The Flynn Effect in Death Penalty Cases: A Critical Issue for Forensic Psychology

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What is the Flynn Effect?

- The Flynn Effect refers to the phenomenon of increases in measured IQ scores during the past century.
- Previously believed to apply only to high-income countries, it is now considered an established phenomenon even in less developed countries (Dutton, van der Linden & Lynn, 2016; Flynn, 1987, 2007).
- The Flynn Effect is estimated to be 0.30 IQ points per year since the norming of the relevant IQ test (Beaujean & Sheng, 2014; Flynn, 1987, 2007).
- The effect is driven more strongly by gains in nonverbal, performance-based measures (Dutton, van der Linden & Lynn, 2016).

Why is the Flynn Effect Important?

- The Flynn Effect is important for a number of reasons including the connection between national IQ and economic prosperity (Lynn & Vanhanen, 2012), political stability (Lynn & Vanhanen, 2012), forensic implications, and scientific achievement (Rindermann & Thompson, 2011).

Forensic Implications

- From the point of view of forensic psychology, the Flynn Effect is important because the law provides that persons who are intellectually disabled are not eligible for the death penalty.
- The Flynn Effect adjusts IQ scores in such a way that someone originally believed to be in the borderline (below average but not impaired) IQ range could be considered impaired after the adjustment is made.
- US states are not supposed to execute a person with an IQ in the intellectually disabled range (Dutton, 2014). Therefore, this becomes a matter with life-and-death consequences.

Adjusting Measured IQ

- Full Scale IQ (FSIQ) must be adjusted to increase accuracy
- Flynn Effect adjustment subtracts 0.3 points from FSIQ for every year since IQ test was normed
- Standard Error of Measurement adjustment creates confidence interval that is generally -5 to +5 points around FSIQ
- Example of measured FSIQ of 72
  - Flynn effect adjustment for test normed 10 years ago (0.3 x 10 = 3) = 69
  - IQ = 64 to 74

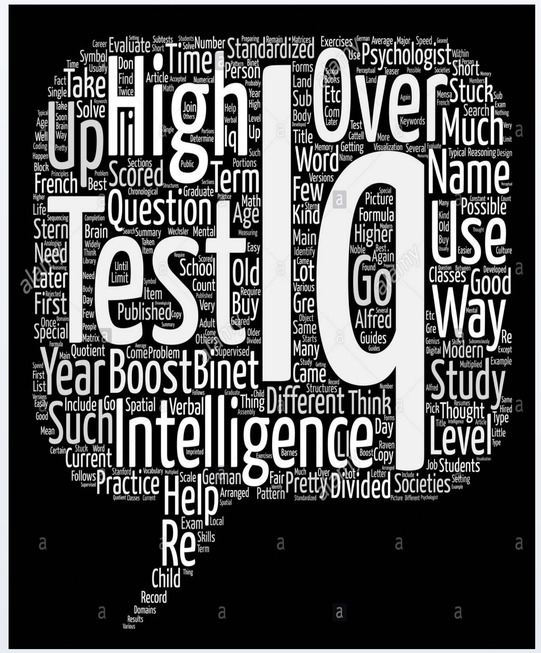
U.S. Supreme Court Rulings

- In *Atkins v. Virginia* (2002), the Court ruled 6-3 that execution of a person with an intellectual disability constitutes a violation of the Eighth Amendment's ban on cruel and unusual punishment, though states retain the right to define what determines intellectual disability.
- In *Hall v. Florida* (2014), the Court ruled 5-4 that a Florida law allowing the execution of borderline intellectually disabled individuals constituted a violation of the 8th and 14th Amendments through its creation of an unacceptable risk of executing persons with intellectual disabilities.
- In *Moore v. Texas* (2017), the Court ruled 5-3 that although states have discretion regarding how to enforce the constitutional prohibition against applying the death penalty to persons who are intellectually disabled, that discretion is not "unfettered."

State Statutes

- States with post-Atkins statutes: CA, DE, ID, IL, LA, NV, UT, VA
- States with pre-Atkins statutes: AZ, AR, CO, CT, FL, GA, IN, KS, KY, MD, MO, NM, NE, NY, NC, SD, TN, WA

Source: deathpenaltyinfo.org, as of 02/05/2018



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