

## Chapter 01

### Multiple Choice

1. The purpose of laws is to
  - a. ensure public safety.
  - b. deter vigilantes.
  - c. serve as a mechanism for conflict resolution.
  - d. All of these are correct.

**ANSWER:** d

2. Which amendment to the U.S. Constitution safeguards us against self-incrimination?
  - a. First
  - b. Fourth
  - c. Fifth
  - d. Sixth

**ANSWER:** c

Edward Rosenheimer was charged with a hit-and-run accident, but he claimed that the law requiring him to report the accident to the police was unconstitutional because it forced him to incriminate himself, violating the U.S. Constitution's Fifth Amendment. This case eventually came before the New York Court of Appeals; what was this court's decision?

3. Edward Rosenheimer was charged with a hit-and-run accident, but he claimed that the law requiring him to report the accident to the police was unconstitutional because it forced him to incriminate himself, violating the U.S. Constitution's Fifth Amendment
  - a. Rosenheimer was released from custody because the law forcing him to incriminate himself was said by this court to be unconstitutional.
  - b. Rosenheimer was released from custody because the Court of General Sessions in New York State said that the hit-and-run regulation should be removed from the books.
  - c. The New York Court of Appeals concluded that the right to avoid self-incrimination did not outweigh the right of injured persons to seek redress for their sufferings.
  - d. The New York Court of Appeals concluded that the right of injured persons to seek redress for their sufferings did not outweigh the right to avoid self-incrimination.

**ANSWER:** c

4. A researcher who researches rape in different types of societies and its relationship to the amount of male dominance in these societies is concerned with which approach to the study of law?

- a. Anthropological
- b. Sociological
- c. Philosophical
- d. Psychological

**ANSWER:** a

5. If a researcher is studying the role that social class plays in criminal behavior in a particular society, that researcher is most likely a (n)

- a. psychologist.
- b. sociologist.
- c. anthropologist.
- d. philosopher.

**ANSWER:** b

6. Psychology assumes that individual characteristics affect how the legal system operates and in turn the legal system affects individual characteristics and behavior. Characteristics may include

- a. individual abilities.
- b. personal values.
- c. experiences.
- d. All of these are correct.

**ANSWER:** d

7. Most forensic psychologists are trained as

- a. social psychologists.
- b. clinical psychologists.
- c. experimental psychologists.
- d. lawyers.

**ANSWER:** b

8. According to Kurt Lewin, what influences the behavior of an individual in the legal system?

- a. One's personal qualities
- b. One's environment
- c. Both A and B

d. What influences behavior can never be ascertained as behavior is too complex

**ANSWER:** c

9. Which of the following would be an activity that a forensic psychologist would most likely do?

- a. Evaluate whether a defendant was sane at the time the crime was committed
- b. Determine if the DNA from the defendant matches the DNA collected at the crime scene
- c. Investigate the role that social class plays in criminal behavior
- d. Conduct a mock trial

**ANSWER:** a

10. The United States is perhaps the most individualistic society where people can deviate from the norm or make their own choices to a greater degree. The two deeply desired values are.

- a. two sets of rights and two sets of laws are in agreement.
- b. freedom and personal autonomy.
- c. freedom with limited legal implications.
- d. None of these are correct.

**ANSWER:** b

11. In 2017, a law known as the “show me your papers law” was passed in

- a. Baltimore.

b. Florida.

c. Texas.

d. New York.

**ANSWER:** c

12. Most of the Supreme Court decisions that provided more explicit rights for suspects and defendants occurred during the

a. 1950s.

b. 1960s.

c. 1970s.

d. 1980s.

**ANSWER:** b

13. In more recent cases, the Supreme Court has ruled in favor of law enforcement as opposed to individuals suspected of breaking the law. For example, in *Florence v. Board of Chosen Freeholders*, the Court ruled that

a. police can stop a motorist whom they believe has violated traffic laws even if their ulterior motive is to investigate the possibility of drug dealing.

b. jail officials can strip search petty offenders even when there is no suspicion of carrying a weapon or contraband.

c. police no longer have to provide Miranda warnings in custodial situations if certain exceptions are met.

d. None of these are correct.

