CRIME, PSYCHOLOGY AND CRIMINAL JUSTICE: MYTHS AND REALITIES

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Criminological Psychology

The application of psychological research and practice to the study of criminal behaviour and the legal system:

- The causes of crime and characteristics of offenders
- The investigation and policing of crime
- The legal processing of crime
- The treatment of offenders/victims

(Bartol & Bartol 2009:8)

Myth #1: Criminals are born, not made

- One of our key tasks as social thinkers is to attribute causes to human action (i.e., why did X do Y?)

- Causal attribution (Heider 1958)
  - Internal (disposition)
  - External (situational)

- The fundamental attribution error: the tendency to overestimate the impact of dispositional causes and underestimate the impact of situational causes on other people’s behavior (Franzoi 2009)
Is Criminality Innate?

“The study of criminality has been retarded by an inaccurate conception of crime as an isolated act committed by a person, without regard to that person’s relationships with other people, groups, and organizations”

(Steffensmeier & Terry 1986:304)

The Power of the Situation
Crime as Social Behavior...

- Individual behaviour is shaped by structural and organizational features
  - Deindividuation (e.g., Zimbardo 1971)
  - Diffusion of responsibility (e.g., Milgram)
  - Risky shift vs. caution shift? (e.g., Allport)
- E.g, McGloin & Piquero (2009) Collective behavior and violent delinquency

The Reality

- Crime causation is a complex interplay between individual and social factors
  - **Individual**: neuropsychological abnormalities, cortical arousal, impulsivity, hyperactivity, educational attainment
  - **Family/home**: poor family dynamics, erratic/harsh discipline, low levels of supervision, imprisoned parent
  - **Social**: disorganized and disadvantaged neighborhoods, delinquent peer groups, lack of attachment to school, unemployment, low social capital
The Reality (cont)

- Bio-psycho-social models provide the best framework for identifying causal pathways to crime

- Individual and social factors interact and accumulate to generate risk for offending. Risk factors interact with protective factors over the life course to determine the shape of one’s criminal career

- Moffitt (1993)
  - Adolescence-limited and life-course persistent offenders

MYTH # 2: VICTIM / OFFENDER DICHOTOMY

- Often victims and offenders are portrayed as different people

- Social categorization and schemas (Tajfel & Turner 1979)

- In groups (good guys) and out-groups (bad guys)
The Reality

- These categories are not mutually exclusive!

- Offenders are much more likely than non-offenders to be victims of crime

- Edinburgh Youth Study (2007)
  - At age 15, delinquency was 7x higher among those who had been victims of five types of crime in past year
  - Victimization predicts delinquency
  - Delinquency predicts victimization

MYTH # 3: CRIMINAL PROFILING IS COMMON AND HIGHLY EFFECTIVE
The Reality

- Although becoming more popular, profiling is used relatively rarely

- “This technique attempts to derive hypotheses about the...offender from analysis of a crime scene, victim information, and current knowledge of offenders from previous research” (Knight et al 1998:47)

- Experimental studies comparing 'expert' profilers to students and general public show that they are only slightly better (Snook et al 2007)
  - $r=0.24$ (overall)
  - No difference or worse in predicting cognitions, offense behaviour, social history and habits

Problematic Content

- 2001 Study (Alison et al)

- Only 25% of statements were inferences about offender characteristics
  - 82% unsubstantiated
  - 55% unverifiable
  - 24% ambiguous
  - 6% opposing alternatives
  - “I believe the suspect has a high school education or less...if he attended college it was probably nearby...”
  - “The offender...will not be extremely fat or thin”
Does it Work?

