AN INVESTIGATION OF THE PSYCHOLOGICAL PROCESSES INVOLVED IN JUROR REHABILITATION

by

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Abstract

AN INVESTIGATION OF THE PSYCHOLOGICAL PROCESSES INVOLVED IN JUROR REHABILITATION

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Judges often attempt to rehabilitate jurors who express an inability to be fair during voir dire. The present research examined psychological mechanisms operating during juror rehabilitation. Study One investigated whether the influence of rehabilitative questioning on juror judgments observed in previous research is attributable to informational or normative influence from the judge. I manipulated the presence of two components of rehabilitation (i.e., legal instruction and elicitation of a commitment to forgo bias) within a mock voir dire. I also varied evidence strength to assess whether rehabilitative questioning improves the quality of jurors' judgments. Jurors watched a trial and rendered a verdict. Rehabilitative instructions reduced the number of guilty verdicts for biased and unbiased participants. Rehabilitation did not increase jurors' sensitivity to evidence strength. Study Two tested the hypothesis that traditional suppression rehabilitation will lead to increased accessibility of PTP under conditions of cognitive load. I manipulated exposure to PTP and the type of rehabilitation questioning received (i.e., no rehabilitation, rehabilitation framed in terms of suppression, rehabilitation framed in terms of concentration). Efforts were taken to induce a state of cognitive busyness in all participants while they watched the trial; after the trial participants deliberated to a verdict.

Exposure to PTP increased the likelihood that participants would vote guilty. In the no rehabilitation and concentration conditions, participants who read PTP perceived the defendant as more guilty than did participants who did not view PTP. However, in the suppression rehabilitation condition, participants who read PTP perceived the defendant as less guilty than did participants who did not read PTP. Rehabilitative instructions and suppression rehabilitation resulted in more lenient judgments than the no-rehabilitation control, suggesting that participants were not well calibrated to the magnitude of their bias, and when prompted to be unbiased, overcorrected in the opposite direction. Although rehabilitated jurors may be motivated to correct for bias, they appear to have difficulty estimating the degree to which biases influence their judgments. It is possible that jurors may be better able to assess the presence of and correct for a biasing influence if it is discrete rather than attitudinal in nature.

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CHAPTER 1: INTRODUCTION

The 6th Amendment to the United States Constitution guarantees defendants the right to an impartial jury. The legal system has procedures designed to ensure this right is upheld. Specifically, attorneys and/or judges question prospective jurors prior to the trial and use the information obtained to make decisions about jurors' level of bias and suitability for jury service. The questioning of prospective jurors is one aspect of jury selection, which takes place during the pretrial legal proceeding known as voir dire. During voir dire, the trial judge and attorneys have the opportunity to gather information about jurors through direct questioning of the group of prospective jurors, known as the venire panel, and sometimes may have the opportunity to collect information using juror questionnaires. The purpose of juror questioning is to identify and excuse jurors who do not meet the requirements for jury duty. Specifically, petit jurors must fit the statutory requirements for jury duty and must also be willing and able to follow the law in a given case. The legal system requires jurors to base their decisions solely on the evidence presented at trial; jurors are not supposed to consider extra-legal factors when making their verdict decisions. Further, the law assumes that jurors do make their decisions only based upon the evidence (Louden & Skeem, 2007). However, there are situations in which jurors may possess strong beliefs and attitudes about aspects of the case, the legal system, the parties, or the crime. If these beliefs or attitudes interfere with jurors' ability to weigh the evidence in an impartial manner, they are considered forms of juror bias.

Juror bias represents a significant threat to a defendant's right to a fair trial. Jurors who express an inability to be fair are typically excused from the panel using a challenge for cause. Eliminating biased jurors through use of challenges for cause becomes problematic in situations in which many of the veniremembers are biased, for example in highly publicized cases. If many

members of the venire are excused for cause, attorneys and judges must bring in additional prospective jurors and begin the questioning process anew. Questioning successive panels of prospective jurors increases the time and cost of voir dire, both areas of concern for judges and policy makers (Cosper, 2003; Kovera et al., 2003, Johnson & Haney, 1994). Further, there are cases in which the fame of the defendant or the level of media coverage makes it likely that almost every prospective juror will possess pretrial knowledge or attitudes about the case (Studebaker & Penrod, 2005).