**ANSWER:** b

14. In contrast to the crime control model, the due process model would subscribe to which of the following statements?

a. If the police are chasing a man, he must have committed a crime.

b. It is better for many guilty persons to go free than to convict one innocent person.

c. It is detrimental to society to require police to inform suspects of their Miranda rights.

d. The “three-strikes” law is in place to protect society from dangerous criminals.

**ANSWER:** b

15. Which of the following is a basic characteristic of the crime control model of the criminal justice system?

a. The system should present obstacles to the conviction of defendants.

b. The suspect is assumed to be innocent.

- c. Emphasis in the courts should be for efficient detection and prosecution of criminals.
- d. Greater control needs to be exerted over the police in their investigation of suspects.

**ANSWER: c**

16. Due to the recession between 2007 and 2009, the federal and state budgets tightened, forcing reevaluation of “tough on crime policies” leading to alternative programs to reduce repeat offence. These alternatives have included

- a. diversionary, community-based treatment programs.
- b. educational and re-entry programs for inmates.
- c. substance abuse and mental health treatment programs for inmates.
- d. All of these are correct.

**ANSWER: d**

17. The First Amendment to the U.S. Constitution protects freedom of speech including

- a. fighting words.
- b. perjury.
- c. racially offensive speech.
- d. obscenities.

**ANSWER: c**

18. The United States has 4% of the world’s population and \_\_\_\_\_ of its prisoners.

- a. 2%
- b. 5%
- c. 10%
- d. 22%

**ANSWER: d**

19. The principle of equality is often at odds with the value of \_\_\_\_\_ when it comes to implementing laws and punishing offenders.

- a. proportionality
- b. discretion
- c. leniency
- d. None of these are correct.

**ANSWER: b**

20. One might argue that the stop and frisk procedures used in New York City violate the principle of equality and rely on profiling, as 52% of stops between 2004 and 2012 were of \_\_\_\_\_ and 31% were of \_\_\_\_\_.

- a. African Americans; Caucasians
- b. Hispanics; Caucasians
- c. African Americans; Caucasians
- d. African Americans; Hispanics

**ANSWER: d**

21. Which of the following practices most clearly violates the principle of equality?

- a. Racial profiling
- b. Proportionate sentencing
- c. Determinate sentencing
- d. None of these are correct.

**ANSWER:** a

22. Which resolution of a choice does determinate sentencing reflect?

- a. Equality, rather than discretion
- b. Discretion, rather than equality
- c. Common good, rather than individual rights
- d. Individual rights, rather than common good

**ANSWER:** a

23. The principle of proportionality reflects the idea that

- a. there should be the same proportion of jurors sympathetic to the prosecution as to the defense.
- b. the defendant's punishment should be related to the magnitude of the offense.
- c. repeat offenders should receive extensive rehabilitation.
- d. a defendant who commits a relatively minor crime should receive a harsh punishment if the defendant is a habitual offender.

**ANSWER:** b

24. Despite the principle of equality, discretion is often displayed by

- a. prosecutors.
- b. police officers.
- c. juries.
- d. All of these are correct.

**ANSWER:** d

25. Commuting a death sentence to life imprisonment is referred to as

- a. settlement negotiation.
- b. clemency.
- c. reversal.
- d. redemption.

**ANSWER:** b

26. Troy Davis was convicted of murdering a police officer and faced execution in Georgia.

In an effort to save Davis, the Georgia Board of Pardons and Parole was presented with a \_\_\_\_\_ petition to commute Davis' sentence to life in prison.

- a. settlement negotiation
- b. clemency
- c. reversal
- d. redemption

**ANSWER:** b

27. The tendency of different judges to administer a variety of penalties for the same crime is referred to as \_\_\_\_\_; to counteract this, many states have implemented \_\_\_\_\_.

