university residence halls, and sheltered care settings for the elderly. One scale, the Correctional Institutions Environment Scale (CIES), measures correctional environments (Moos, 1987).

According to Moos (1987), the social climate of a correctional setting, such as a prison, jail, detention center, or group home for offenders, comprises three broad dimensions, each of which can be assessed by three subscales. The dimensions and their subscales are as follows: Relationship-Oriented (involvement, support, and expressiveness), Personal Development (autonomy, practical orientation, and personal problem orientation), and System Maintenance and System Change (order and organization,

program clarity, and staff control). To measure a correctional environment, the 90-item CIES (or 36-item short form) may be completed by both residents and staff members. The result is a comparison of the profiles of their unique perceptions across the nine subscales. In a study of residents' and staff members' perceptions of the social climate of a medium-security facility for adolescents, Langdon, Cosgrave, and Tranah (2004) found that the two groups perceived their shared social climate quite differently, with youth having a more negative perception than staff. In comparison to staff, youth rated the facility's social climate lower on promoting their personal development and higher on staff control. At the same time, youth on the less restrictive, open-custody units of the facility rated the social climate more positively on the autonomy and support subscales than youth on the more restrictive, secure-custody units. Finding the right balance between maintaining social control and fostering positive growth and development in the residents is a challenging task for staff working in a correctional facility. The CIES may provide useful data to help achieve this balance.

As well, each informant group (staff members and residents) may complete the CIES twice—once in terms of the “real” environment and once in terms of the “ideal” environment. The difference between the residents' and staff members' averaged profiles and between their averaged real and ideal profiles reflects the different perceptions of the social climate and may identify areas for program development. For example, if staff members rate their ideal version of a group home for adolescent sex offenders as being high on the three Personal Development dimension subscales but rate the home in which they work as low on the subscales, the discrepancy might suggest areas for improvement to bring the facility in line with the staff members' vision of an effective group home that will meet the needs of the client population.

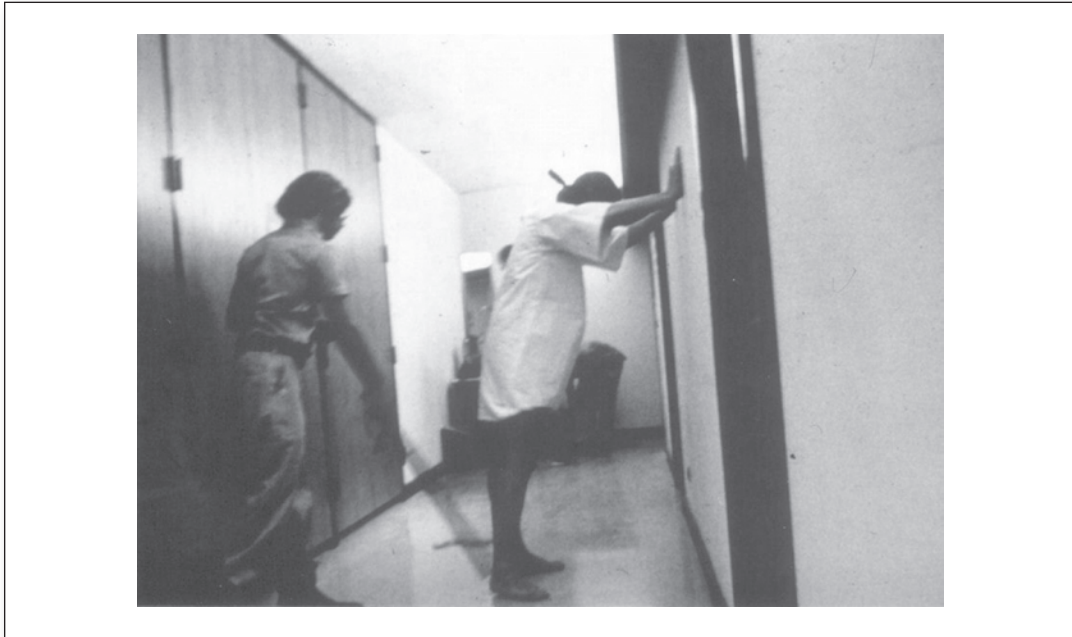
Moos (1987) further suggested that the profile of scores across the nine subscales of the three primary dimensions may be regarded as reflecting a setting's particular orientation. Some facilities may place particular emphasis on supporting residents and fostering their involvement in helping each other (Relationship-Oriented). Other settings may encourage residents to take responsibility for their personal growth and development and to develop practical life skills

