

TABLE OF CONTENTS

<i>Preface</i>	v
Chapter 1: Introduction.....	1
A Brief History	1
The Interplay between Psychology and the Law.....	6
The Goal of the Law	8
Stare Decisis	8
The Adversarial System	9
The Bivariate Decision-Making Process.....	9
The Goal of Psychology	9
Description	9
Explanation	10
Prediction	10
Control.....	11
The Empirical Process	11
A Relationship Problem	11
The Judicial System.....	16
Psychologists.....	18
Conclusion: Book Content	20
Chapter 2: Eyewitness Testimony	21
Chapter 3: Interview Techniques	21
Chapter 4: Mug Shots	22
Chapter 5: Line-ups	23
Chapter 6: Children as Eyewitnesses	24
Chapter 7: Post Traumatic Stress Disorder (PTSD)	24
Chapter 8: Repressed and Recovered Memory	25
Chapter 9: Demeanour	26
Chapter 10: Generation Y	27
Chapter 2: Eyewitness Testimony: System and Estimator Variables	29
Key Issues in Eyewitness Testimony	32
System Variables	33
Interview Questions.....	33
Interview Procedures	34

Witnesses and the Law

Police Line-ups.....	36
Estimator Variables.....	43
Confidence Level of the Witness.....	43
Memory Reconstruction.....	44
Innocent Bystander Effect.....	45
Post-event information	46
Perception	48
Delay between Crime and Testimony.....	50
Cross-racial Identification	51
How System and Estimator Variables May Be Used	
in the Courtroom	52
The Use of Expert Witnesses	53
The Use of Judges' Instructions	56
Recommendations.....	57
Conclusion.....	57
Chapter 3: Interview Techniques	59
The Police Interview: A Review	61
The History of the Police Interview	63
Problems with the Standard Interview Technique.....	64
Problem 1: The Misinformation Effect.....	64
Problem 2: The Investigator Response Bias/	
Cognitive Confirmation Bias.....	67
A Brief History of Interrogation.....	70
The Reid Technique	73
Concerns with the Reid Technique	75
The Cognitive Interview (CI)	81
What Should be Done?	83
Recommendations.....	84
Information-gathering Interrogation: Changing the Focus from Confession to Truth	84
Closer to Home: North America and the Eyewitness Interview	87
Conclusion	90
Chapter 4: The Effect of Mug Shots on the Justice System	93
Number of Mug Shots	94
Systems to Reduce the Number of Mug Shots	96
Mug Shot Effects on Subsequent Line-ups.....	98
Retroactive Interference	99

Table of Contents

Unconscious Transference	101
Commitment Effect	108
Mug Shots and the Photo Line-up.....	109
Mug Shots as Foils	109
The Use of Mug Shots of Suspects in a Photo Line-up	111
Summary	115
Chapter 5: The Police Line-up	117
The Police Line-up: Procedures and Issues.....	121
Relative and Absolute Judgments	123
Protocols That Can Affect the Accuracy of	
Line-up Procedures	124
Appropriate Line-up Method.....	124
Minimizing Social Influence.....	126
Selecting Appropriate Fillers.....	128
Appropriate Administrator Instructions	129
Properly Evaluating Witness Confidence	130
Recommendations for the Judicial System	133
Conclusion	138
Chapter 6: Children as Eyewitnesses	141
The Child as Witness.....	141
Credibility of Child Witnesses.....	144
Developmental Considerations	147
Language abilities	147
Cognitive skills.....	149
Emotional issues	150
Children with Disabilities	151
Recent Changes to the Canada Evidence Act and	
Criminal Code.....	157
Pre-Interview Training and Questioning Procedures.....	159
Special Accommodations.....	161
Cross-Examination	163
Recommendations.....	165
Chapter 7: Post-Traumatic Stress Disorder and the Justice System.....	169
PTSD and Memory	175
PTSD and the Hippocampus	180
PTSD and Attention	187
Problems for the Judicial System	191
Steps to Address the Problem	192

Step One	192
Step Two	193
Conclusion	194
Chapter 8: Repressed and Recovered Memory195	
Three Stories	196
Eileen Franklin Lipsker	196
Jacqueline Grieb.....	196
Roland and Adriaan Mak	197
Is There any Evidence to Support the Existence of Recovered Memories?.....	198
What Evidence is There Against the Authenticity of Recovered Memories?.....	206
What is the Current State of Affairs in the Court System?	211
What is Happening in Canada?	213
Conclusion	216
Recommendations for Lawyers.....	219
Chapter 9: Demeanour.....221	
The Psychology Behind Body Language	222
The Classification of Body Language.....	224
Instinctive	224
Coded.....	225
Acquired.....	226
Interpretation.....	227
Body language and Detecting Lies or the Attempted Concealment of Information	227
Training	229
Emotional Expressions	229
Gestures and Body Posture	231
Paraverbal Cues	231
Body Language and the Courts	232
The Beliefs of Legal Writers	233
What Role Does Demeanour Play in the Canadian Court System?	235
Recommendations on How to Deal With Demeanour.....	244
Conclusion	245
Chapter 10: Generation Y and the Justice System.....247	
Values and Beliefs	248
Learning Styles	252
Generation Y and its Inevitable Impact	256

Table of Contents

The Impact of Generation Y on the Courtroom	257
Teaching Law to Generation Y	261
Bringing the Classroom Up-to-Date	263
Powerpoint	265
Wikis, Blogs and Facebook (Web 2.0 Technology)	266
Generation Y's Impact on Law Firms	268
Changes to Large Law Firms	269
Recruitment	269
Technology	270
Flexibility	270
Conclusion	271