- a. biased sentencing; certain sentencing
- b. inequality in sentencing; mandatory sentencing
- c. sentencing disparity; determinate sentencing
- d. discretionary sentencing; strict sentencing

**ANSWER:** c

28. Which of the following does determinate sentencing accomplish?

- a. Equality
- b. Discretion
- c. Individual rights
- d. Sentencing disparity

**ANSWER:** a

29. John, the plaintiff in a civil trial, sued his employer for wrongful termination. Now that the trial is over, John is pleased that he had a chance to have his voice heard and feels he was treated fairly by the system. He sees the outcome as just even though the outcome was not in his favor. According to Chapter 1, this perception of the fairness of the procedures is an important component of

- a. fairness justice.
- b. procedural justice.
- c. plaintiff's revenge.
- d. the American Bar Association's ethical standard of practice.

**ANSWER:** b

30. What percentage of defendants plea bargain?

- a. 10–25%
- b. 35–50%
- c. 60–75%
- d. 90–95%

**ANSWER:** d

31. What is a possible benefit of plea bargaining?

- a. Reduced trial costs and expenses
- b. Increased efficiency in the criminal justice system
- c. Reduced sentences and sanctions for defendants
- d. All of these are correct.

**ANSWER:** d

32. In civil cases, what procedure parallels plea bargaining?

- a. Damages negotiation
- b. Settlement negotiation

- c. Plaintiff/defendant agreement
- d. Conflict resolution

**ANSWER:** b

33. Amicus curiae means

- a. let the decision stand.
- b. the sentence should be equivalent to the crime.
- c. friend of the court.
- d. the rights of defendants.

**ANSWER:** c

34. When faced with making legal decisions, judges are reluctant to make decisions that contradict earlier judicial decisions. This propensity is an example of the principle of

- a. stare decisis.
- b. equality.
- c. proportionality.
- d. determinant sentencing.

**ANSWER:** a

During a train trip in Louisiana in the 1890s, Homer Plessy wanted to sit in a “whites only” railroad car, but because of his ancestry (he had a black great-grandparent), he was not allowed, by law, to sit in this car. He took his claim to court; the U.S. Supreme Court eventually ruled that

35. During a train trip in Louisiana in the 1890s, Homer Plessy wanted to sit in a “whites only” railroad car, but because of his ancestry (he had a black great-grandparent), he was not allowed, by law, to sit in this car. He took his claim to court; the U.S. Supreme Court eventually ruled that

- a. he should have been allowed to sit anywhere he wanted.
- b. the statute that segregated railroad cars by race did not fail to give Plessy equal protection under the law.
- c. the statute that segregated railroad cars by race failed to give Plessy equal protection under the law.
- d. None of these are correct (this case never went to the Supreme Court).

**ANSWER:** b

George McLaurin was the first black student admitted to the University of Oklahoma’s graduate school of education. After enrolling in the program, McLaurin was segregated from his classmates. In *McLaurin v. Oklahoma State Regents* (1950), the Supreme Court concluded that

36. George McLaurin was the first black student admitted to the University of Oklahoma’s graduate school of education. After enrolling in the program, McLaurin was segregated from his classmates. In *McLaurin v. Oklahoma State Regents* (1950), the Supreme Court concluded that

- a. McLaurin should not have been admitted to the graduate school.
- b. McLaurin’s rights as a student were not violated by the segregation.

- c. the restrictions set up by the University of Oklahoma impaired and inhibited McLaurin's ability to study, discuss, and exchange views with other students.
- d. the restrictions set up by the University of Oklahoma did not impair nor inhibit McLaurin's ability to study, discuss, or exchange views with other students.

**ANSWER:** c

37. Whereas lawyers are typically adversarial and engage in "either-or" thinking, psychologists are expected to be \_\_\_\_\_ and think more in terms of \_\_\_\_\_.