(Personal Development). Moreover, some residences may emphasize the value of maintaining order and structure and ensuring that residents follow the rules (System Maintenance and System Change). Although no study has directly tested the notion of a person–environment fit with criminals, in theory offenders should be matched with the type of facility that best suits their needs. For instance, offenders who have strong needs to work toward self-improvement may be better served by a setting that is oriented toward Personal Development, whereas residents who require a great deal of structure and staff control may be best suited to a facility that is oriented toward System Maintenance and System Change.

**The Stanford prison simulation.** As stated previously, the social climate of a prison comprises various dimensions that define the “personality” of the setting. These dimensions reflect the nature of the roles and relationships between staff members and inmates, including the ways in which the inherent power imbalance is negotiated, the role of static (e.g., electronic surveillance) versus dynamic (e.g., relationships among staff members and residents) security barriers between staff members and inmates, and the ways in which rules are enforced and order is maintained.

If the social climate of a prison were placed on a single continuum of the staff–inmate relationships, we might place the Stanford prison simulation (Haney, Banks, & Zimbardo, 1973) and its demonstrated potential for the cruel treatment of prisoners near one end and a “therapeutic community” (see next subsection) and its humane approach to the treatment of prison inmates (Lipton, 1998) near the other end.

The Stanford prison simulation was a powerful demonstration of how social roles influence behavior. In this investigation, 21 healthy male volunteers were screened on various personality measures and then randomly assigned to one of two roles: a mock prisoner or a mock guard. After being “arrested” at their homes, the prisoners were taken to a mock prison constructed in the basement of the psychology department building at Stanford University and were placed in cells, to be watched over by the prison guards. The results, as they unfolded over the next few days, were startling and unexpected. While playing out their assigned roles, some of the guards became increasingly abusive and cruel, using

**Figure 11.3** Stanford Prison Simulation

SOURCE: Courtesy of Phillip Zimbardo.

degrading forms of punishment, including locking prisoners in a closet and withholding food. The prisoners experienced various negative psychological effects, including disorganized thinking, fits of rage, and acute depression. As a result of these deleterious outcomes, the simulation was halted after only 6 days, although the original plan called for it to last for 14 days (see Figure 11.3).

Although only a simulation, the Stanford prison simulation reminds us of the inherent power imbalance that exists within a correctional setting and its potential for abuse. The oppressive conditions in prisons for women have been particularly well documented, although reforms over the past decade have brought about some improvements (Hannah-Moffat, 2002). The harsh and degrading conditions of prisons come in many forms and degrees of severity, including poor sanitary or health conditions, overcrowding, limited opportunities to exercise, assaults on staff members and inmates, hunger strikes, and prison riots. We were recently reminded by the shocking story of abuse at the Abu Ghraib prison in Iraq of how social roles and power imbalances

in prison settings can escalate and compel otherwise responsible and commendable individuals to commit atrocious acts. Several U.S. soldiers and officers have since been charged and convicted of serious crimes after it was reported that they had taken part in the assault, rape, torture, and even murder of civilian Iraqi detainees. There is also some evidence that prison staff members are complicit in peer-on-peer violence. In a survey of 100 incarcerated juvenile offenders, 47% stated that they were aware of prison staff members who had either said or done something to put an inmate at risk for harm, for example, starting a rumor or letting an inmate into another inmate's cell (Peterson-Badali & Koegl, 2002).

