

Psychologys effect on the criminal justice system psychology essay



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CJS is the shorthand term for Criminal Justice System. A Criminal Justice System is a set of legal and social organisations for enforcing the criminal law according to a defined set of rules and legislations. A major challenge facing the Criminal Justice System is the fact that they have to balance the rights of offenders that have been accused against society's interest in giving punishments on those convicted of crimes. The biggest influence of physiological theories on the CJS has been the finding of reasons for certain behaviours. Psychology has increased the knowledge of criminologists and given them a better understanding of the Criminal Justice System. It helps them understand why certain types of people receive longer and more severe sentences than others. The vast majority of the criminal justice is based on the psychology behind criminals and the minority consists of the punishments, circumstances, reasons, and law enforcement behind the crime.

Eyewitness testimony refers to people giving evidence to a crime or accident they have witnessed. It is important for the police to gather information about an analytical incident from people's recall of events to try to create an understanding of what took place. Eyewitness testimony is a vital piece of evidence in a trial. Therefore the reliability of it is an important factor. The testimony given by an eyewitness gives vital evidence which can help determine whether or not a defendant is found guilty. Eyewitness testimony is highly considered by the courts; however there is a great deal of experimental evidence to suggest that eyewitness testimony is not that reliable.

There is a theory that recall is easiest if it takes place in an environment which resembles the environment the crime took place in or when the witness is at the same emotional level. Being shocked, feared, or disturbed when witnessing a crime can make recalling the event of the crime more difficult for witness when they have calmed down and are being asked questions in a quiet environment. The more serious the crime, the more distinct this effect may be. Clothes and costumes can also have an effect on eyewitness's recall. It has been suggested that in short period, people tend to focus on features such as clothing and hair, because they are more visible and witness can easily differentiate between the different types of them. These however are the easiest to change. An offender within a suspicion display can dress differently than when they committed the crime, which can render the eye witness testimony unreliable. Also if there is someone in the display wearing similar clothes to what the offender was wearing at the time of the crime then they can be incorrectly identified as the offender. This is also the same for hair colour.

Perceptions can also render the eyewitness testimony unreliable. Perception is how people see things which have occurred. The reason why different perceptions render the eyewitness testimony unreliable is because the views may be biased and therefore result in incorrect judgement. For example, a crime that has been committed may create an automatic assumption for the eyewitness that the crime was committed intentionally, which may not always be the case. Let's say this was a car accident, and the person crashed into another car. The person who crashed the car may have done it

without intention but the eyewitness might assume that it was done on purpose.

Another reason why the eyewitness testimony is unreliable is to do with the nature of human memory. Psychologists believe that eyewitnesses do not always remember things correctly and that memories can be easily impacted by other things. People by nature, tend to think of their memories as an accurate record of events, but they actually make a lot of them up themselves based on what they expect to have happened. For instance, someone robs a bank and drives off in a silver car. If a police officer asks an eyewitness " what model was the black car?" many eyewitnesses will then remember a black car, despite the fact that they didn't see one.

The age of the eyewitness is another factor linked to the eyewitness testimony, with very young children and the elderly performing considerably worse than adolescents. When the actual offender is within the line-up, young children and the elderly perform nearly as well as adolescents in identifying the offender, however when the offender is not in the line-up, the youngsters and the elderly commit incorrect identifications more than adolescents do. Children are more likely to have memory problems.[1]The Cognitive interview developed by Geiselman has been introduced to help eyewitness recall events accurately. It is the procedure designed for use in police interviews that involve witnesses and victims. Its goal is to help the victims or witnesses mentally put themselves at the crime scene to gather more accurate information about the crime. Firstly, the interviewer will reconstruct the events that took place in the time of the crime or incident.

The witness will then share with the interviewer what they have recalled, <https://assignbuster.com/psychologys-effect-on-the-criminal-justice-system-psychology-essay/>

despite the relevancy. The sort of things they will report to the interviewer would be the physical, emotional and the environmental aspects that are related to the crime. The eyewitness will then be asked to recall the events number of times in different orders so that the mistakes can be identified and extra information can be gained. Questions may also be asked in the duration of the Cognitive Interview. At the final stage of the interview, the witness will be asked to change their point of view and recall and report the crime from someone else's viewpoint.

Although eyewitness identification is not reliable, it still carries great weight in the CJS. There are some situations where identification is more likely to be accurate. For example, if the suspect is someone who is known to the victim from previous occasions. When it comes to strangers, however, accurate identifications are a lot more difficult. The Criminal Justice System cannot conduct with the absence of eyewitnesses. The eyewitness testimony is the most crucial element in bringing the offenders to justice and convicting them.

