

# REACHING A VERDICT

## WITNESS APPEAL

- Attractiveness of defendant
  - Witness confidence
    - Child witnesses



# WITNESS APPEAL: Physical Attractiveness

- Physical Attractiveness:

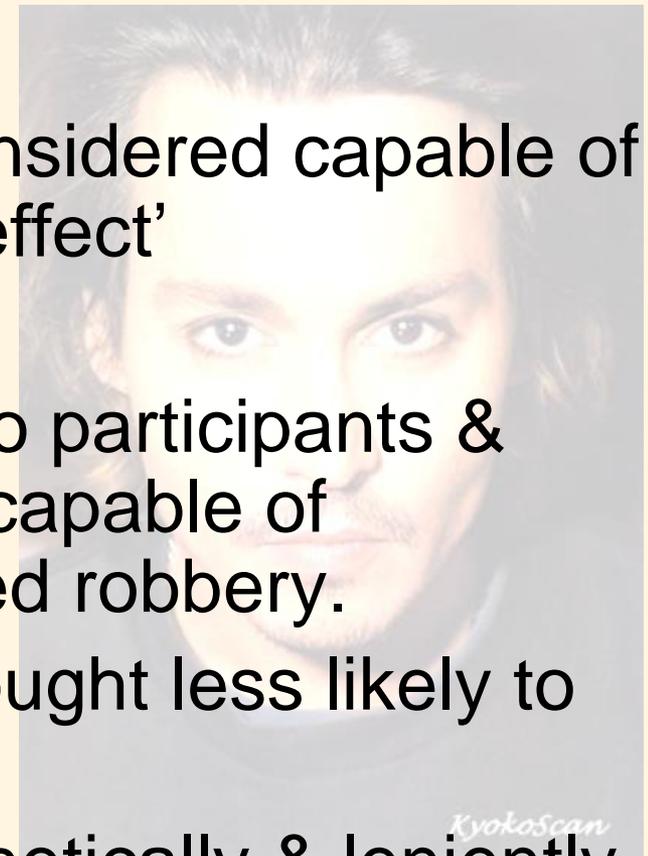
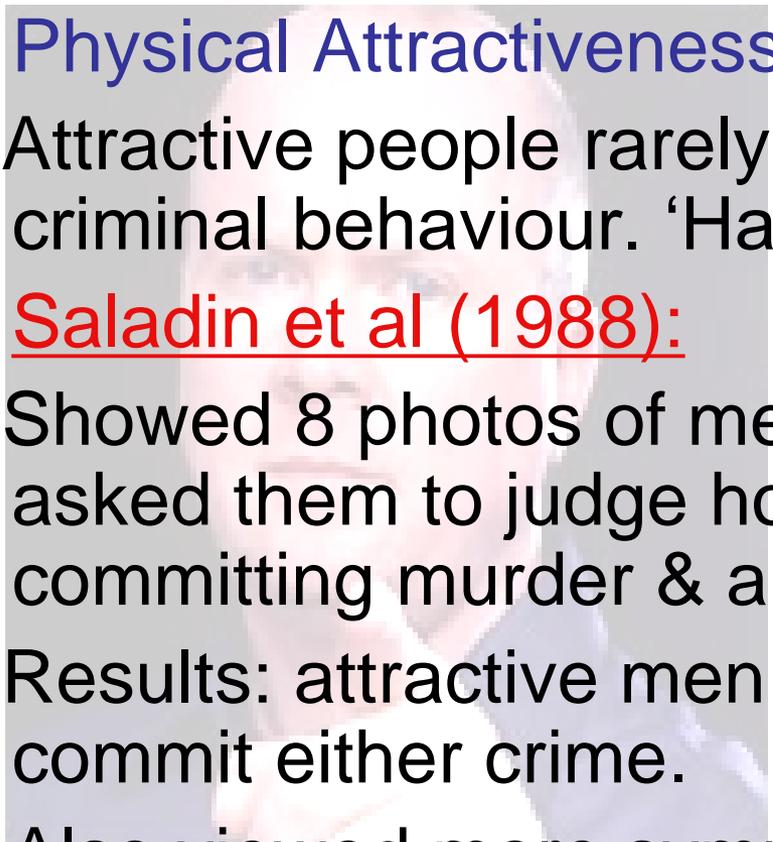
Attractive people rarely considered capable of criminal behaviour. 'Halo effect'

- Saladin et al (1988):

Showed 8 photos of men to participants & asked them to judge how capable of committing murder & armed robbery.

