

# **Advances in Psychology and Law**

Volume 3

## **Series editors**

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Monica K. Miller • Brian H. Bornstein  
Editors

# Advances in Psychology and Law

Volume 3

 Springer

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*To Matt, for enriching my life every day.*  
—MM

*To Christie, for embarking with me on new  
adventures.*  
—BB

# Preface

With much excitement, we offer the third volume in the *Advances in Psychology and Law* book series. The initial vision for the series was to contribute to the legal psychology field by providing a book series that publishes thorough reviews of existing research with legal and policy implications. The two previous volumes have done just that—and the current volume continues this theme by providing nine chapters on some of the most current legal issues. We would like to thank Springer, and especially Sharon Panulla and Sylvana Ruggirello, for helping make this book series a reality.

This volume contains nine chapters, each focusing on a different topic within psychology and law. Each chapter provides a thorough but focused review of the legal issue, including a discussion of relevant laws, case law, and legal procedures. Then, the chapters provide a synthesized review of the psychology research and apply it to the relevant legal issues, leading to suggested reforms to the legal system. Authors for each chapter conclude by identifying gaps in the literature that are ripe for further investigation.

This volume's first two chapters address topics related to juries. Ruva reviews the research on the effects of pretrial publicity (PTP), with a focus on how the media landscape has changed due to social media and the Internet. Based on a review of the mechanisms that underlie the PTP effects, Ruva offers some remedies that could prevent PTP from improperly influencing jurors' verdicts.

Myers, Johnson, and Nuñez review the three U.S. Supreme Court decisions concerning the permissibility of victim impact statements, which are testimony that jurors hear regarding the effects the crime has had on the victim and family. They then discuss the legal and psychological controversies: (1) whether impact statements are relevant to the defendant's blameworthiness and capacity, (2) whether they distract jurors from their principal role as decision makers, and (3) whether their inflammatory nature promotes arbitrariness in jurors' decisions.

The next four chapters address issues related to justice for defendants, suspects, and trial litigants. Kelly and colleagues review the law and psychology surrounding *Miranda* warnings. The tension between suspects' rights (e.g., to remain silent and request a lawyer) and the mission of law enforcement (e.g., to obtain a confession

or evidence to help solve crime) has created a body of law fraught with inconsistencies and requirements that are difficult to translate into psychological terms and principles. The body of work reviewed here highlights the implications of these court rulings for suspects.

In the fourth chapter, Brank and Groscup provide an overview of the law and the psychology related to the U.S. Constitution's Fourth Amendment protection from unlawful "search and seizure." The case law in this area makes psychological assumptions about behavior that are not always supported by research. Current issues in this area include the use of canines to search a person and his possessions and the validity of a suspect's consent to be searched.

The next chapter investigates the possibility that litigants (including defendants, but civil litigants as well) might be disadvantaged by biased mental health assessments. Neal and colleagues challenge the assumption that mental health experts who testify in court are "objective" and untainted by bias. They review relevant research from cognitive neuroscience, cognitive psychology, and social psychology to support their contention that forensic experts are likely affected by a variety of cognitive biases that affect their judgments.

The final chapter in this grouping discusses the increasing use of restorative justice principles in legal systems worldwide. Saulnier and Sivasubramaniam provide an overview of the academic literature associated with restorative justice, with a focus on the discrepancy between legal and lay notions of justice and how this discrepancy can hinder the advancement of restorative justice procedures.

The next two chapters address issues related to juveniles who are involved in the legal system. In chapter "Examining the Presenting Characteristics, Short-Term Effects, and Long-Term Outcomes Associated with System-Involved Youths," Taylor and colleagues discuss the variety of ways in which the juvenile justice system can be detrimental to juveniles' short-term and long-term life outcomes. Short-term outcomes include mental health issues, substance abuse, and suicidal tendencies. Long-term outcomes include persistent offending, challenges in obtaining employment, and difficulties establishing relationships.

Pfeifer and colleagues next provide an overview of the research and programs related to Indigenous youth crime across four jurisdictions that have substantial Indigenous populations (Australia, Canada, New Zealand, and the United States). Authors provide a conceptual framework that identifies the various factors that contribute to youth crime and categorizes these factors as systemic or individual. The analysis highlights the role of culture in providing for the needs of youth in each country.

Finally, Reed and colleagues provide a thorough assessment of publication patterns in legal psychology-themed scholarly journals. Their analysis identifies the substantive topics and types of articles published, as well as author characteristics. This analysis helps readers, as well as researchers working in the area, gauge the current state of the law-psychology field.

As this preview of the chapters included in Volume 3 illustrates, the field of psychology and law encompasses a wide variety of diverse topics, which involve the actions of suspects, offenders, witnesses, litigants, factfinders (e.g., juries and

judges), and others. These topics invoke a number of different psychological theories and processes and legal issues. It is our hope that this series will continue to be useful to academics, students, and those in legal occupations.

As with the others in the series, this third volume of *Advances in Psychology and Law* will interest researchers in legal psychology and related disciplines (e.g., criminal justice) as well as practicing attorneys, trial consultants, and clinical psychologists

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# Contents

<b>From the Headlines to the Jury Room: An Examination of the Impact of Pretrial Publicity on Jurors and Juries</b> . . . . .	1
Christine L. Ruva	
<b>Victim Impact Statements in Capital Sentencing: 25 Years Post-<i>Payne</i></b> . . . . .	41
Bryan Myers, Sarah Johnson, and Narina Nuñez	
<b>Review of Research and Recent Case Law on Understanding and Appreciation of <i>Miranda</i> Warnings</b> . . . . .	77
Sharon Kelley, Heather Zelle, Leah Brogan, and Naomi E. S. Goldstein	
<b>Psychology and the Fourth Amendment</b> . . . . .	119
Eve M. Brank and Jennifer L. Groscup	
<b>The Cognitive and Social Psychological Bases of Bias in Forensic Mental Health Judgments</b> . . . . .	151
Tess M. S. Neal, Morgan Hight, Brian C. Howatt, and Cassandra Hamza	
<b>Restorative Justice: Reflections and the Retributive Impulse</b> . . . . .	177
Alana Saulnier and Diane Sivasubramaniam	
<b>Examining the Presenting Characteristics, Short-Term Effects, and Long-Term Outcomes Associated with System-Involved Youths</b> . . . . .	211
Melanie Taylor, Philip Mulvey, Kristan Russell, and Brice Terpstra	

**Indigenous Youth Crime: An International Perspective** ..... 247  
Jeffrey E. Pfeifer, John Winterdyk, Fiona Hutton,  
Sarah Monod de Froideville, Cyndi Banks,  
and Justin S. Trounson

**An Empirical Analysis of Law-Psychology Journals:  
Who’s Publishing and on What?** ..... 285  
Krystia Reed, Kimberly S. Dellapaolera, Sarah Thimsen,  
and Brian H. Bornstein

**Index** ..... 301

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