Theories on Memory

There are numerous theories related to memory and explain the process in which helps people recall happenings. The memory has three processes that play a crucial role in people becoming witnesses. The first is called encoding; the process we use to transform information so that it can be stored. For humans, it means transforming the data into a meaningful form such as an image, or a sound. Next is the actual storage, which simply means storing the information. As the period between the crime occurrence and the witness statement is long-lasting, the memory is likely to forget some events which

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took place in the crime scene. This could lead to the memory storing inaccurate information or forgetting some vital information. The final process is called retrieval, which is basically bringing the memory out of storage and returning the information to a form similar to what we stored. Some of the theories put in to place to help us understand the way in which the human memory processes are as follows:[2]

False recognition

False recognition occurs when words people use have a significant effect on what others remember. An example can be shown from the uses of ' a' and ' the'. Typically when the question is specific it can have an assumptive effect, for example using ' the' instead of ' a'. For example if the questioner asks the eyewitness ' did you see the white shirt?' they will be more likely to get agreement than if they asked ' did you see a white shirt?'. This is because the witness is being made to think about the question more thoroughly and review the situation in their head.

Mood Memory

The theory of mood memory suggests that the mood of a person affects the memories which they recall. The data one stores depends on their emotional state and a memory someone recalls again depends on their emotional state. So for example if one is in a bad mood, they will recall bad memories (and vice versa). There are two types of memory within this theory. The first one is called the mood-congruent memory, which is where the current mood of a person helps recall of mood-congruent data, despite their mood at the time the data was stored. So if a person is in happy mood, they are more likely to remember happy events (and vice versa). The second is the mood-

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dependant memory. This occurs when there is a similarity between one's current mood and the mood the event stored which helps recall of that particular memory. For example, when someone is unhappy, they are more likely to remember the times that they were upset.

False memory syndrome

False memory syndrome occurs when people vivid memories of past experiences, which are actually false but they believe to be true and therefore still regard it as true. This can be linked to CJS because for example when a witness is being questioned by the police, they can change what they remember to suit the circumstance they are in. Besides, eyewitnesses are likely to create false memories because during the cognitive interview they will be asked to imagine and recall the crime event in detail. People can also create a false memory when two things resemble. For instance, an eyewitness may be determined that a certain person was the one who committed the crime, when actually it was someone else who looked like the person in question. Finally, this can happen if someone wants something to have happened, just because that's what pleases them, again rendering false outcomes.

Availability Heuristic

This occurs when people make a judgment based on what they can remember, rather than the whole data. Most commonly, people use this for judging possibility of events. Due to the fact that people remember the most recent events and experiences, the news has a considerable impact on people's decisions. For example, after a news report about a murder case, people will be more nervous about going out alone. They have therefore <https://assignbuster.com/psychologys-effect-on-the-criminal-justice-system-psychology-essay/>

been ready by the news, increasing the accessibility of this information. Several aspects can affect availability. Things that are easier to imagine and remember make themselves more available. Things that are more complicated to remember or can push people in to lying is what makes these thoughts unavailable. For example if an eyewitness was asked to recall a crime scene that they had witnessed, but they were friends with the offender then they may deny it and therefore give false information. This may also be why people can seem selfish: because their own experiences are more available to them.

Crime case

The crime case I have chosen to discuss in the report is the London Bombings that occurred on 7 July 2005. This crime consisted of a series of coordinated suicide attacks on London's public transport system during the morning rush hour. The bombings were conducted by four British Muslim men who were encouraged by Britain's involvement in the Iraq War. At 08: 50, three bombs exploded within fifty seconds of each other on three London Underground trains, a fourth which exploded an hour later at 09: 47 on a double-decker bus in Tavistock Square. The explosions are said to have caused by home-made organic peroxide-based devices, packed into rucksacks and exploded by the bombers themselves. All four of the offenders, along with at least 50 other people were killed and 700 injured in a series of these explosions.[3]This crime case vastly required the use of witnesses to gather extra information and evidence about the crime and therefore help to solve it. The excerpts of the witnesses are as follows.[4]

MICHAEL HENNING, LIVERPOOL STREET

We travelled out into the tunnel and not long after we set out all I saw was yellow light and what appeared to be silver lines in front of my eyes - which turned out to be the glass.

I was being twisted and thrown to the ground. I thought I wasn't going to get out of this - whatever it was - I just didn't know. I thought that was it when it went all so dark. Then I touched my hand to my face and felt the blood and knew it wasn't all over yet.

I am an extremely lucky man, I am very lucky indeed, especially as I saw what happened in the next carriage. The bomb must have been within 10 feet of me but that carriage took most of the blast and we were just showered in glass.