- a. subjective; absolutes
- b. subjective; probabilities
- c. objective; absolutes
- d. objective; probabilities

**ANSWER:** d

38. Tatiana Tarasoff was killed by Prosenjit Poddar, a graduate student at the University of California. Tatiana's parents sued and the case was heard by the Supreme Court of California. The Tarasoff case is important because

- a. it gave a legal definition of "dangerousness."
- b. it clarified the tax-exempt status of racially segregated colleges.
- c. it concluded that psychologists could assist in jury selection if they provided their questionnaire responses to the other side.
- d. it specified that psychotherapists have a duty to use reasonable care to protect identifiable, potential victims from clients in psychotherapy who threaten violence.

**ANSWER:** d

39. A basic scientist's work

- a. is done simply for the joy of understanding.
- b. is not intended to be applied.
- c. can be applied to the law.
- d. All of these are correct.

**ANSWER:** d

40. Two psychologists separately do research on whether pornography causes men to attack women. The first, Dr. A, is interested in testing his theory of arousal and its effects on aggressive behavior. He has no interest in reducing violence rates in the real world. In contrast, Dr. B does her research because she wants to reduce the number of incidents in which women are victims of violent men. Based on this information, which of the following statements is correct?

- a. Both Drs. A and B are applied scientists.
- b. Both Drs. A and B are basic scientists.
- c. Dr. A is a basic scientist; Dr. B is an applied scientist.
- d. Dr. A is an applied scientist; Dr. B is a basic scientist.

**ANSWER:** c

41. For a person to testify as an expert witness,

- a. he or she must have had formal training.
- b. both sides in the trial must agree to allow the testimony.
- c. the judge must agree to admit the testimony.
- d. the expert witness must have examined or tested the defendant.

**ANSWER:** c

42. The expert witness is

- a. hired by one side but is supposed to remain impartial.
- b. hired by one side and is supposed to support that side, and only that side.
- c. legally considered an advocate when hired by one side.
- d. not allowed to be paid for their time.

**ANSWER:** a

43. The Daubert decision listed four factors that judges should consider in assessing the validity and subsequent admissibility of the expert's testimony. Which of the following is not one of these four factors?

- a. Whether the expert's theory or technique can and has been tested
- b. The strength of the argument for the pertinent side
- c. Whether the expert's theory or technique has been evaluated by peer review
- d. The extent to which the expert's technique and claims have been generally accepted by the relevant scientific community

**ANSWER:** b

44. Which of the following decisions led to judges acting as gatekeepers who evaluate potential expert testimony using the standards of science?

- a. Blakely v. Washington (2003)
- b. Ewing v. California (2003)
- c. Daubert v. Merrell Dow (1993)
- d. United States v. Booker (2005)

**ANSWER:** c

45. A psychologist is asked to determine if Project New Chance, a program to help welfare recipients obtain and keep employment, has achieved its goals. How would we best label this psychologist's role?

- a. Basic scientist
- b. Pure scientist
- c. Policy evaluator
- d. Advocate

**ANSWER:** c

46. A police department decides to develop "community watch" groups in some neighborhoods in order to reduce the crime rate. A psychologist is called in to assist the police department in designing and critiquing this innovation. How would we best label this psychologist's role?

- a. Policy evaluator

- b. Advocate
- c. Basic scientist
- d. Pure scientist

**ANSWER:** a

47. Which of the following would be an activity conducted by a trial consultant?

- a. Conduct community attitude surveys
- b. Prepare witnesses to testify
- c. Advise lawyers on their presentation strategies
- d. All of these are correct.

**ANSWER:** d

48. Trial consultants who are members of the American Society of Trial Consultants must adhere to

- a. Practice guidelines developed by that organization (ASTC, 2017).
- b. the Code of Ethical principles.
- c. Professional standards.
- d. All of these are correct.

