



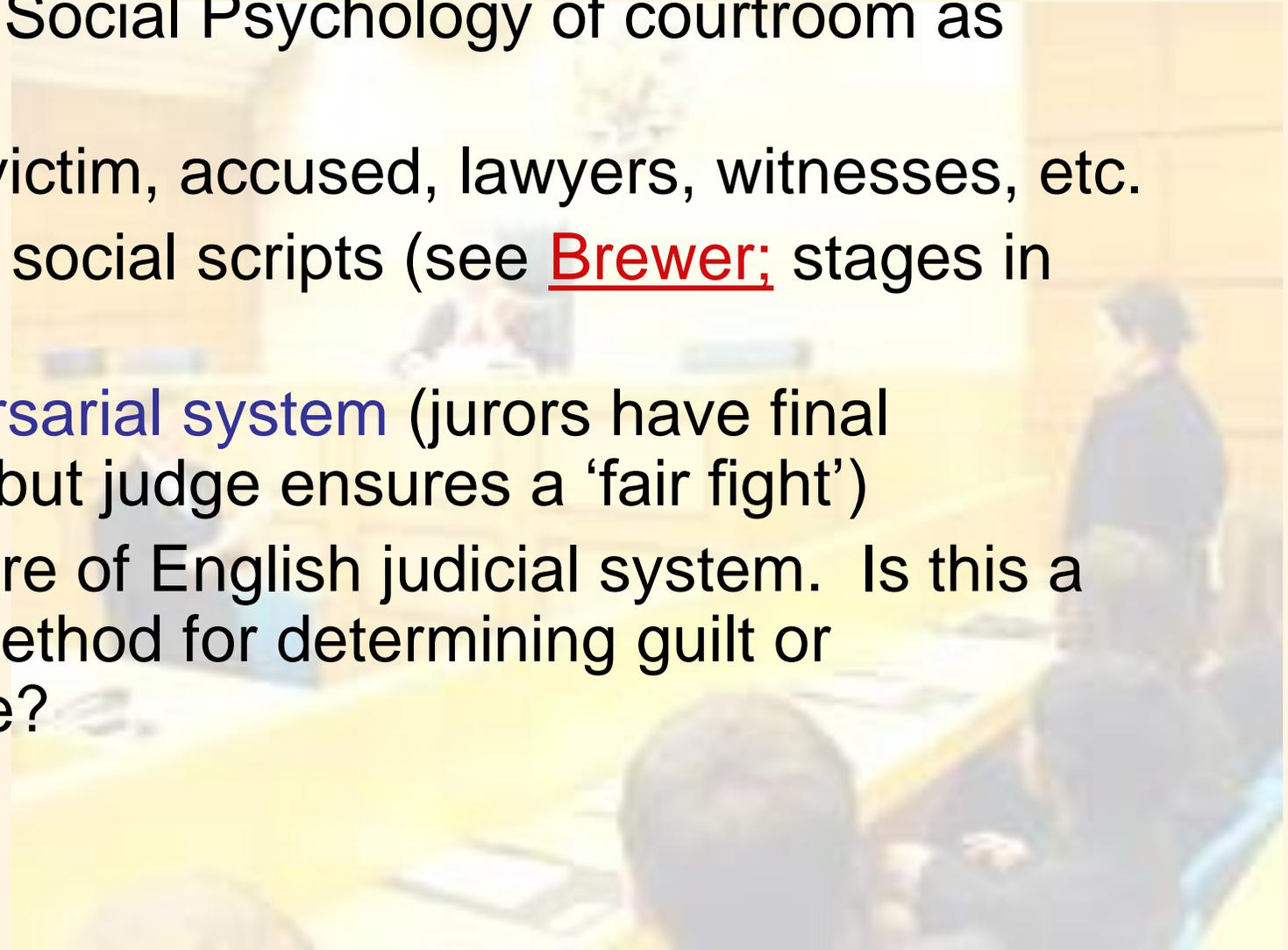
REACHING A VERDICT

- **Persuading a Jury**
- **Witness Appeal**
- **Reaching a Verdict**



Introduction:

- Focus on Social Psychology of courtroom as drama;
- Actors = victim, accused, lawyers, witnesses, etc.
- Following social scripts (see Brewer; stages in trial)
- UK: **adversarial system** (jurors have final decision, but judge ensures a 'fair fight')
- **Jury** at core of English judicial system. Is this a reliable method for determining guilt or innocence?



