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The Psychology of Crime, Policing and Courts

**Edited by Andreas Kapardis and
David P. Farrington**

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Foreword

Professor Ray Bull

In 2016 the importance of further improving our understanding of crime, of how best to police and of judicial procedures has continued to increase. Indeed, in 2015 many horrendous crimes were committed around the world; and in response substantial further funds were devoted to detecting and reducing crimes, especially the most serious types. However, quality research continues to be needed on how to do this effectively. 'Political' decision-making will be less valid if it is not in line with what past and ongoing research has discovered.

In this book the editors have purposely attracted chapter authors from a large variety of countries who are at various stages of their careers. In particular, some of the authors are from countries in which the psychological study of crime, policing and the courts is at a relatively early stage (compared to other countries such as the USA and England). Therefore, much of what this book contains will be new to the reader and it describes exciting innovations. The established, major topics of crime and antisocial behaviour rightly receive considerable attention but from several new perspectives. The fast growing topic of how investigators and police do and should interview suspects and witnesses is overviewed in two of the 13 chapters. The related topic of detecting truth and lies rightly deserves a chapter. The crucial topics of courts and sentencing are covered in four other chapters.

Thus, this book makes a meaningful contribution to the reduction of crime, to successful policing and to effective judicial procedures, things of great importance in all continents. The two editors and the many authors and co-authors are to be commended for their efforts on behalf of society.

Introduction

Psychology, crime, policing and courts

Andreas Kapardis and David P. Farrington

The main aim of this book is to present new psychological research on crime and antisocial behaviour, policing and detecting deception, and courts and sentencing. Most of the chapters are revised and updated versions of papers given at a European Association of Psychology and Law (EAPL) conference in Nicosia, Cyprus. The EAPL is now 25 years old. At a conference in Nuremberg, Germany, in 1990, it was resolved to found the EAPL, and the 25th anniversary conference was held in Nuremberg in 2015.

The first six chapters report research on crime and antisocial behaviour. It has often been discovered that offending tends to be concentrated in families. In Chapter 1, David P. Farrington and Rebecca V. Crago show that this was true of two generations of families in the longitudinal Cambridge Study in Delinquent Development. In the first generation, 6 per cent of families accounted for half of all convictions of all family members (fathers, mothers, sons and daughters). In the second generation, 8 per cent of families accounted for half of all convictions of all family members. Farrington and Crago go on to document significant intergenerational transmission of convictions from parents to children for both generations. Interestingly, the strength of intergenerational transmission was greater for children who had not been separated from their parents, suggesting that environmental influences on offending were important.

In many Western industrialized countries, aggregate crime rates increased from the 1970s to a peak in about 1995, and then decreased. In Chapter 2, Friedrich Lösel, Doris Bender, Zara Sünkel and Mark Stemmler investigate this phenomenon by analysing self-reported delinquency surveys completed by 14–15 year old boys in one Bavarian city in 1973, 1995 and 2011. Interestingly, they find that delinquency increased slightly from 1973 to 1995, but then decreased substantially from 1995 to 2011. They study numerous possible explanations of the crime drop, and suggest that the implementation of developmental prevention programmes and improved parental child-rearing behaviour may have been contributory factors.

The next two chapters focus on bullying, which is a type of antisocial behaviour that is significantly related to offending. In Chapter 3, Maria M. Tfofi and David P. Farrington investigate factors that interrupt the continuity from bullying at age 14 to offending at ages 15–50. They find that the main protective

factors against criminal convictions tended to be environmental (e.g. high family income, good child-rearing, attending a low delinquency rate school), whereas the main protective factors against violence convictions tended to be individual (e.g. low daring, high intelligence, low extraversion). They conclude that protective factors should be taken into account in the design of bullying prevention programmes.

In Chapter 4, Anna C. Baldry, Anna Sorrentino and David P. Farrington investigate the involvement of Italian students (average age 15) in cyberbullying and cybervictimization. They find that 30 per cent of boys and 19 per cent of girls admitted cyberbullying in the previous six months, whereas 25 per cent of boys and 27 per cent of girls reported that they had been cybervictims. Interestingly, parental supervision of online activities was negatively related to cyberbullying (as expected) but positively related to cybervictimization, suggesting that cybervictimization may have caused increased parental online supervision. They conclude that more parental awareness, supervision and control of children's online activities are needed in order to reduce these modern-day problems.

The next two chapters focus on violence risk assessment and psychopathy. In Chapter 5, David J. Cooke questions the usefulness of actuarial risk assessment instruments, especially when they are used to make predictions about individuals rather than about groups. He further argues that the Area under the ROC Curve (AUC) is useful in diagnostic testing but is not useful for prognosis, when outcomes are not known. He also points out that information about differences between individuals is not necessarily relevant for conclusions about causal relationships within individuals. Overall, he recommends structured professional judgement in dealing with offenders, rather than the mechanical application of actuarial instruments.