An alternative to challenging a biased juror for cause is the elimination of the bias or at least the effects of the bias on trial decisions. Juror rehabilitation is a common practice in voir dire during which judges educate biased jurors on the law and then request that the jurors agree to ignore their biases and base their verdict on the evidence and on the law (Cosper, 2003). If jurors agree to ignore their prejudices and promise not to let these previously expressed biases affect their judgments, they are considered rehabilitated and fit to serve on the jury (Studebaker & Penrod, 2005). This practice has received criticism on the grounds that jurors will be unable to ignore their biases and jurors' acquiescence to judges' requests are merely a consequence of the social pressures of the situation (Cosper, 2003). However, very little research exists on the psychological processes involved when jurors agree to ignore their biases and remain impartial.

The use of juror rehabilitation reflects an assumption that jurors who possess biases are aware of these biases, motivated to avoid making a biased judgment, and able to effectively resist biasing influences. Rehabilitation does influence jurors' judgments, although it appears that all jurors, even those who do not harbor bias, are influenced by rehabilitation (Crocker & Kovera, 2010). Thus rehabilitation does not appear to have the precise effect predicted by the legal system.

The psychological mechanisms underlying the influence of rehabilitation on juror judgments are not currently understood. How do jurors attempt to control their biases and do these attempts at control work? Are there some facets of rehabilitation that are instrumental in enabling jurors to ignore their biases? The present research investigates variables that may potentially moderate and mediate the efficacy of juror rehabilitation and evaluates the efficacy of a new rehabilitation technique.

Juror bias can influence jurors' verdict decisions

As criminal defendants are afforded the right to an impartial jury by the 6th Amendment, juror bias jeopardizes this constitutional guarantee. Juror bias refers to any attitudes, knowledge, and personal experiences that jurors possess that cause their judgments to be more favorable to one side of a case than the other. Juror bias, by definition, interferes with a juror's ability to weigh the trial evidence fairly. Although the courts recognize that jurors may hold beliefs and attitudes that are relevant to a given case or have had personal experiences that would bias them against some defendants, jurors are expected to ignore these biases or prevent them from influencing their decisions. The wide body of literature on legal attitudes (Kassin & Wrightsman, 1983; O'Neil, Patry, & Penrod, 2004), pretrial publicity (Otto, Penrod, & Dexter, 1994; Studebaker & Penrod, 2005), and case-relevant experience (Culhane, Hosch, & Weaver, 2004; Wiener, Weiner, & Grisso, 1989) indicates that these forms of juror bias are associated with verdict decisions, suggesting that jurors who are unable to ignore these biases will not meet the legal standard of impartiality.

Attitudinal Bias

Research on juror bias has found that general legal attitudes are related to juror judgments (Kassin & Wrightsman, 1983; Myers & Lecci, 1998; Narby, Cutler, & Moran, 1993). There is

evidence that jurors who appreciate law and order, hold positive feelings toward authority figures, and believe that rules and norms should be followed are more conviction-prone than are other people (Lieberman & Sales, 2007). This constellation of attitudes and beliefs is referred to as authoritarianism, and these beliefs are associated with a strict adherence to rules and a desire to punish those who do not follow rules or norms. People who have attitudes consistent with authoritarianism are more likely to vote guilty (Cowan, Thompson, & Ellsworth, 1984; Moran & Comfort, 1982). Similar to authoritarianism, legal authoritarianism is a cluster of attitudes characterized by a preference for following rules and a disregard for civil liberties. People with this cluster of beliefs tend to be unconcerned with legal safeguards to protect defendants and are more likely than civil libertarians to convict a defendant, as long as the defendant is not a police officer (Lieberman & Sales, 2007). In a meta-analysis that analyzed whether the type of authoritarianism, traditional versus legal, moderated the influence of authoritarianism on juror verdicts, legal authoritarianism was more strongly correlated with verdicts than traditional authoritarianism, although it only accounted for about 4% of the variability in verdict decisions ($r = 0.19$) (Narby et al., 1993).