The Courtroom



1. The judge

2. The clerk

3. The witness

4. The interpreter

5. The defendant

6. Defense Attorney

7. Prosecuting attorney

8. Prosecutor's officer

Trial Procedures

- Conducting Research on Trial Procedures & Court Decisions:
- Study of real jury deliberation prohibited in UK and USA. Therefore psychologists have used alternatives;
 - Mock Juries
 - Shadow Juries



Research on Trial Procedures...

- **Mock Juries:**
- Participants asked to consider case & make judgements on evidence presented in written summarized scenario (or sometimes video/film clip)
- **Problems?**
 - Sample; often students
 - Scenarios; brief/ lack complexities of real life
 - Lack of ecological validity
 - No consequences for real person
- **Strengths;** Allows investigation of variables such as appearance, age, race, etc.)

Shadow Juries

- Selected participants asked to sit in public gallery in court to hear all evidence & consider sentence. Decision-making is carefully monitored.
- **Strength:** Greater ecological validity
- **Problems?**
 - no real impact on life of suspect
 - practical problems; court attendance over many days
 - potentially lengthy & expensive research

Jury Selection

Selection of Juries

- Made up of 12 people (UK) chosen randomly from electoral roll. No qualifications required
- Objections can be made by both prosecution & defence (**Peremptory Challenge**)
- USA: Before trial jurors called for pre-trial interview (**Voire Dire**): judge & opposing lawyer can dismiss jurors considered not to be impartial.
- Occasionally whole communities - dismissed as **biased**. Eg; Rodney King case (see sheet)
OJ Simpson case

PERSUADING A JURY

- Three factors to study:
 1. Effect of order of testimony
 2. Persuasion
 3. Effect of evidence being ruled inadmissible



PERSUADING A JURY: Effect of Order of Testimony

- **Effect of Order of Testimony:**
- Psychology shows how the way we receive information affects how well we process and remember it (eg; **Primacy/Recency effects**)
- In the courtroom.....?
- **Story Model** (**Pennington & Hastie, 1993**)

Theory to account for way jurors make decisions in criminal trials. Studies concern simulated trials.

Eg; **Massachusetts v Johnson/Caldwell**: knife attack (see sheet)