Our carriage was smoke-filled, there was lots of dust, there was lots of panic. We could hear the screams from the carriage where the bomb had gone off - they were trapped in twisted metal. The doors wouldn't open... then we saw this orange jacket which turned out to be one of the drivers. We decided we were going to walk out down the middle of the train.

TANYA ALLEYWAY, LIVERPOOL STREET

Everybody was absolutely terrified. You could hear the screaming from the carriages in front, because that was where the explosion had happened, and there was lots of injured people there. Nobody knew what was going on.

The driver was trying to communicate with us, but the radio wasn't working. People were trying to open the doors and the windows to let the smoke out

and were rocking the train, which already felt like it had come off its rails. So we were panicking that the train was going to get knocked over.

It was just general chaos. I thought I was going to die when I saw the flames. I thought we were going to get engulfed by the flames or get overwhelmed by the smoke. I really didn't think we were going to get out. It hasn't quite sunk in, I think. It's the kind of thing where you see it on the news, but don't expect to be in it – and I was in it and it was horrible.

JOHN MAINGAY, TAVISTOCK SQUARE

I had just come out of my office to talk to colleagues about the news of an explosion in Liverpool Street. Literally at that moment there was a huge “boom” outside. I knew it was a bomb straight away. There was that smell of an explosion that accompanied it.

I saw lots of debris fly past the window, including one huge chunk. It must have been the roof of the bus. All non-medical staff, myself included, were evacuated out the back of the building, while doctors working in the building immediately went to the aid of the casualties.

Some were taken into the building and treated. Some of the building was also used as morgue. I'm not sure how many died.

JACQUI HEAD, KING'S CROSS

Suddenly there was a massive bang, the train jolted. There was immediately smoke everywhere and it was hot and everybody panicked.

People started screaming and crying. It was very scary while we were stuck on the train. Very silent and we were thinking we were not going to get out. People thought they were just going to suffocate.

TAS FRANGOULLIDES, KING'S CROSS

The train didn't get very far out of the station when there was an explosion. Loads of glass showered down over everyone, the glass in the doors in between all the carriages shattered.

There was a lot of smoke and a lot of dust, there were some areas of panic, I could hear screams. People were trying to work out what happened. A lot of people were covered in blood.

I started walking towards Russell Square then I saw the bus. Police were running from the scene and waving people away. I had to walk to work because I had to try and do something normal, it was all so chaotic. It wasn't till I got to work that I realised I had a cut on my head and my clothes were covered in dust.

The above statements the eyewitnesses made regarding the London Bombings helped in understanding this particular crime. This is because these witnesses were able to recall exactly what had happened on the day of the happening, for example, if they saw any suspicious events taking place, or possible suspect ideas etc., which helped the police officers and the CJS gather the evidence and bring the matter to an end. If eyewitnesses were not involved in this particular crime then it would have been a lot difficult for the justice to reach a legitimate conclusion.

Treatment of criminals

The treatment of offenders is a continuing unresolved issue within the society. It has also perceived the community as being too soft on their punishment system. It raises worries, as well as how and what punishments, education and therapy should be given to people committing crimes and violence. The most essential thing is that the people must be educated in such a way that they will avoid committing any sort of acts that can be regarded as criminal behaviour. Below is a list of treatments that are in place to help solve the issue of crime and help criminals:

Social skills training

Social skills can be a real problem for some and can also be a significant cause for crime. People who lack in social skills may also lack in understanding the rights and wrongs and therefore perceive crime as ethical. Argyle (1967) related social skills to motor skills, in other words, he believed that as people develop they learn new skills. It was assumed that both the motor and social skills are learnt in similar ways. Lacking in these skills would mean that you are not accepted in the society and as a result be encouraged to commit some form of anti social behaviour. Social skills are absorbed. For example, one needs to know how to listen when somebody is talking to them and to be socially acceptable they would smile back.

Because social skills are something that can be taught, not caught, people grasp it by listening to others and responding in a socially acceptable manner. This isn't only applicable for verbal communications, non-verbal communications is just as important. This is because both verbal and non-verbal techniques are used in social skills and if people are unable to use

these skills effectively in both these techniques, they may show unsociable behaviour which could later result in antisocial behaviour.