Results: attractive men thought less likely to commit either crime.

- \* Also viewed more sympathetically & leniently (Quigley, 1995)

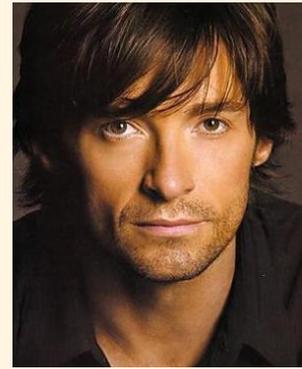


*KyokoScan*

# Physical Attractiveness: Castellow et al

Rate the following men in terms of:

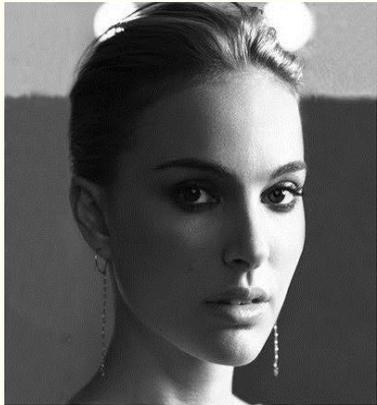
Do you think he is guilty of sexual harassment?:



- On a scale of 1 - 9:
  - How dull - exciting is he?
  - How nervous - calm is he?
  - How warm - cold is he?

# Attractiveness of defendent

- How attractive do you rate the following women?  
(scale 1 - 9)
- How guilty of crime would you rate them?



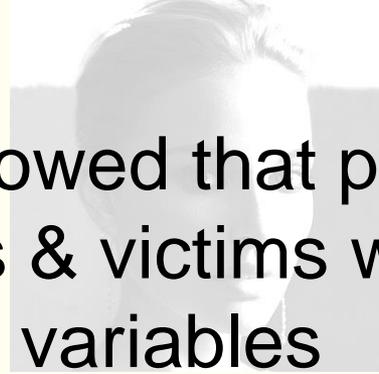
- How far would you consider them to be:
- Dull - exciting
- Nervous - calm
- Warm - cold

# Castellow et al (1990): Effects of Physical Attractiveness on Jury Verdicts

- **Aims:** Investigate whether attractive defendant less likely to be found guilty & the effect of gender differences
- **Method:** laboratory experiment using mock trial
- **Participants:** 71m / 74f students given extra credit for psychology course (East Carolina)
- **Procedure:** Given sexual harassment case to read with attached photos of victim & defendant (previously categorized as attractive-unattractive on scale of 1 - 9. Asked Q: 'Do you think Mr Radford is guilty?')
- At end rated defendant & victim on 11 bipolar scales such as dull-exciting, nervous-calm.

# Castellow et al: Physical Attractiveness

- **Results:**
- **Ratings** showed that physically attractive defendants & victims were rated positively on personality variables
- **Guilty verdicts:** attractive defendants; guilty 56% of time, unattractive; guilty 76%  
Attractive victims; guilty verdict 77%, but only 55% for unattractive victim
- No significant gender differences
- **Conclusion:** Appearance can have powerful effect on verdicts (implications for defendant)



# Witness Appeal: Witness Confidence

- Confidence of witness when giving testimony can greatly affect conviction
- Can be system variable: earlier interviews & preparation by police
- Witness confidence can be major source of jury unreliability
- **Key Study: Penrod & Cutler (1995): Effect of witness confidence on jurors' assessment of eyewitness evidence**
- **Aim:** To examine confidence & other factors in jurors' evaluation of eyewitness testimony
- **Method:** Experiment using mock trial scenario