To specifically measure jurors' pretrial bias or general propensity to render a particular verdict, Kassin and Wrightsman (1983) developed the Juror Bias Scale (JBS). The JBS was designed to measure whether a juror is generally prone toward conviction or acquittal. The scale is composed of two subscales. The probability of commission (PC) subscale measures beliefs about the likelihood that a defendant is guilty given different factors, and the reasonable doubt (RD) subscale measures the level of certainty needed to render a guilty verdict. In validation studies, participants' bias categorization (after performing a median split on JBS scores) predicted verdicts in 3 out of 4 stimulus cases, with prosecution-biased jurors rendering guilty

verdicts more often than defense-biased jurors (Kassin & Wrightsman, 1983). A revision of the based on factor analysis improved the predictive ability of the revised scale over the original JBS (Lecci & Meyers, 2002; Myers & Lecci, 1998). However, the revised JBS only explained a small amount of variance in juror verdicts, most likely because the JBS measures a general legal attitude and the behavior of interest (i.e., verdict decision in a particular case) is relatively specific (Lecci & Meyers, 2002).

That the abovementioned attitudinal predictors are only weakly related to verdict is not surprising; traditional and legal authoritarianism and bias measured by the JBS represent broad legal attitudes, and it is likely that the specific aspects of individual cases are more important in determining verdicts than general legal attitudes. Attitudes are more likely to predict behavior if the attitude is specific to the behavior in question with regard to action, target, and context (Ajzen & Fishbein, 2005; Myers & Lecci, 1998). Thus, attitudes toward specific aspects of a case (e.g. the punishment, the defense, or the age or race of the defendant) are stronger predictors of verdicts than are general legal attitudes. For example, attitudes toward the death penalty are related to jurors' legal decisions in capital cases (Cowan, Thompson, & Ellsworth, 1984; Fitzgerald & Ellsworth, 1984; O'Neil, Patry, & Penrod, 2004; Poulson, Wuensch, Brown, & Braithwaite, 1997; Thompson, Cowan, Ellsworth, & Harrington, 1984). Many people harbor negative attitudes toward the insanity defense (Skeem, Louden, & Evans, 2004), and jurors' attitudes toward the insanity defense predict jurors' judgments in insanity cases (Crocker & Kovera, 2010; Louden & Skeem, 2007; Skeem et al., 2004). Similarly, jurors' attitudes toward the adjudication of juvenile defendants in criminal court (often referred to as juvenile waiver) influence their judgments in cases in which juvenile defendants are tried as adults (Crocker, Levett, & Kovera, 2006; Greathouse, Sothmann, Levett, & Kovera, under review; Levine,

Williams, Sixt, & Valenti, 2001; Tang & Nunez, 2003). Jurors' racial attitudes also influence their verdict decisions (Dovidio, Smith, Donnella, & Gaertner, 1997; Gaertner & Dovidio, 1986; Schuller, Kazoleas, & Kawakami, 2009). Although societal norms dictate that it is no longer appropriate or acceptable to harbor racist attitudes, when race is an issue in a case, defendant race does not affect the verdicts of white jurors. However, when race is not a salient issue in the case (and jurors are less motivated to act in an egalitarian manner), white jurors are more likely to find the defendant guilty when he is black (Sommers & Ellsworth, 2001).