Persuading a Jury

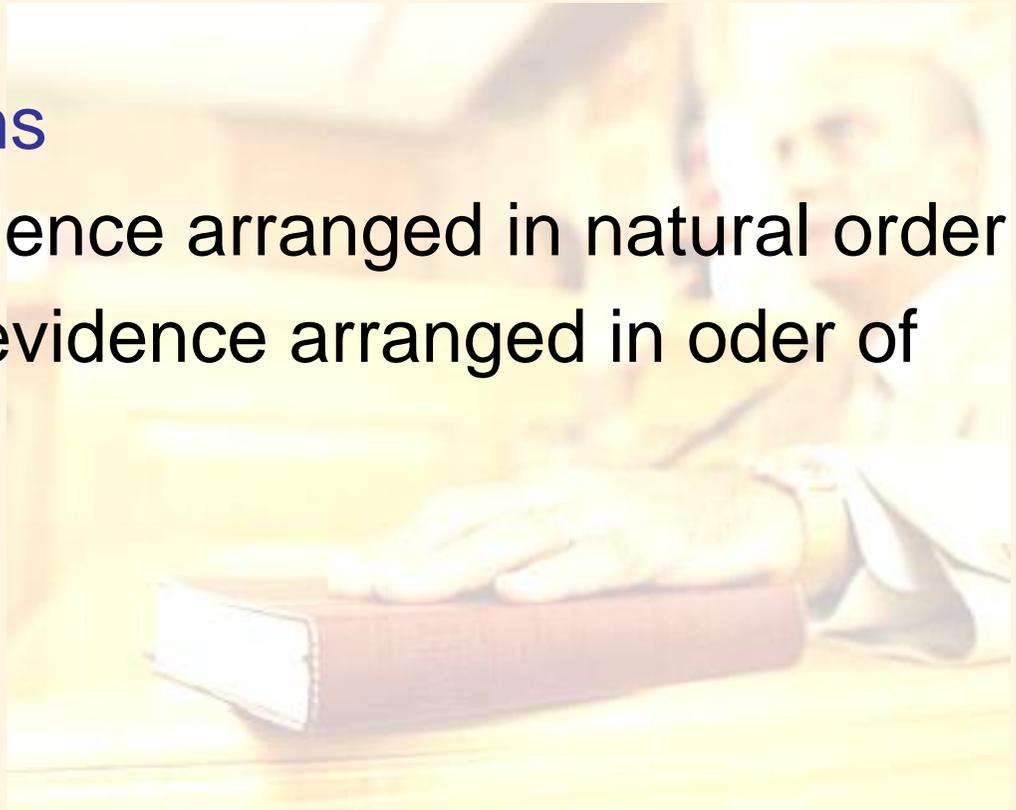
- **Effect of Order of Testimony:**
- **Three stages** in decision-making:
 1. **Narrative story organisation** (gained from info. from trial, schemas, expectations)
 2. **Learning Verdict definitions** (end of trial categories)
 3. **Making a decision** (matching story with verdict category)
- **KEY STUDY:** Pennington & Hastie (1988):
Effects of Memory Structure on Judgement

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- **Aims**; To investigate if story evidence summaries are true causes of final verdicts, & the extent to which story order affects confidence in decisions
- **Method**: Laboratory experiment
- **Participants**: 130 students from Northwestern University & Chicago University. All paid
- **Procedure**: Ps allocated to one of 4 conditions. Ps listened to tape recording of stimulus trial (**Massachusetts v Caldwell**)
- Written questionnaire & told to reach guilty or non-guilty verdict
- Rated confidence in decision on 5-point scale

Pennington & Hastie: Order of Testimony

- **Procedure** (continued): All Ps separated by partitions with no interaction
- Four conditions:
- **39 prosecution items**
 1. Story Order: evidence arranged in natural order
 2. Witness Order: evidence arranged in order of original trial
- **39 defence items**
 1. Story Order
 2. Witness Order