**ANSWER:** d

49. One of the justifications given by trial consultants for their methods is that

- a. they work for the underprivileged.
- b. they're not radically different from that of politicians.
- c. jury members are informed of their recommendations.
- d. All of these are correct.

**ANSWER:** b

50. The Miranda rule of 1966 guarantees the right to \_\_\_\_.

- a. remain silent when being arrested
- b. keep and bear arms
- c. equal protection of the law
- d. express a thought of hate

**ANSWER:** a

51. What two values were in conflict in the “Unite the Right” Rally in Charlottesville, Virginia, 2017?

- a. Right to freedom of expression and right to equality
- b. Right to free expression of speech and right of protection from hate speech for a community
- c. Right to free speech and right to bear arms
- d. Right to equality and right to free speech

**ANSWER:** c

52. The case of flamboyant hedge fund manager and pharmaceutical executive Martin

Shkreli, who was convicted in 2017 of defrauding his investors to cover up massive stock losses and then jailed after a Facebook post offering \$5,000 for a strand of Hillary Clinton's hair, is a classic example of \_\_\_\_\_ in the United States.

- a. right to equality
- b. right to discretion
- c. right to free speech
- d. right to privacy

**ANSWER:** a

53. To keep up equality, the U.S. Supreme Court has occasionally applied the principle of \_\_\_\_\_ to its analysis of cases involving criminal sentencing?

- a. proportionality
- b. discretion
- c. nondiscrimination
- d. stare decisis

**ANSWER:** a

54. Who are imprisoned at rates five to seven times higher than White Americans due to racial bias in arrests for drug crimes?

- a. Hispanics
- b. African Americans
- c. Caucasian
- d. Native Indians

**ANSWER:** b

55. Which of the following was implemented to counteract racial biasing while making arrests?

- a. determinate sentencing
- b. presumptive sentencing
- c. indeterminate sentencing
- d. criminal sentencing

**ANSWER:** a

56. The agreement between the National Football League (NFL) and thousands of former players who suffered concussive injuries on the gridiron is an example of \_\_\_\_\_.

- a. determinate sentencing
- b. procedural justice
- c. settlement negotiation
- d. damage payments

**ANSWER:** c

57. According to research, \_\_\_\_\_ advances settlement negotiations and reduces the plaintiffs' inclinations to sue.

- a. apology
- b. procedural justice

- c. settlement negotiation
- d. damage payment

**ANSWER:** a

58. The 1896 case of Plessy v. Ferguson is a clear example of a case of \_\_\_\_\_.

- a. determinate sentencing
- b. procedural justice
- c. racial bias
- d. presumptive sentencing

**ANSWER:** c

59. The idea that the law is a social force with consequences for people's well-being, this approach is termed as \_\_\_\_\_.

- a. amicus curiae brief
- b. procedural justice
- c. therapeutic jurisprudence
- d. presumptive sentencing

**ANSWER:** c

60. The case of Tatiana Tarasoff dictates that psychotherapists \_\_\_\_\_.

- a. offer protection to third parties from patient violence
- b. warn the victims of therapy patients
- c. maintain doctor-patient confidentiality
- d. All of these are correct.

**ANSWER:** d

61. How do mental health professionals become involved in litigation as a forensic evaluator?

- a. They are appointed by the court.
- b. They are hired by the attorney.
- c. They are hired by the consultant.
- d. None of these are correct.

**ANSWER:** a

62. The Code of Ethical Principles, Professional Standards, and Practice Guidelines developed by the American Society of Trial Consultants organization (ASTC, 2017) dictates guidelines for \_\_\_\_\_.

- a. clinical psychologists
- b. cognitive psychologists
- c. trial consultants
- d. plaintiff attorneys

**ANSWER:** c

63. The Specialty Guidelines for Forensic Psychologists (APA, 2013) and the Guidelines

for Child Custody Evaluations in Family Law Proceedings (APA, 2010) both affect the practice of \_\_\_\_.

