

COURSE OUTLINE - PSYCHOLOGY 446**EYEWITNESS PSYCHOLOGY****Dr. R. LINDSAY**

Fall term 2012

Contacting the instructor: I am terrible at responding to phone calls. I have been known to ignore voice mail messages for weeks at a time! I check my email every day that I am in. As a result, it is much better

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Readings: The required readings for the course consist of chapters from the **Handbook of Eyewitness Psychology**.

Evaluation: Course grades are obtained from four sources:

- 1) 30% Seminar presentation and leading the discussion.
- 2) 20% class participation (10% attendance @ 1% per seminar class to a maximum of 10, 10% being active).
- 3) 10% thought papers (1% *per class* for thought papers to a maximum of 10%)
- 4) 40% research proposal (details below).

The participation, seminar, and research proposal will be marked via letter grades then combined at the end of the course. Attendance and thought papers thought papers submitted and classes attended. There is no reason generally to miss a thought paper given that they are submitted via email. If you must miss classes it will make no difference until you are missing more than 5 of the

SSHRC outline and two examples of actual SSHRC grant applications. Note that these must be

provided but are not counted in the 6 pages so you too should include references but start a new, seventh page for those. Note that this sample is less than 6 full pages. Shorter is acceptable, longer is not.

Another example follows:

Detailed Description: Pattern jury instructions re Proof Beyond a Reasonable Doubt (PBRD)

A. OBJECTIVES

Short term objectives: We will examine the use of the PBRD standard, specifically studying:

- (1) Understanding: How do legal systems, lay people, and justice system professionals understand and use proof beyond a reasonable doubt?
- (2) Current phrasing: What is the impact of the current Canadian instructions concerning PBRD (*R v Lifchus*, 1997) on the assessment of the credibility and reliability of child and adult witnesses?
- (3) Impact of errors: What is the effect of mis-stating or omitting portions of the current articulation of PBRD instructions on the assessments of the witness credibility and reliability?

Long-Term Objectives: To propose reforms to law and practice that are empirically demonstrated to have psychological validity for explaining the concept of PBRD to jurors and justice professionals, and to increase psychological knowledge about the assessment witness credibility and reliability.

B. CONTEXT

1) Proof Beyond a Reasonable Doubt: In criminal trials, it is usually impossible to determine with absolute certainty what actually occurred. The concept of PBRD has long been central to the criminal justice system, guiding decision-making in the face of uncertainty (DeLoggio, 1986; Shapiro, 1991),

To produce consistency in decision making, many jurisdictions have developed recommended instructions (*pattern jury instructions*) that the judge provides to a jury, and that judges are to follow in their own decision-making if there is no jury. In Canada, trial judges are required to instruct juries about the concept in their charge to the jury, and to demonstrate a correct understanding of it in cases that are decided without a jury. Trial decisions may be reversed if the judge has failed to follow an accepted pattern jury instruction (*R v Lifchus*, 1997), as the failure to follow the recommended phrasing may have resulted in decisions made using an inappropriate standard of proof (Ellsworth & Reifman, 2000; Finkel, 2000). Appeals based on errors when instructing the jury are common; a significant portion of these appeals result

3) Canadian Legal Context: Canadian appeal courts are increasingly encouraging the use of pattern jury instructions (Comisky, 2010), but judges must also be prepared to answer queries from juries about the meaning of the concept that go beyond restating the pattern instructions (*R v Layton*, 2009). There has been very little research on the comprehensibility and effect of different articulations of PBRD, and none about the standard presently used in Canada, and its effects on the assessment of the credibility of witnesses. Canadian jury instructions tend to be longer than in the USA, as _____ includes more information (a summary of the evidence). As a result, research conducted in the United States may not generalize to Canada where almost no research on the topic has been published. For this reason, Comisky (2010) recently pointed out that _____ systematic studies are required to test overall comprehensibility of the Canadian [pattern jury _____ 648). Rose and Ogloff (2001) conducted the only reported study of the comprehensibility of Canadian pattern jury instructions, focusing exclusively on instructions about conspiracy law. They concluded, based on responses to true-

various subsections significantly alter

psychological perspectives with legal analysis. This study will explore alternative articulations of the standard that will be used in later projects as well as resulting in publications.

Study 1.2 will survey

decision accuracy. The comparison of rated likelihood of the event when people did versus did not believe beyond a reasonable doubt is expected to vary with presence vs. absence of reasonable doubt instructions to estimate the subjective probability of guilt associated with reasonable doubt (e.g. Dane, 1985).

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fabricated, child vs. adults reports of assault, and asked to decide with or without specific PBRD instructions and to state the likelihood (0% to 100%) that the alleged events actually occurred. A 2 (adult vs. child witness) X 2 (true vs. false report) X 3 (Control vs. PBRD instructions before evidence vs. PBRD instructions after evidence) design will be used. Demographic characteristics (age, sex, etc.) and beliefs of evaluators will be collected. It is hypothesized that laypersons will be more accurate when provided with PBRD instructions and that they will be more likely to believe child witnesses (based on perceived honesty).

Study 2.3 Justice system S U R I H V V L R Q D O V ¶ w i t n e s s r e p o r t s v s f a l s e r e p o r t s
Videos of testimony of child and adult witnesses will be viewed by judges and lawyers. Our team has experience and credibility in recruiting from this difficult to access subject pool. These professionals will be asked to determine whether the suggested events occurred or identifications were correct

are correct. They will also be given a short questionnaire on their beliefs about PBRD, the effects on decisions to prosecute/defend a case, and other questions generated from Project 1. The PBRD instruction manipulation will not be done here as the participants are assumed to have knowledge of the instructions. The manipulations of report content will be determined from the results of Studies 2.1 and 2.2, and only variables producing reliable effects in those studies will be manipulated in Study 2.3.

Project 3: Deconstructing Beyond Reasonable Doubt Instructions will test the judicial assumption (*R v. erslecia*)

research team have presented at national and international continuing education programs for lawyers, judges and psychologists, often co-presenting on child witness issues, and will do so with these results. There will also be presentations for government policy-makers. Some of the conclusions will be of considerable public interest and we will issue news releases through media relations cy