A riot on February 29, 1996, at Bluewater Youth Centre, a 90-bed secure-custody facility for juvenile offenders in Goderich, Ontario, stands as a stark reminder of the potential for abuse of prison inmates. Correctional officers were on strike at the time, and substantial changes were made to inmates' routines and schedules, including a reduction in supervision, activities, and treatment programming.



During the angry rampage, inmates set fires, broke windows, and plundered bathrooms, causing \$250,000 in damage. Staff members may have “planted” matches and barbecue fluid and may have encouraged the dissent that triggered the riot. As a result of the incident, 52 male youths were transferred to other facilities, including a detention center designed primarily for adult offenders. During the course of being either transported to a facility or held at the detention center, some youths were punched, kicked, hit with batons, and/or yelled at by managers acting in the place of correctional officers. Several youths had hair yanked out of their heads as they were escorted into a building, and some were kicked so hard that they had boot marks across their faces. Staff members said that they needed to intimidate the youths to maintain order. At a second detention center, a 16-year-old boy with serious behavior problems who had become identified as a “rat” was placed in a “segregation” cell with another youth, contrary to institutional policy. Two days later, the cell mate beat the 16-year-old to death in spite of the victim’s repeated calls for assistance. In the end, 30 charges were laid against seven managers and two bailiffs, and 12 youths received \$1 million in total compensation from the province of Ontario. A public inquest into the death of the one youth resulted in 119 recommendations, many of which dealt with the transportation and treatment of young people in custody.

### ***Prison Approaches to Rehabilitation***

***Therapeutic communities.*** At the other end of the social climate continuum, we find a more humane prison environment known as a therapeutic community. Maxwell Jones is the person most closely associated with therapeutic communities. Jones (1953) developed a number of principles on which the traditional therapeutic communities were based, including democratization, communalism, reality confrontation, and peer group influence.

Drawing on various perspectives within social psychology and clinical psychology, including social ecological, social learning, and humanistic theories (Vandavelde, Broekaert, Yates, &

Kooyman, 2004), a **therapeutic community** is a holistic residential environment that is designed to promote the personal growth and development of the residents. The primary aim is to bring about changes in attitudes, beliefs, and behaviors that lead to a healthier and more adaptive lifestyle on return to the community than the lifestyle that led the person to be admitted into the facility in the first place (e.g., substance abuse, criminality). The core concept is *living learning* as the therapeutic community adheres to the principles of honesty, openness, self-governance, and learning from individuals’ efforts to live together (Grant, 1980). The distinguishing feature of the therapeutic community, in contrast to other therapeutic approaches, is the role of the community, which is the primary vehicle for promoting social and psychological change.

Extending the therapeutic community concept to correctional settings, additional principles include building relationships with one another, authority figures, and women and children; attending to antisocial attitudes, values, and beliefs as well as victim awareness, contrition, and consequences for the victim; and developing strategies for avoiding reoffending (Lipton, 1998). A prison-based therapeutic community builds on the notion that prisons are microcosms of the larger coercive and maladaptive environments that inmates often inhabit on the streets. As such, therapeutic communities provide opportunities for offenders to experience a highly structured setting that models a cooperative prosocial environment. However, residents must be carefully screened before being admitted to a therapeutic community because the approach is only for those prisoners who are motivated to participate in the unique environment. Furthermore, as Wexler (1995) noted, a prison-based therapeutic community must recognize that it “is a ‘guest’ of corrections and that while treatment is highly important, it is secondary to security” (p. 62; Kubiak, 2009). At the same time, for the therapeutic community to succeed, it must be seen as separate, and in other ways reasonably autonomous, from the custodial prison environment. Prison-based therapeutic communities have been implemented in many states, including New York, California, Oregon, and Texas, as well as in Canada and elsewhere in the world.



## FOCUS ON INTERVENTION

## Stay'n Out Program—A Prison-Based Therapeutic Community

The Stay'n Out program is an example of a well-defined prison-based therapeutic community. Developed in 1977 in New York, Stay'n Out is a 12-month program for male and female prisoners with substance abuse problems (Lipton, 1998). Program participants are phased into the program over three stages: (a) induction, (b) treatment, and (c) consolidation of treatment gains and reentry into the community.