Juror Bias Attributable to Personal Experience

During voir dire, attorneys frequently ask prospective jurors if they have ever been victims of crime (Olczak, Kaplan, & Penrod, 1991; Seltzer, Venuti, & Lopes, 1991). These questions reflect attorneys' beliefs that prior victimization could interfere with a juror's ability to be fair. Research supports the assumption that jurors may be improperly influenced by a prior experience of victimization. In one study of real prospective jurors, participants provided information about their experience of victimization and rendered judgments for a mock home burglary trial. Participants who had been a victim of any type of theft (e.g., car, property from home) were more likely to find the defendant guilty than those who had not been a victim of a theft (Culhane, Hosch & Weaver, 2004). More personal experience with a crime similar to the crime alleged in the trial was associated with a higher likelihood of guilty verdicts. For example, participants who had been a victim of a home burglary and also knew another victim of a home burglary had the highest probability of conviction. Victimization in general did not predict verdict, and participants who had been victims of violent crime were not more likely to convict the defendant (Culhane et al., 2004).

Similarly, in a study examining jurors' decisions in a mock rape case, participants who were acquainted with a rape victim were twice as likely to find the defendant guilty than were participants who were not acquainted with a victim of rape (Wiener, Weiner, & Grisso, 1989). Participants who knew a rape victim also were more likely to perceive the event as rape, more likely to agree that the attacker had violent intentions, and more likely to attribute responsibility to the attacker than were participants who were not acquainted with a rape victim (Wiener et al., 1989). Direct personal experience with the mentally ill also is associated with more positive attitudes toward those with mental illness (Addison & Thorpe, 2004). Thus, jurors' prior experiences with crime may be a particularly strong form of juror bias. Further, jurors who have been victimized in the past will likely have difficulty remaining impartial to the extent that their victimization experiences are similar to the alleged crime.

More generally, attitudes that people derive from direct personal experience (e.g., experience with police officers during an arrest as a basis for attitudes toward police officers) are more predictive of behavior than are attitudes that do not come from direct experience (Fazio & Zanna, 1978; Regan & Fazio, 1977). People also hold attitudes that come from direct experience with more confidence than attitudes that develop from indirect experience (Fazio & Zanna, 1978). A meta-analysis of factors that influence the ability of attitudes to predict behavior showed that direct personal experience with the attitude object increased accessibility of the attitude, making the attitude a better predictor of behavior (Glasman & Albarracin, 2006). In addition, confidence strengthened the relationship between attitudes and behavior, such that high confidence led to attitude stability, increasing the influence of the attitude on behavior (Glasman & Albarracin, 2006). Thus, attitudes formed through direct personal experience may be more resistant to change than attitudes formed by more indirect means (Wu & Schaffer, 1987).

Pretrial Publicity Induced Juror Bias

Juror bias can stem from juror knowledge as well as from preexisting attitudes. Pretrial exposure to media coverage of a case may bias jurors against the defendant. Pretrial publicity negatively influences jurors' perceptions of the defendant (Kovera & Greathouse, 2007). Negative pretrial information about the defendant can influence jurors' sympathy for the defendant, perceptions of the defendant's character, and pretrial opinions about guilt (Steblay, Besirevic, Fulero & Jimenez-Lorente, 1999; Studebaker & Penrod, 2005). Negative information about the defendant's character is a particularly damaging form of pretrial publicity (Otto, Penrod, & Dexter, 1994). Although exposure to trial evidence reduces the negative effect of pretrial publicity somewhat (Otto et al., 1994), the effects of negative pretrial publicity persist after exposure to trial evidence (Chrzanowski, 2005). People living in the trial venue are likely to be exposed to inadmissible information and are likely to form opinions about guilt prior to the trial (Studebaker & Penrod, 2005; Nietzel & Dillehay, 1983).