- a. clinical psychologists
- b. cognitive psychologists
- c. forensic evaluators
- d. plaintiff attorneys

**ANSWER:** c

64. The national media devoted extensive coverage to the use of \_\_\_\_ in the celebrity-status trials of Martha Stewart and O. J. Simpson.

- a. clinical psychologists
- b. cognitive psychologists
- c. trial consultants
- d. policy evaluators

**ANSWER:** c

### **True / False**

65. Laws regulating the areas in which people may smoke cigarettes illustrate the conflict between individual rights and public safety.

- a. True
- b. False

**ANSWER:** True

66. Troy Davis was granted clemency.

- a. True
- b. False

**ANSWER:** False

67. In recent years judges have been allowed to use more discretion in sentencing.

- a. True
- b. False

**ANSWER:** True

68. Jay has recently told his therapist that he is planning to kill his stepmother. According to the Tarasoff decision, the therapist has the duty to warn the stepmother that Jay is a potential threat.

- a. True
- b. False

**ANSWER:** True

69. Kurt Lewin, a founder of social psychology, proposed the equation  $B = f(p, e)$ : behavior is a function of the person and the environment. (The Psychological Study of Law)

a. True

b. False

**ANSWER:** True

70. Gay, lesbian, and transgender troops have served openly in the U. S. military since 2010.

a. True

b. False

**ANSWER:** False

71. Unlike the crime control model, the due process model, favored in the 1990s, seeks the apprehension and punishment of law-breakers.

a. True

b. False

**ANSWER:** False

72. The U.S. Supreme Court recognizes that impulsiveness and psychosocial immaturity render juveniles less culpable and more likely to be rehabilitated than adult offenders.

(The Principle of Equality)

a. True

b. False

**ANSWER:** True

73. In determinate sentencing, the offense determines the sentence, and judges and parole commissions have little discretion. (The Value of Discretion)

a. True

b. False

**ANSWER:** True

## Essay

74. The conflict between the rights of individuals and the rights of society is related to a distinction between two models of the criminal justice system: the due process model and the crime control model. Define and contrast the two models.

**ANSWER:** Answers may vary. The values underlying each of these models are legitimate, and the goal of our society is to achieve a balance between them. But because different priorities are important to each model, there is constant tension between them. The due process model, favored in the 1960s, places primary value on the protection of citizens, including criminal suspects, from possible abuses by the police and the law enforcement system generally. It assumes the innocence of suspects and requires that they be treated fairly (receive "due process") by the criminal justice system. It subscribes to the maxim that "it is better that ten guilty persons shall go free than that one innocent person should suffer." Thus the due process model emphasizes the rights of individuals, especially those suspected of crimes, over the temptation by society to assume suspects are guilty even before a trial. In contrast, the crime control model, favored in the 1990s, seeks the

apprehension and punishment of law-breakers. It emphasizes the efficient detection of suspects and the effective prosecution of defendants, to help ensure that criminal activity is being contained or reduced.

75. Discuss the kinds of ethical questions that emerge when a psychologist becomes a consultant for one side in the selection of jurors.

**ANSWER:** Answers may vary. Many ethical questions emerge when the psychologist becomes a consultant for one side in the selection of jurors. Just how far should the selection procedures go? Should jurors have to answer consultants' intrusive questions about their private lives? Should consultants be able to sculpt the jury to their clients' advantage? Do these techniques simply constitute the latest tools in the attorney's arsenal of trial tactics? Or do they bias the proceedings and jeopardize the willingness of citizens to participate in the process? These questions deal with fairness, and scientific jury selection may conflict with the way some people interpret the intent of the law.

76. Do you agree that "Conflict resolution" and "truth," as goals, are not always incompatible? Discuss with reference to the 1996 case of Richard Jewell.