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes (%)</th>
<th>No (%)</th>
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<tbody>
<tr>
<td>Did the advice assist in solving the case?</td>
<td>14.1</td>
<td>78.3%</td>
</tr>
<tr>
<td>Did the advice open new lines of enquiry?</td>
<td>16.3%</td>
<td>82.1%</td>
</tr>
<tr>
<td>Did the advice add anything to information supplied?</td>
<td>53.8%</td>
<td>38.6%</td>
</tr>
<tr>
<td>Did the advice prove operationally useful?</td>
<td>82.6%</td>
<td>17.4%</td>
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The success “seems to do with the introduction of new thoughts, arising from an intelligent second opinion, and…through the process of consultation and debate with the profiler (Gudjonsson & Copson, 1997: 90)

Why Not? Faulty Assumptions?

- Relationship between behaviour and characteristics
- Cross-situational consistency
  - Crime is “an extreme form of non-criminal activity and is therefore likely to reflect variations that occur in ordinary day-to-day interpersonal activities” (Canter 2000: 39).
- Offending consistency
  - Offenders will be consistent in their behaviours across time (Canter 1995)
- Homology assumption (Mokros & Alison, 2002)
  - Offenders that display similar behaviour will possess similar characteristics
Moving Forward with BIA

- Highly controversial (Alison & Rainbow, 2011; Snook et al, 2008)

- The future of psychological profiling likely lies in identifying conditional probabilities of certain behaviours occurring under certain conditions (rather than a strict reliance on stable-trait theories)

- Given current evidence, they should be used to aid, not guide, investigations and should not be used in court

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MYTH # 4: EYEWITNESSES EVIDENCE IS HIGHLY RELIABLE

*There is “nothing more convincing [to a jury] than a live human being who takes the stand, points a finger at the defendant, and says ‘That’s the one!!’”*

Eyewitness identification evidence is the leading cause of wrongful conviction, playing a role in over 75% of convictions overturned through DNA testing (The Innocence Project, 2007)
Social Influence & Police Power

- Social influence can be understood as “the exercise of social power to change people’s attitudes or behaviour”

- Social power refers to the “force available to the influencer in motivating this change” (Franzoi 2008:251)

- Police have tremendous social power. Their authority is legitimated by the state and their opinions often carry a great deal of weight
How Can We Improve?

- Eyewitness memory is flawed, but we are getting better at identifying under what circumstances it is of the highest quality possible and the ways we can try to maximize its usefulness
  - Avoidance of suspect-absent lineups
  - Simultaneous line-ups
  - Limited feedback

MYTH # 5: NO ONE CONFESSES IF THEY DIDN’T DO IT

- We don’t want to believe that we can be persuaded to do this
The Reality

- Kassin & Gudjonsson (2004)
  - **Voluntary self-confession**
    - No influence from police
    - Mental illness?
    - Self-punishment?
  - **Coerced-compliant false confession**
    - In response to coercion from police
    - Suspect aware of innocence
    - Done out of desperation
  - **Coerced-internalized false confession**
    - In response to coercion from police
    - Suspect comes to believe in their guilt
    - Can occur with vulnerable suspects

MYTH #6: JURIES AND JUDGES ARE NEUTRAL DECISION MAKERS

- Mock jury studies, experimental designs, real deliberations and decisions
- Many classic social psychological dynamics transfer to the courtroom (stereotypes, persuasion)
  - Social status (York & Cornwell 2006)
  - Suspect attractiveness (Saladin et al, 1988)
  - Coherent emotionality (Bollingmo et al 2007)
- The CSI effect
- What about ecological validity?
MYTH # 7:
THE PUBLIC IS VERY RETRIBUTIVE

Crime

Backward Looking
• Retributive
• Revenge-driven
• ‘An eye for an eye’
• Focus on offense
• Restores previous balance in society

Forward Looking
• Utilitarian
• Deterrence
• Incapacitation
• Rehabilitation
• Focus on offender
• Prevents future harm

Self-test 1

Case 1: Straf for røveri

Thomas maskerer sig med en elefanthue og går ind i en kiosk, hvor han trækker en brødkniv frem og siger ‘Jeg vil have pengene’ til ekspedienten. Da ekspedienten ikke straks reagerer, holder Thomas kniven op foran ekspedienten og skubber ham hen mod disken. Efter at have fået pengene fra kassen giber Thomas fat i overarmene på ekspedienten og tvinger ham – stadig med kniven i hånden – ind i baglokalet til et pengeskab. Thomas får ekspedienten til at afsløre koden. Han slipper i alt af sted med 16.500 kroner i udbytte fra røveriet. Røveren Thomas er ikke tidligere straffet. Hvad ville du dømme?