Even media stories that cover a case-relevant issue but are not specific to the case (i.e., general pretrial publicity) can influence jurors' judgments. In a study examining the effects of general pretrial publicity, participants viewed pro-prosecution news coverage about rape, pro-defense news coverage about rape, or no rape-relevant news coverage and subsequently rendered a verdict in a date rape trial. Exposure to rape news accounts influenced participants' judgments of complainant credibility, such that participants who held pro-complainant attitudes rated the complainant as less credible and participants who held pro-defense attitudes rated the complainant as more credible after exposure to rape news coverage (Kovera, 2002). In addition, exposure to rape news coverage led to a higher likelihood of guilty verdicts for participants with pro-defense attitudes toward rape (Kovera, 2002).

The influence of negative pretrial publicity on verdicts may occur by influencing jurors' perceptions of the evidence. Specifically, pretrial publicity results in predecisional distortion (Hope, Memon, & McGeorge, 2004). Predecisional distortion is a phenomenon in which perceivers interpret new information to be consistent with their prevailing opinion (Carlson & Russo, 2001). In the abovementioned study, jurors who viewed negative pretrial publicity about the defendant were more likely to interpret trial evidence as favorable to the prosecution (the perceived current "leader") than were participants who did not view PTP (Hope et al., 2004). In another study investigating the mechanism underlying the influence of PTP on juror judgments, Ruva and McEvoy (2008) manipulated the type of pretrial publicity, negative or positive (i.e., pro-defendant), to which jurors were exposed. Type of PTP influenced judgments; negative PTP led to a higher probability of guilty verdicts and lower ratings of defendant credibility compared to no PTP and positive PTP, whereas positive PTP led to a higher probability of acquittal and higher ratings of defendant credibility than negative PTP or no PTP (Ruva & McEvoy, 2008). The effect of PTP on judgments was fully mediated by perceptions of defendant credibility and perceptions of the prosecuting and defense attorneys. Thus, PTP distorted jurors' evaluations of the defendant and the two attorneys, which may have biased jurors' interpretation of the evidence and the arguments presented and ultimately influenced legal judgments in the predicted direction (Ruva & McEvoy, 2008).

Despite legal assumptions that deliberations will serve as a mechanism for reducing juror bias—because any juror who brings up information from the pretrial publicity will be quickly reminded by other jurors that this information is not to be considered—the empirical evidence suggests that deliberation can exacerbate the biasing influence of pretrial publicity. Exposure to pretrial publicity made jurors who favored conviction during deliberation more convincing or

more resistant to persuasion than jurors who favored acquittal (Kramer, Kerr, & Carroll, 1990). Kramer and colleagues (1990) manipulated the type of pretrial publicity to which jurors were exposed; participants viewed pretrial news coverage of the case within which the presence or absence of biasing factual PTP (i.e., prior record and inadmissible circumstantial evidence) and the presence or absence of biasing emotional PTP (i.e., report of hit and run involving a vehicle similar to the getaway car striking a child) were independently varied. Both types of PTP were associated with a greater likelihood of a guilty verdict. A continuance (a temporal delay imposed between pretrial publicity exposure and the trial) was effective at reducing the negative effects of factual publicity but the continuance did not reduce the negative impact of emotional pretrial publicity on juror verdicts (Kramer et al., 1990).

One troubling finding from research on pretrial publicity is that jurors' stated self-assessments of their ability to be fair typically are unrelated to the amount of pretrial publicity to which they have been exposed (Kerr, Kramer, Carroll, & Alfini, 1991; Moran & Cutler, 1991; Studebaker & Penrod, 2005). Thus, jurors are either unaware that prejudicial pretrial information will have a biasing impact on their decisions or jurors are unwilling to admit to this bias in court.

CHAPTER 2: EXISTING LEGAL REMEDIES FOR JUROR BIAS

There are several legal safeguards designed to deal with the problem of juror bias and ensure the defendant's right to an impartial jury. These remedies include voir dire questioning, judicial instruction to disregard bias, and juror rehabilitation. These remedies tackle the problem of juror bias from different angles; voir dire is designed to identify biased jurors and excuse them from the panel, while judicial admonition and rehabilitation attempt to "cure" bias among already-empanelled and prospective jurors, respectively.