**ANSWER:** Answers may vary. "Conflict resolution" and "truth," as goals, are not always incompatible. When all participants in a legal dispute are able to raise concerns and provide supporting documentation, the goal of learning the truth becomes more attainable. But frequently there is tension between these goals, and in some instances, the satisfactory resolution of a conflict may be socially and morally preferable to discovering an objective truth. Yet resolving conflict in a hurried or haphazard manner can have a downside, as illustrated by the experience of Richard Jewell. Jewell was a security guard at the 1996 Summer Olympics in Atlanta. Shortly after a bombing that disrupted the Games, the FBI began to question Jewell, who discovered the bomb. Although at first the FBI denied that he was a suspect, they treated him like one, and his name and photograph were widely publicized. The pressure to find the person responsible for this terrifying act—and the desire to give people a sense that no more bombings would occur because the perpetrator had been caught—doubtless influenced the premature focus on Richard Jewell. Despite relentless FBI investigation, no charges were brought against Jewell, and in 2005, Eric Rudolph, a fugitive who lived in the hills of North Carolina for years after the bombing, pleaded guilty of the offense.

77. Discuss the state of Louisiana's dispute with Homer Plessy during the 1890s.

**ANSWER:** Answers may vary. During a train trip in Louisiana in the 1890s, Plessy sat down in a "Whites Only" railroad car. Plessy's ancestry was mostly Caucasian, but he had one Negro great-grandparent. Therefore, according to the laws of Louisiana at that time, Plessy was considered Black. However, he refused to move to a car designated for "colored" passengers, as a recently passed state law required. He took his claim to court, but a New Orleans judge ruled that, contrary to Plessy's argument, the statute that segregated railroad cars by race did not violate the Fourteenth Amendment to the Constitution. In other words, it did not fail to give Plessy "equal protection under the law." Plessy persisted in his appeal, and eventually, in 1896, the U.S. Supreme Court upheld the decision of the judge and the lower courts. Judge Henry Billings Brown, speaking for the majority faction of the Supreme Court, declared that laws that had established separate facilities for the races did not necessarily imply that one race was inferior to the other.

78. Describe the kinds of matters that forensic evaluators assess.

**ANSWER:** Answers may vary. Forensic evaluators assess matters such as:

- The competence of a defendant to proceed with adjudication of charges (often called “competence to stand trial,” although most criminal charges are adjudicated through plea bargaining rather than trial)
- The mental state of a defendant at the time of an alleged offense (often called “sanity at the time of the offense”)
- The degree of emotional or brain damage suffered by a victim in an accident
- The effects on a child of alternative custody arrangements after divorce
- The risk of future violent or otherwise criminal behavior
- The prospects for a convicted defendant’s rehabilitation in prison or on probation

79. Describe what the principle of equality means within the legal system. How does profiling violate that principle?

**ANSWER:** Answers may vary. Fundamental to our legal system is the assumption advanced by the founders of the American republic that “all men are created equal.” In fact, the “equal protection clause” of the Fourteenth Amendment states that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” This statement is frequently interpreted to mean that all people should be treated equally and that no one should receive special treatment by the courts simply because he or she is rich, influential, or otherwise advantaged. But the value of equality before the law is not always implemented. In the last three decades, Americans have witnessed a series of incidents that seemed to indicate unequal treatment of citizens by the legal system. A common practice among police and state patrols in the United States is profiling—viewing certain characteristics as indicators of criminal behavior. African American and Latino motorists have filed numerous lawsuits over the practice of profiling, alleging that the police, in an effort to seize illegal drugs and weapons or to find undocumented immigrants, apply a “race-based profile” to stop and search them more frequently than White drivers.