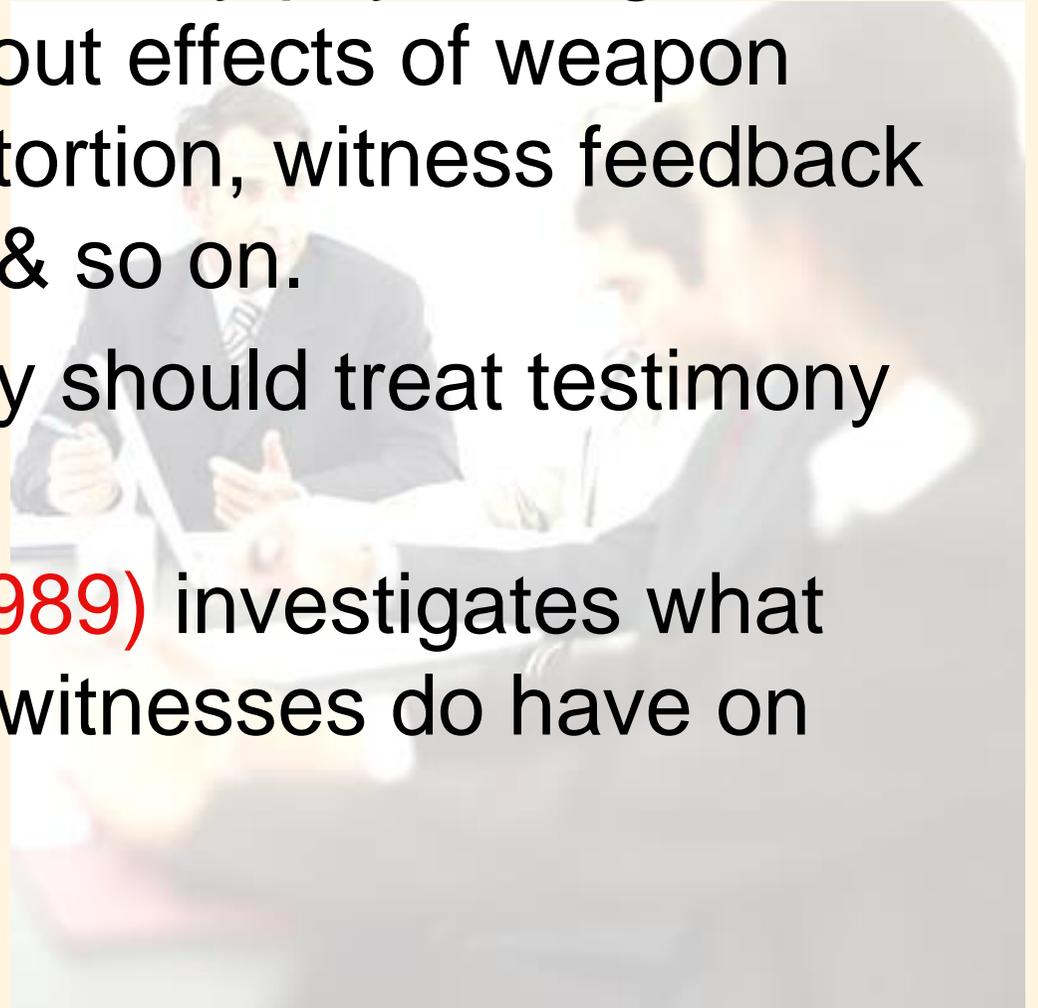
Pennington & Hastie: Order of Testimony

- **Results:** Ps choosing verdict of **guilty:**
- **Prosecution Case:**
- Story Order; mean 69%
- Witness Order: mean 47%
- **Defence Case:** (decisions reversed)
- Story Order; mean 45%
- Witness Order; 70%
- **Confidence ratings** - highest for story order
- **Conclusion:** Indicates the persuasive effect of presenting evidence in story order (less here for defence due to nature of this case)



PERSUADING A JURY: PERSUASION

- **Expert witnesses:** usually psychologists who talk to jury about effects of weapon focus, memory distortion, witness feedback use of ID parades & so on.
- Intention is that jury should treat testimony with caution
- Study by **Cutler (1989)** investigates what effect such expert witnesses do have on jury verdicts

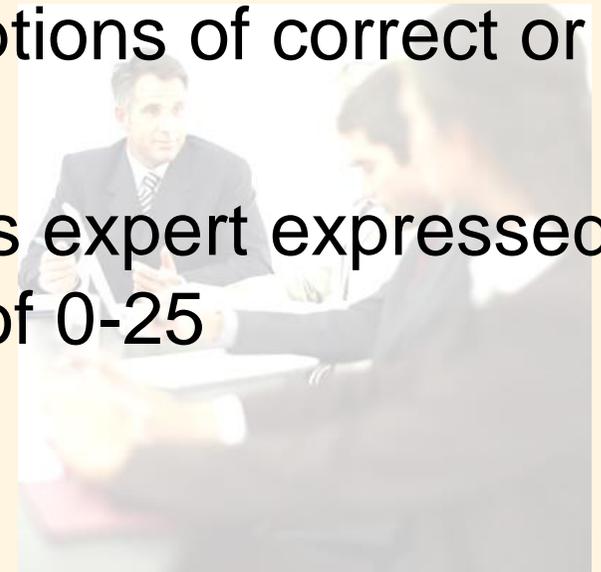


Persuasion: Key Study: Cutler (1989): The effect of expert witness on jury perception