Voir Dire

The purpose of voir dire is to gather information about prospective jurors to identify jurors who do not fulfill the requirements of jury service (i.e., those who are unwilling or unable to render fair judgments). Jurors who express an unwillingness or inability to be fair may be excluded from the panel, theoretically resulting in a panel of impartial jurors. Thus, for voir dire to be effective at reducing the negative effects of juror bias, several conditions must be met. First, biased jurors must be aware of their biases. Second, biased jurors must be willing to honestly report their biases to the court. In addition, judges and attorneys must exercise challenges against jurors who will be unable to remain impartial. Research on voir dire suggests that it is likely that these conditions often go unfulfilled.

Jurors, like other individuals, often do not understand how their judgments are influenced by external stimuli (Nisbett & Wilson, 1977; Wilson & Brekke, 1994). Jurors may be unaware that they hold attitudes that could bias their verdict judgments or jurors may be aware that they hold an attitude or have been exposed to biasing information but believe that they will be able to successfully prevent this information from biasing their judgments (Wilson & Brekke, 1994). Indeed, people think that their own judgments are less susceptible to biasing influences than

those of other individuals (Wilson & Brekke, 1994). Needless to say, voir dire will not assist judges or attorneys at identifying biased prospective jurors if venirepersons are not aware that they are biased.

With regard to juror honesty during voir dire, there are several aspects of the voir dire that act as obstacles to juror candor. The judge and the voir dire questioning itself may be intimidating, making it more difficult for jurors to fully disclose their attitudes and biases to the court (Broeder, 1965). Voir dire takes place in a formal setting during which the judge is referred to as "your honor," and seated at an elevated bench, set apart from the jurors (Jones, 1987; Suggs & Sales, 1981). This setting highlights the seriousness of the situation and the status of the judge as a figure of authority (Marshall & Smith, 1985; Suggs & Sales, 1981). Demand characteristics operating in such an environment likely will communicate to jurors the appropriate way to respond to questioning. An analysis of voir dire questioning in real cases revealed that judges may (inadvertently) lead jurors to provide the appropriate responses through questioning techniques that involve using leading questions, repeating questions, and interrupting jurors (Shuy, 1995).

Prospective jurors also may perceive impartiality as a desirable trait. The voir dire proceedings may make salient the ideals of fairness, impartiality, and fulfilling the civic duty of jury service. Jurors may value these principles and thus may find it difficult to report an unwillingness to abide by them in response to voir dire questions (Marshall & Smith, 1985). People may perceive the ability to ignore prejudice as a commendable skill; prospective jurors may want to believe they can be fair and thus are reluctant to admit that they are unable to set aside their biases (Suggs & Sales, 1981). Interviews with former jurors suggest that they were torn between their unwillingness to admit to a judge that they would be unwilling to follow the

law and their desire to adhere to their personal values and conscience. This tension led these jurors to give dishonest answers during voir dire (Marshall & Smith, 1985). Similar studies employing interviews with real jurors reveal many instances in which jurors either remained silent or provided misleading or dishonest answers to questions regarding bias (Broeder, 1965; Seltzer et al., 1991). When jurors were singled out from a panel with an inquiry into their ability to be impartial, jurors were offended by the perceived insinuation that they may have difficulty remaining fair (Broeder, 1965). A comparison of telephone venue surveys and juror questionnaires in a case that had received widespread media coverage revealed that people were much more willing to disclose opinions that a defendant is guilty in a phone survey than in a juror questionnaire, possibly reflecting the difficulty of reporting an inability to be fair (Chrzanowski, 2005).