80. Describe the case of Troy Davis. Define clemency and indicate how this concept is relevant to Davis.

**ANSWER:** Answers may vary. Troy Davis was convicted of murder in the 1989 shooting death of off-duty Savannah police officer Mark MacPhail and sentenced to death. Over the course of 20 years, Davis maintained his innocence, and his claim was bolstered by the possible confession of another person and by the recantation of seven eye witnesses who said they lied during Davis’ trial because they were threatened by another suspect. Some jurors who convicted Davis signed affidavits declaring that they doubted his guilt. In Georgia, the authority to commute a death sentence into a less severe sentence rests with the Georgia Board of Pardons and Paroles. (In some states, governors have this discretion.) That board had declined to commute Davis’ sentence once before. With an execution date pending and all other options exhausted, Davis’ attorneys appealed one last time to the five-member board, which conducted a hearing in which they heard from Davis’ attorneys and supporters, and from prosecutors and MacPhail’s relatives. Despite doubts about Davis’ guilt, his surprising assortment of supporters, and petitions, rallies, and vigils held around the world on his behalf, the board denied Davis’ request. He was executed in 2011. Commuting a death sentence to life imprisonment is a process called clemency. Parole boards also have the opportunity to exercise discretion when they

decide whether to commute a death sentence to life imprisonment (a process called granting clemency) or to allow an execution to proceed as planned. The Georgia Board of Pardons and Parole faced that stark choice in 2011 when it had to decide whether death row inmate Troy Davis, who had been convicted for murdering a police officer, should be executed by lethal injection or allowed to live.

81. Discuss the role of policy evaluator. Provide examples of the kinds of issues and questions they address and the ethical dilemmas involved.

**ANSWER:** Answers may vary. Psychologists and other social scientists have been asked so frequently in the last several decades to conduct evaluation studies that a separate subfield called policy evaluation, or evaluation research, has emerged. The policy evaluator provides data to answer questions such as "I have instituted a policy; how do I know whether it was effective?" Or, more laudably, "I want to make a change in our organization's procedures, but before I do, how do I design it so I will be able to determine later whether it worked?" Psychologists working as policy evaluators might be asked whether changing the laws for teen drivers by restricting the number of passengers they can carry will reduce traffic accidents, whether the chemical castration of released rapists will reduce the rate of sexual violence, or whether changing from automobile patrols to foot patrols will improve relations between police and the community. The methodological skills of a psychologist as policy evaluator are essential in assessing existing programs and policies and designing innovations so that their effects can be tested.

82. Describe the Tarasoff case.

**ANSWER:** Answers may vary. Few legal decisions have had as much impact on the practice of psychotherapy as the now-famous case of *Tarasoff v. Regents of the University of California*. The decision focuses on the duties required of psychotherapists whose clients threaten violence to identifiable others. Prosenjit Poddar was a graduate student at the University of California who became infatuated with Tatiana Tarasoff. Poddar was inexperienced in romantic relationships and was confused about Tatiana's on-again-off-again behavior; she was friendly toward him one day but avoided him completely the next night. After Poddar became a client of a psychologist at the university counseling center, he confided that he intended to kill a girl who had rebuffed him. The psychologist told his supervisor of this threat and then called the campus police, requesting that they detain Poddar. They did so but soon released him, believing his promise that he would stay away from Tatiana, who was out of the country at the time. Poddar didn't keep his promise. Two months later, he went to Tatiana's home and stabbed her to death. He was eventually convicted of murder. Tatiana Tarasoff's parents sued the university, the psychologists, and the campus police for failing to warn them or their daughter about Poddar's threats. The California Supreme Court ruled in the parents' favor by deciding that the university had been negligent. The first Tarasoff decision (1974) established a duty on psychotherapists to warn the victims of therapy patients when the therapist "knows or should have known" that the patient presented a threat to that victim. The court established a standard that therapists have a duty to use "reasonable care" to protect identifiable potential victims from clients in psychotherapy who threaten violence. A second Tarasoff decision in 1976 broadened this duty to include the protection of third parties from patient violence. Courts in several other states have extended this duty to the protection of property and the protection of all foreseeable

victims, not just identifiable ones. The Tarasoff case still governs psychologists' conduct in multiple states. Many psychologists feel caught in a no-win situation: They can be held responsible for their clients' violence if they do not warn potential victims, but they can also be held responsible for breaching their clients' confidentiality if they do.