The *first stage (induction)* involves orientation, assessment, and assimilation into the therapeutic community model. The *second stage (treatment)* is aimed at personal growth. The treatment program is highly structured with daily schedules for group, work, and community activities. This orderly and regimented schedule is meant to counter the disorder that many offenders experience on the streets and that may be suffused with boredom, negative thinking, and drug use. On a day-to-day basis, residents involve themselves in group seminars, often led by other residents, in which they discuss a wide range of issues focusing on positive and prosocial behaviors, such as self-reliance and personal responsibility, rather than dwelling on negative issues, such as criminality and addictions. Residents are expected to participate in group counseling that focuses on self-discipline, self-worth, respect for authority, and acceptance of guidance for problem areas. Although there is little formal written curriculum, the programming is communicated orally and derived from the day-to-day experiences of the residents.

During this phase, residents are able to earn positions of increased responsibility through hard emotional work (e.g., engage in appropriate sharing and expressing of feelings within a therapeutic context). The *final stage (reentry)* involves strengthening and reinforcing the treatment gains that have been made and developing a discharge plan. At each stage, there are clearly defined goals, activities, and expectations with both positive and negative consequences when deserved.

Conceptually, in terms of the Moos (1987) dimensions described earlier, Stay'n Out would be characterized as high on both the Relationship-Oriented and Personal Development scales and as moderate to high on the System Maintenance and System Change scale. From a theoretical standpoint, drawing on self-help traditions (Levy, 2000), social learning theory (Bandura, 1977b), and theories of intergroup relations (Yalom, 1995), the focus of each Stay'n Out program component is on learning to respect oneself and others through positive interpersonal relations within the shared environment. The more seasoned residents model appropriate behavior, share their insights with new members, and directly and immediately confront and neutralize any negative or "jailhouse" attitudes and behaviors that are displayed by the residents. Moreover, some of the staff members are "ex-addicts/felons who serve as credible role models" (Wexler, 1995, p. 63).

Is the Stay'n Out program effective? Evaluation research has consistently demonstrated its effectiveness with drug-using offenders. For instance, using a quasi-experimental design, Wexler, Falkin, and Lipton (1990) followed up with several hundred men who had participated in either Stay'n Out, a non-therapeutic community-milieu drug-treatment program, or a drug-counseling treatment program, as well as a "no treatment" comparison group (i.e., offenders who volunteered for Stay'n Out but never entered). The results indicated that three years after release from prison, only 26.9% of the Stay'n Out group had recidivated, compared with 34.6%, 39.8%, and 40.9% of the milieu, counseling, and no treatment groups, respectively. The Stay'n Out group also had fewer parole violations than the other groups. Moreover, the longer the individuals participated in the Stay'n Out program (up to 12 months), the more positive the postrelease outcomes. Similar positive treatment gains have been observed with male and female offenders in other prison-based therapeutic communities implemented around the world (Lipton, 1998; Wexler, 1995). Today, in contrast to a political climate that increasingly favors punitive measures for criminal offenders, prison-based therapeutic communities such as Stay'n Out stand out in embracing the philosophy of rehabilitation over punishment and favoring the humane treatment of prisoners. As a result, the practice of therapeutic communities remains controversial and is not widespread, although their effectiveness with certain populations of offenders, particularly those with substance abuse problems, has clearly been demonstrated (Nielsen, Scarpitti, & Inciardi, 1996).

*Boot camps.* Over the past three decades, the correctional boot camp (also known as shock or intensive incarceration) has become an increasingly popular alternative to traditional prison for juvenile offenders. By the year 2000, there were at least 70 boot camps for juveniles in the United States (MacKenzie, Wilson, & Kider, 2001). Although the specific elements of boot camps vary considerably from one boot camp to another, they are generally designed as highly structured residential programs that last between 6 and 30 weeks. Boot camps use military-type components, including uniforms, drills, physical training, chain of command, manual labor, and a focus on strict discipline. There is an emphasis on immediate punishment for misconduct, usually involving a form of physical activity (e.g., push-ups). These programs are rigorous and highly regimented with activities that keep the youths occupied from dawn to dusk. Additional components may include life skills training, academic education, and drug and alcohol treatment. Aftercare community-based programming, which lasts from 6 to 9 months, also may be included. The aim of boot camps is to teach life skills and instill a sense of self-discipline and personal responsibility, factors that are believed to be causally related to a reduction in criminal behavior.