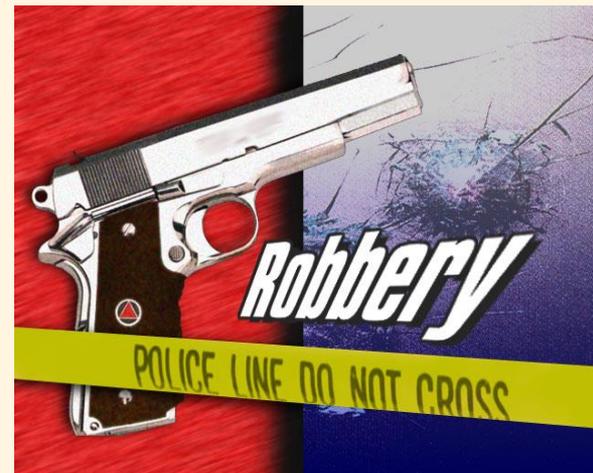


# Penrod & Cutler (1995): Witness Confidence

- **Participants:** undergraduates, eligible & experienced jurors
- **Procedure:** videotaped trial of robbery

Witness testified that she was either 80% or 100% confident of robber ID. Nine other variables introduced into film (eg; suspect disguise, weapon focus, etc) at random.

Jurors had to give verdict (guilty or not)



# Penrod & Cutler (1995): Witness Confidence

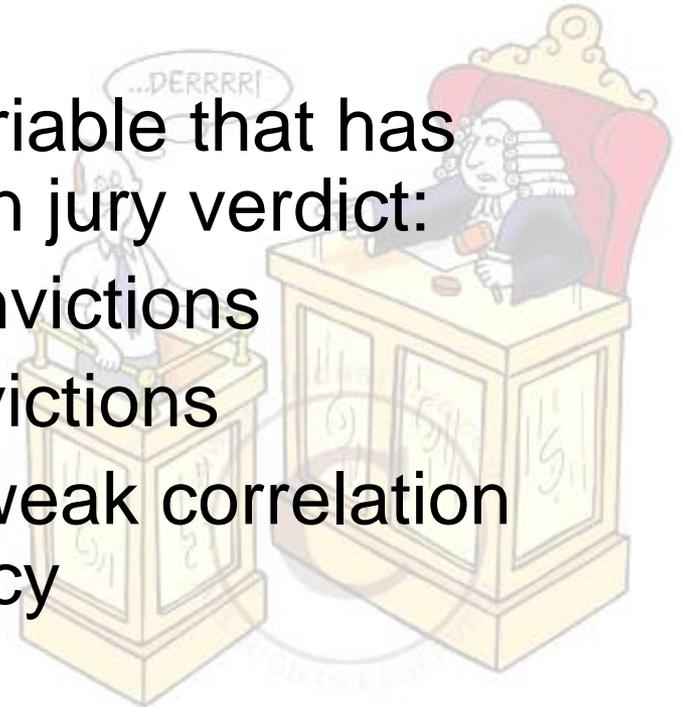
- **Results:**

- Witness confidence is only variable that has statistically significant effect on jury verdict:
  - 100% confidence = 67% convictions
  - 80% confidence = 60% convictions
- Further studies showed very weak correlation between confidence & accuracy