- **Aim:** Investigate the effect of expert witness (psychological) on jurors' decision making
- **Method:** Laboratory experiment using videotaped mock trial
- **Participants:** 538 undergraduates given extra credits for psychology course
- **Procedure:**
 - Ps viewed videotaped robbery trial in groups of 2-8
 - Independently completed questionnaire (included verdict, memory test, rating scales of confidence)

Cutler (1989): Effect of witness testimony

- **Procedure** (continued) Four IVs:
- **Witnessing identifying Conditions (WIC)**: poor or good (eg; weapon focus, witness delay, etc)
- **Witness Confidence**: either a) 80% or b) 100%
- **Form of Testimony**: whether expert witness used *qualitative* or *quantitative* descriptions of correct or incorrect IDs
- **Expert Opinion**: (EW) Half of trials expert expressed correctness of opinion on scale of 0-25



Cutler (1989): Expert Witness

- **Results:**
- **Juror verdicts** - If WIC good more guilty verdicts given & this increased if EW given descriptive testimony
- **Juror memory** - 85% of Ps correctly recalled the testimony. Also memory of expert witnesses details was good
- **Juror confidence** - If good WIC jurors had more confidence in accuracy of ID. This was stronger if expert witness was 100% confident.
- **Conclusions:** Expert testimony does improve juror's knowledge & made them pay more attention to WIC. Sensitivity to problems with evidence improved - prevention of miscarriage of justice.

Persuading a Jury: **Effect of evidence being ruled inadmissible**

- What happens when the judge tells the jury to disregard **inadmissible evidence**?
- For evidence to be **admissible** in court - relevance must outweigh its potential for prejudice
- **Inadmissible evidence** includes hearsay, prior conviction evidence, or illegal evidence (eg; obtained through wire taps)
- **NB: since 2004 hearsay & previous convictions is admissible in UK**
- If evidence is prejudicial a re-trial is likely
- **Prejudiced evidence** of minor significance - jury told to ignore, or not overtly noticed

Persuading a Jury: **Effect of evidence being ruled inadmissible**

- If jury are told to disregard inadmissible evidence - what effect does this have?
- **Reactance theory**: jury perceives judge's instructions as undermining their freedom & so take *more* attention to evidence.
- **Key Study: Pickel (1995): Investigating the effect of instructions to disregard inadmissible evidence**
- **Aims:** To look at effect of prior convictions
- To look at role of judge's instructions
- To examine how witness credibility affects jury ability to ignore inadmissible evidence

Key Study: **Pickel (1995)**: Investigating the effect of instructions to disregard inadmissible evidence

- **Method**: An experiment using a mock trial
- Participants: 236 Ball State Uni psychology students
- **Procedure**: Ps listened to audiotape of trial. Critical evidence (prior conviction) introduced & either overruled or allowed by judge. Legal explanation sometimes given.
- Questionnaire completed: this included verdict, estimate of probable guilt, how far prior conviction affected their decision.
- Control group - no critical evidence



Pickel (1995): Inadmissible evidence

- **Results:**
- Jurors who heard inadmissible evidence & received no explanation tended to ignore evidence
- Jurors who heard IE & given explanation - MORE likely to find defendant guilty
- No significant effect on use of prior conviction evidence
- **Conclusions:** Drawing attention to IE makes it more important to jury & can create 'backfire' effect. Could be used as persuasive tool in court.