Psychopathy is a very important personality dimension that is correlated with offending and antisocial behaviour. In Chapter 6, Henriette Bergström, Adelle E. Forth and David P. Farrington investigate the relative stability of psychopathic traits from age 8–10 to age 48. The stability over time was remarkable; for example, psychopathy scores at age 8–10 correlated 0.40 with psychopathy scores at age 48, and psychopathy scores at age 16–18 correlated 0.66 with psychopathy scores at age 48. The most consistent predictors of later psychopathy scores were an antisocial family and antisocial peers.

The next three chapters focus on policing and detecting deception. The interrogation of suspects of crime is a central feature of criminal investigations and plays a crucial role in the process of obtaining justice. However, as David Walsh, Sean O'Callaghan and Rebecca Milne point out in Chapter 7, we do not know enough about how police officers in different countries approach the task in practice. The authors discuss the development of approaches to police questioning of suspects in the United States, demonstrate how certain beliefs have underpinned particular unethical questioning tactics, and focus on and critique the widespread and influential Reid model. The legal framework within which police question suspects is also considered, including both legislation and case law governing arrest, and "Miranda" rights, defining coercion and cruel and unusual

punishment, in order to show what tactics and techniques are permitted. Differences between states in the recording of police interviews and interviewing of juvenile suspects are also reviewed, increasing concern about the risk of false confessions.

Differentiating true and false accounts is of great interest to the public and especially to criminal investigators and judicial officers. False sexual allegations have devastating effects on people's lives, send innocent people to prison, and cause unnecessary inconvenience to a lot of individuals, communities and legal personnel as well as to economic systems. In Chapter 8, Marilena Kyriakidou describes the phenomenon of false sexual allegations, focusing in particular on how best to differentiate between truthful and false accounts by children. It is perhaps comforting to know that the state of the art in identifying false accounts lies in unifying fabrication characteristics into testing instruments and, importantly, by conducting carefully structured police interviews with children, as detailed in Chapter 8.

While the debate about the accuracy of the lie-detector or polygraph continues unabated, two well-known psychophysiological detection methods used by polygraph examiners are the Comparison Questions Test (CQT), designed to detect deception, and the Concealed Information Test (CIT), designed to detect concealed knowledge. Gershon Ben-Shakhar in Chapter 9 shows that only the CIT meets basic scientific standards, although its external validity has been questioned. Furthermore, he suggests useful recommendations for enhancing the use of the CIT as an aid to criminal investigations.

A great deal of psycholegal research over the years been concerned with courts and sentencing. Miscarriages of justice are a worldwide concern. DNA profiling has made it possible to document wrongful convictions, that is the convictions of individuals who are factually innocent of the crimes for which they were convicted and even executed. In Chapter 10, C. Ronald Huff throws much-needed light on the causes of wrongful convictions by addressing important factors that contribute to miscarriages of justice at the investigation stage (eye-witness misidentification, false confessions, the use of informants/"snitches", bad lawyering, false accusations), and the prosecution stage (prosecutorial misconduct). He also highlights the significance of "tunnel vision" in the form of confirmation bias and belief perseverance, and provides suggestions about how wrongful convictions can be reduced.

The last three chapters concern judicial and juristic decision making. One of the arguments against the jury is that jurors are influenced by non-legal factors. A great deal of the empirical evidence on this for criminal trials is based on numerous mock-juror experiments of questionable external validity. In Chapter 11, Nicola Padfield addresses both the fairness and effectiveness of the jury process and poses a number of questions which psychologists are better suited to answer than lawyers by conducting "real world" research, such as: Should juries be given pre-trial summaries of the issues? Should the judge's summing up be oral or in writing? When does the jury need the help of an expert? And: Has the time come to allow the judge to retire with the jury?

Unjustifiable inconsistencies in sentencing have been a cause for concern for over a century now. In Chapter 12, Andreas Kapardis evaluates the empirical evidence that such extra-legal factors as a defendant's race and physical attractiveness, and characteristics of magistrates and judges, influence the severity of the sentence imposed. The evidence is discussed and policy implications considered against the backdrop of the contemporary legal framework for sentencing in western English-speaking common law countries, including constraints on judicial discretion, the concepts of "sentence" and "disparity" and the nature of the sentence decision-making process.

For most people, the "sentence" means the penalty imposed by a criminal court on a defendant who has pleaded guilty or has been found guilty. Such a view of the sentence ignores the fact that, in reality, as Nicola Padfield shows in Chapter 13, a sentence should be considered a process that encompasses decisions made at the point of the initial sentence, on what happens throughout that sentence, and at the end of that sentence. By recasting the concept of "sentence", Chapter 13 provides both a fresh perspective on the purposes of sentencing and contributes significantly to a greater understanding of the real meaning of the "sentence" as well as to a more credible, orderly and efficient system, thus leading to increased fairness and justice.

This book is extremely wide-ranging in its coverage of important topics in psychology, crime and the law. It is also extremely international, as contributors are drawn from nine countries (England, Scotland, Germany, Italy, Norway, Cyprus, Israel, Canada and the United States). We believe that this book advances knowledge greatly about some of the most interesting areas of contemporary criminological and legal psychology.

Part I

Crime and antisocial behaviour