Social skills training is a form of behaviour therapy used by teachers, therapists, and trainers to help people who have difficulties relating to other people. This treatment was most popular in the 1970s. A major goal of social skills training is teaching people about the verbal and non-verbal behaviours involved in social interactions. These people do not necessarily need to have emotional problems - anyone who may or who may not have problems is trained. SST teaches people the importance of interpersonal skills and encourages the members to make small talks in various social settings. It also highlights the importance of good eye contact during conversations. Social skills training help its members to learn to translate social signals, so that they are able to act appropriately in different situations. SST believes that when people develop their social skills, they will increase their self-esteem and increase the possibility that others will respond favourably to them. This training involves setting clear examples and descriptions of behaviour. It focuses on developing micro skills i. e. eye contact, gestures and specific negotiation. Trainees learn to change their social behaviour patterns by practicing certain behaviours in individual or group therapy sessions.[5]

The effectiveness

Goldstein believed that the social skills training resulted in positive and improved performance in self-esteem. However, he criticised it for the lack of its durability, in other words, according to him it didn't last long. In short term this training was successful improving one's self esteem and having a <https://assignbuster.com/psychologys-effect-on-the-criminal-justice-system-psychology-essay/>

knock on affect to young offenders, but the problem is that it didn't continue once it finished. Holling (1990) suggested that it was inappropriate to assume that the link was that simple - he doesn't agree with the assumption that poor social skills automatically resulted in unacceptable behaviour because there is a lot more to poor behaviour, though he did believe it was a contributory factor.

Spence & Marzillier (1981) evaluated the social skills training in terms of its effectiveness in improving ones social skills. They discovered that a group of young offenders who had undergone the social skills training appeared 6 months later to have lowered their level of convictions than a controlled group, which was a group that didn't have the training. However, when both groups produced reports and completed questionnaires, the trainees within the social skills training group appeared to have a higher level of convictions. Spence and Marziller used this training with five male young offenders who were aggressive. They showed increased eye contact and reduction of hand fiddling but no other changes were noted. This ultimately meant that the group could negotiate and do the right things at the right time, but when the analysis and results were looked at, it can be seen that the training did not prove to be true and that it was a spectacular failure. A reason this happened may be that people knew to play the system and therefore manipulated the truth to make themselves appear good and have improved whereas in reality they had not improved. Outcome studies showed that social skills training has moderate short-term effects, but limited long-term effects.

The advantages of social skills training programs include flexibility. The treatment can take place either as individual or group therapy depending on what the trainer prefers. Also, new trainers can learn the techniques of the training reasonably quickly. Another benefit of this training program is that it focuses on teaching skills that can be learned rather than emphasising the biological determinants of social competence.

Behaviour therapy

This therapy has been put in to place to change ones behaviour and views. It seeks to reinforce socially acceptable behaviour to discourage further criminal actions. If one has any sort of phobia - including a social phobia where they feel anxious about things like speaking or eating in public- behaviour therapy can be very helpful. This therapy will seek to eliminate the difficulty that is adversely affecting one's life. In order to do this, the therapist will firstly help them develop appropriate skills to deal with difficult situations and then adopt a step-by-step approach to help them overcome their fears. For example, if one is afraid of eating in public, the therapist will show them some techniques to help them reduce their anxiety level, but will then encourage them to face their fear. Once they face up to their fear, it will eventually die out and they will start to eat in public like everyone else.

Fo and O'Donnel (1975) established the Buddy System. This is a mentoring program designed to improve members' academic and social behaviours, and to encourage communication between youth and elderly role models.

The program was based on individual and group mentoring, and on endorsing positive behaviours through financial incentives. Alternatively, the

paired buddy would focus on the negative aspects of one another and work <https://assignbuster.com/psychologys-effect-on-the-criminal-justice-system-psychology-essay/>

to eradicate them. However, to be able to do this, they must first be taught that the behaviour they exhibit is unacceptable.

There is a program called reparation and restitution, which encourages the young offenders to go back and apologise to their victims and pay them back. Dignan (1992) demonstrates how it is applied. For example, if there was a burglary in an old people's home, the offender can offer to be paired up with a volunteer and the main process of this treatment would be for the young offender to apologise to the victims. It is suggested that this will make the offender feel uncomfortable to face up to the victim and feel guilty about the crime. There is enough evidence to show this type of approach has successful outcomes i. e. the crime will not be repeated.

The effectiveness

This therapy was evaluated to determine the effects of the program on criminal acts. The measurement instrument used to determine this was records on the criminal offenses of participants and control group. The results of the evaluation showed that for youth who had committed major crimes in the year before they entered the program, youth were significantly less likely to have committed major offenses during the Buddy System year (37. 5%) than were the youth in the control group (64%). The pattern was opposite, however, for youths with no record of major offenses in the previous year; in this case, program youth were significantly more likely to have committed major offenses (15. 7%) than the control youth (7. 2%).