1. Betinget fængsel
2. Ubetinget fængsel under 1 år
3. Ubetinget fængsel 1-2 år
4. Ubetinget fængsel over 2 år
Self-test 2

Case 2: Straf for alvorlig gadevold

Tim er om natten på vej hjem fra en fest, hvor han har haft et opgør med sin kæreste. Foran en grillbar føler Tim sig provokeret af Frederik, der sidder på en bænk i samtal med en anden. Tim tager fat i Frederiks arm. Frederik forsøger at vride sig løs, hvorefter Tim slår ham med knytnæve på den ene side af hovedet og derefter på den anden side med en colaflaske, der bliver knust. Frederik falder, hvorefter Tim sparker ham i ansigtet og tramper ham på den ene side af hovedet. Frederik brækker næsen og kindbenet og pådager sig hjernerydelse. Han får ingen varige mén. Tim er ikke tidligere straffet. Hvad ville du dømme?

1. Samfundstjeneste
2. Betinget fængsel
3. Ubetinget fængsel under 1 år
4. Ubetinget fængsel 1-2 år
5. Ubetinget fængsel over 2 år

Self-test 3

Case 3: Straf for narkotikasmugling


1. Samfundstjeneste
2. Betinget fængsel
3. Ubetinget fængsel under 1 år
4. Ubetinget fængsel 1-2 år
5. Ubetinget fængsel over 2 år
The Reality

- Politicians often cite public opinion as a reason for their ‘tough-on-crime’ policies

- However, public attitudes towards punishment are often far less punitive than expected

- The more specific the information the public is given about a crime/criminal, the more lenient we are

- Collective fallacy

The Reality

- Examples of effective evidence-based policy (see Farrington & Welsh 2008)
  - Individual
    - Early childhood and family programming
    - CBT (thinking ‘errors’ and moral reasoning)
  - Social
    - Neighbourhood/school programs
    - Mentoring programs
    - Improving social capital (employment, etc)
  - Situational
    - Street lighting
    - Hot spot policing
MYTH # 8 : NOTHING WORKS

  - “With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effects on recidivism”
- Shift from ‘nothing works’ to ‘what works’, and for whom (driven by psychologists)

What About Victims?

- What works for them?
- Focus on offender over victim
- Mediation/RJ as example of increasing interest in victimology
MYTH # 9: ONCE A CRIMINAL, ALWAYS A CRIMINAL

- 28% overall recidivism rate within 2 years of prison release (2010, Statistics Denmark)

- It is “never too early, never too late” to intervene successfully to reduce offending (Loeber & Farrington 1998)

- “Both science and autobiography affirm that capacity for change is as essential to human development as it is to the evolution of new species. The events of the opening years to start an infant down a particular path, but it is a path with an extraordinarily large number of intersections” (Kagan 1998)

- Criminal development reflects individual and environmental factors, social interactions and random, chance events (Laub & Sampson 2003:286)

MYTH # 10: PSYCHOLOGY HAS ALL OF THE ANSWERS

- Working to understand and prevent criminal behavior, and improve investigation and punishment must be an interdisciplinary effort

- Psychology has important and meaningful contributions to make, but these contributions will be best used if combined with related work from the fields of sociology, law, anthropology, political science, statistics, etc.
Sometimes It’s OK to Cheat!

I want us to see other disciplines.

TAKE-HOME MESSAGES

- The field of criminological psychology is broad, interdisciplinary, and growing

- Research in this area is important, not only to promote understanding of crime and justice issues, but also to dispel pervasive myths

- But, psychology can’t do it alone…
FURTHER READING