- **Conclusions:**

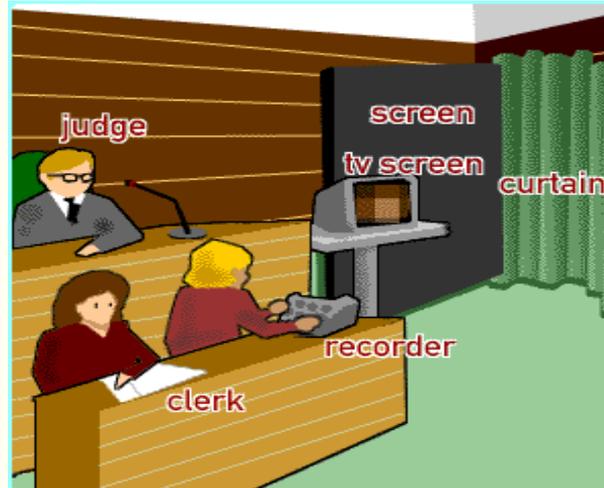
Jurors trust confident witnesses (even when warned to be cautious by judge)

Witness confidence is a poor predictor of accuracy



# Effect of shields & videotape on children giving evidence

- Cases of sexual abuse, kidnapping & domestic violence - child is only witness
- Traumatic experience to give evidence in court
- Use of screens / videotape link
- What effects could these techniques have on jury verdict?

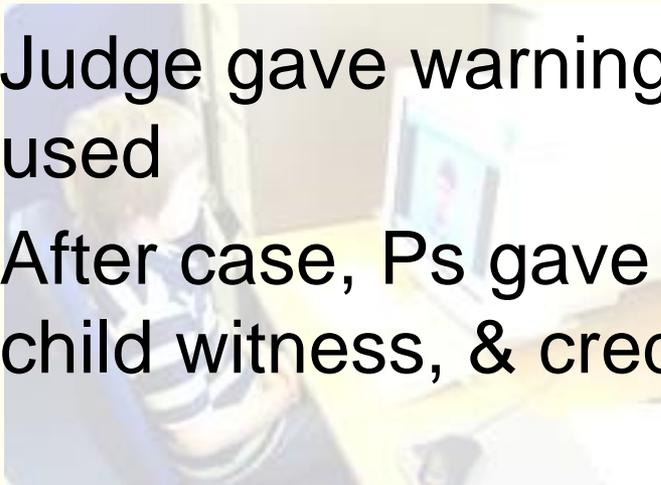


# Ross et al: Impact of protective shields & videotape testimony on conviction rates

- **Aims:** To find out if protective shields & videotape increases likelihood of guilty verdict  
To investigate effect of protective devices on jury reaction (**credibility inflation** or **deflation**)
- **Method:** mock trial based on real court transcript
- Actors played parts / prof film crew
- Three versions: open court with child, child behind screen, child testimony via video link
- **Participants:** 300 college students (m/f) from introductory psychology class, white middle-classed. Told study was about psychology & law.

# Ross et al (1994) Child witness testimony

- **Procedure:** Ps assigned to one condition: watched one version of 2 hour film of alleged abuse court case.
- Child's father was defendant, mother & child as witness, two expert witnesses
- Abuse: single touch in bath (innocent or sexual?)
- Judge gave warning before video or screen used
- After case, Ps gave verdict & rated credibility of child witness, & credibility of defendant



# Ross et al (1994) Child witness testimony

- **Results:**

- Guilty verdicts: no significant difference between conditions
- But 58.6% females & 38.6% males found defendant guilty
- No difference in credibility of defendant
- No difference in credibility of child witness
- Significant gender differences (credibility)

- **Conclusions:**

- Protective devices do not affect jury verdict
- Study 2: if tape stopped immediately after child testimony - open court led to greater convictions



# Child Witnesses: further research

- **Suggestibility:** Power imbalance between questioner and child witnesses (& weaker memory trace) - very suggestible.

Children eager to please, vulnerable to pressure  
(Cecil & Bruck, 1992)

- Rudy & Goodman (1991):
  - Pairs of children (one aged 4, one 7)
  - Left alone with adult stranger
  - One child dressed in clown's outfit & played game with adult/other child watched
  - 10 days later questioned (suggestive; misleading abuse/non-suggestive)
  - Results; children unlikely to make false claims of abuse. (4yrs as accurate as 7yrs)
- \* Bidrose & Goodman (2000) see case study