Another one was carried out by arresting records of participants and control group on year prior to participation, the year of participation and two years

after the initial year of participation. The results of experiment showed that the Buddy system was most effective for youth who had been arrested for major offenses in years before participation in the program. 56% of these participants vs. 78% of the control group were arrested for a major crime in the program year or 2 years after. Of participants without prior arrests, those in the treatment group were more likely to commit a major offense than those in the control group.[6]

Cognitive Behavioural Therapy

The cognitive behaviour therapy is based on the cognitive theory and social learning theory. To reiterate, the social learning theory suggests that the nature to crime is the result of insufficient socialisation. They consider the social factor to be one of the most important factors that push people towards committing a crime. The cognitive theory is concerned with the internal mental processes, such as memory and attention of a human being which cause poor behaviour.

The idea of the Cognitive Behavioural Therapy is that ones thoughts are going to influence behaviour and so if they are able to change the nature of their thoughts, they will also be able to change their behaviour. Some people believe that many offenders have an insufficiency in social cognitive which results in their cognitive prospective, which is when they do not have positive thoughts about themselves.

Ross & Fabiano (1985) believed that when numerous people look at an individual with low self-esteem it would mean that they have no positive thoughts on that particular person. This therapy teaches people to consider

less confrontational thoughts and roles on people. CBT can help people in making sense of overwhelming problems by breaking them down into smaller parts. This makes it easier to see how they are connected and how they affect them. The therapist would give the participants a series of responses which would be used as oppose to being aggressive. They would give the participants examples on how they could think and behave in certain situations e. g. avoid contact by turning in the other direction. The therapist also teaches the participants that everyone possesses an inner voice which helps them evaluate their own actions and therefore know when they have gone too far because. Within the therapy role play is used significantly to help the participants gain control and help them evaluate their thoughts and present positive thoughts.

The effectiveness

The cognitive behavioural therapy is an approach to psychotherapy has proved to be one of the most effective psychological approaches for a wide range of problems related to behaviour. The reason for this is because it is based on scientific principles rather than irrational. Another reason for the effectiveness is because once the therapist has developed of an understanding of the individuals behavioural problems he/she doesn't leave it there, instead she or she defines multiple therapy strategies and objectives which are continuously reviewed and improved. The positive effects of this approach comes from its' attach of thoughts and behaviour that can cause negative emotions for individuals. CBT is powerful because it teaches the participants the detrimental effects their changeable thinking process and behaviour can have on their life, instructing them to base their

thinking more on facts rather than assumptions. This consecutively, has a very powerful influence on affecting the participants' behaviour in a healthy and positive way.

However like most things there are some drawbacks of this therapy. To begin with, CBT is not a quick fix. Although the therapist will encourage the participant to do things the right way giving them advice and encouragement like a personal trainer, they will not be able to 'do' it for them. This approach requires a huge amount of commitment and desire from the patient in order to make an effect. Another drawback can occur when the client is feeling low. When someone feels low, it can be rather difficult for them to concentrate and get motivated to change things in a positive manner. Also the fact that one is required to confront anxiety in order to overcome it, it may lead them to feel more anxious for a short period. This in turn will have a negative effect on the patient due to the low motivation levels.

Anger Management

With regards to young offender, one of the most critical areas for interference is anger and aggression. This is because most crimes that occur have some sort of aggressive nature, meaning the offender must have been angry about something to be led to such a horrific act. Anger can cause numerous problems for one. It can have a significant affect on: education life because it can cause poor behaviour, aggressive streak or/and poor attitude within school, family relationships i. e. not a happy family environment due to the ones poor behaviour, peer relationships e. g. spiral - if anger isn't dealt with, they can lose control and become a pattern of behaviour which

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can be drawn in to this aggression and behaviour and therefore cannot cope with getting out of it. This is because the person may have lack of confidence, vanity or masculinity.

Novaco and Welsh (1989) believed that anger was satisfying but frightening. So for example, it was good to be angry due to adrenaline but it was frightening for others if it was done to gain attention. Novaco (1975) found the theory of anger control wherein he suggests that anger often occurs because that individual is upset about other matters, therefore displacement. He believes that anger is more likely to occur when one is unsure or feels threatened. He believed anger and aggression together can be a real influence in criminal behaviour. However he did stress that anger by itself wasn't always a bad thing and can sometimes serve a useful purpose. But for this, one must receive necessary training to prevent anger turning into aggression because when aggression occurs, the situation can become more dangerous. Anger management teaches patients the signs of anger that can alert the person in question to recognise and deal with it appropriate before it gets out of control and leads to violence. So treatment targeting anger can be an effective control. Novaco suggests that anger can be controlled through three strategies. The three strategies are:

Cognitive preparation

This is to determine if the offender is actua