Evaluations of boot camp programs suggest that, despite their many advocates, they are of limited value in reducing the risk of recidivating after discharge. A 5-year quasi-experimental evaluation conducted by the California Youth Authority (1997) indicated that youths who participated in a boot camp program did not differ from youths in a control group on a variety of important indicators—rates of criminal activity and rearrest, severity of subsequent offenses, school attendance, number of days worked, and number of positive drug tests. These null findings were corroborated by a meta-analysis of 43 experimental or quasi-experimental evaluation reports by Wilson, MacKenzie, and Mitchell (2008). With an overall odds ratio of 1.02, Wilson and his colleagues found no differences in the rate of recidivism between the youths who participated in a boot camp and the youths who participated in comparison programs.

As you may have noticed, the social climate of boot camps differs greatly from that of therapeutic communities. In terms of Moos's (1987) framework, boot camps are especially high on the dimension of System Maintenance and System Change. The apparent ineffectiveness of this kind of programmatic intervention contrasts sharply with the promise shown by the more Relationship-Oriented Stay'n Out intervention. As MacKenzie and colleagues (2001) stated, "Critics argue that many of the components of the camps are in direct opposition to the type of relationships and supportive conditions that are needed for quality therapeutic programming" (p. 128). Certainly, one lesson that has been learned from the boot camp experience is that positive treatment gains will be limited when programs place a greater emphasis on surveillance and control (which support the principles of incapacitation and punishment) than when programs address the youths' psychological and social needs by providing treatment and aftercare services (which are in keeping with the principles of rehabilitation) (Kurlychek, 2010). Some recent modifications to services and programs for youth have led to the current "third generation" of boot camps, which place greater emphasis on the development of educational and vocational skills (National Institute of Justice, 2003).

As a result, the practice of therapeutic communities remains controversial and is not widespread, although their effectiveness with certain populations of offenders, particularly those with substance abuse problems, has clearly been demonstrated (Nielsen, Scarpitti, & Inciardi, 1996).

---

## SUMMARY

Social psychologists have pursued many avenues in the application of theories and well-controlled research methodologies to explain and investigate matters concerning crime and the justice system. With regard to the criminal event, this chapter described how, rather than focusing exclusively on the personal characteristics of the individual offender, factors in the environment, such as the presence of others and situational

cues that incite aggressive behavior, also may be implicated as determinants of criminal activity. The notion of a person–environment interaction has been incorporated into the general personality and social psychological model of the etiology of criminal behavior. Moreover, given the influential role of the peer group in the criminal activity of youths, the chapter described a study that identified a pattern of social interaction displayed by pairs of 13- and 14-year-olds that facilitates antisocial thinking and behavior.

Social psychological research has contributed to the development of more effective police interviewing techniques that have led to appreciable increases in the amount of information recalled by witnesses without sacrificing accuracy. Research-based procedures for conducting police lineups and constructing mug books have been developed to reduce the incidence of eye-witness error in the identification of witnesses. The chapter reviewed evidence regarding three factors—jury size, juror impartiality, and inadmissible evidence—that influence interpersonal dynamics and decision making involving the key

players in court cases (i.e., lawyers, judges, witnesses, defendants, jurors).

The work of Moos in assessing the social climates of social settings (e.g., prison settings) was discussed. Therapeutic communities, representing prison environments that have relationship/personal growth orientations, have been shown to be effective in reducing the risk of recidivism among certain offender types (e.g., those with substance abuse problems). On the other hand, there is little evidence that the more control- and discipline-oriented boot camps have rehabilitative value.