The legal system assumes that prospective jurors will respond honestly to voir dire questioning, especially when the importance of the situation and the authority status of the judge are communicated to the juror (Jones, 1987; Suggs & Sales, 1981). Social psychological research suggests that these conditions may not result in honest responding on the part of prospective jurors, however. Jurors are much less candid during voir dire when answering questions from judges rather than attorneys (Jones, 1987). Not only may jurors provide less than candid information to judges on their own accord, but also judges may elicit inaccurate information from jurors due to their choice of questions (Marshall & Smith, 1985). Because judges view themselves as impartial, they may expect jurors to be able to avoid prejudicial thoughts in the same way that they believe they can (Marshall & Smith, 1985). Research on experimenter expectancy effects suggests that when experimenters have a prediction about the outcome of an experiment, this prediction can be unconsciously communicated to participants, resulting in

hypothesis-confirming behavior from the participants, fulfilling the experimenters' expectations (Rosenthal, 2002). If judges hold an expectation of juror impartiality, this expectation may be communicated to jurors, making it less likely that judges will uncover juror bias during questioning (Marshall & Smith, 1985; Suggs & Sales, 1981).

Judges' and attorneys' voir dire challenge decisions are unlikely to effectively eliminate biased jurors from the voir dire panel. Kerr and colleagues (1991) videotaped the voir dire questioning of mock jurors who had been exposed to pretrial publicity. Judges and attorneys were asked to view the tapes and indicate whether they would challenge the jurors from the panel. The mock jurors went on to render verdict decisions and these decisions were compared to the judges' and attorneys' voir dire challenges. Judges' challenges for cause were unrelated to juror verdict. Defense attorneys' peremptory challenges were also unrelated to juror verdict, and prosecutors were slightly more likely to use peremptory challenges against pro-defense jurors. In general, jurors who were exposed to pretrial publicity were more likely to convict than those who were not exposed, and within the jurors exposed to pretrial publicity, conviction rates did not differ depending on whether the jurors received challenges from judge or attorney participants. This finding is likely attributable to the fact that jurors' self reported ability to be fair was not related to their verdict decision (Kerr et al., 1991).

If voir dire is to be effective at identifying juror bias, it follows that greater opportunity to question jurors should be associated with greater ability to detect, and possibly rehabilitate, juror bias. To test this assumption, Dexter, Cutler, and Moran (1992) investigated the utility of voir dire as a remedy for the bias attributable to pretrial media exposure. Specifically, this study compared minimal voir dire, a formal procedure in which questioning is primarily conducted by the judge, and extended voir dire, a lengthier and less formal procedure in which attorneys have a

greater level of participation in the questioning. The attorneys in the extended voir dire condition attempted to educate jurors on the law and asked jurors for public commitments to disregard the pretrial publicity. There was a main effect of pretrial publicity; jurors were more likely to find the defendant guilty if they had been exposed to pretrial publicity. In addition, there was a main effect for voir dire; jurors in the minimal voir dire condition found the defendant more criminally responsible than did jurors in the extended voir dire condition (Dexter et al., 1992). Although extended voir dire did not effectively eliminate the negative impact of pretrial media exposure on juror judgments, extended voir dire reduced perceptions of defendant culpability; however, the mechanism underlying this process remains unclear. The operationalization of extended voir dire in this study is similar to juror rehabilitation in that it included both instruction on the law and a request for jurors to agree to set aside their biases, but it is different in that the voir dire was conducted by attorneys rather than a judge. It is possible that a judge's attempt at rehabilitation may be more efficacious because jurors may perceive judges as having more authority than attorneys (Jones, 1987) and less of a vested interest in a particular case outcome.

In a recent investigation of the effect of voir dire questioning about racial bias on juror judgments, Schuller and colleagues (2009) compared the closed-ended juror questioning employed during Canadian voir dire (e.g., "Would your ability to judge this case without bias be affected by the fact that the defendant is black?") to the "reflective" questioning procedures employed during voir dire in the United States, which allows for open-ended questioning (i.e., "How might your ability to be fair be affected by the fact that the defendant is black?"). Mock juror participants answered either closed-ended or reflective written voir dire questions prior to reading a trial stimulus. Participants who received the reflective voir dire question rated the black defendant as less guilty than did participants who did not receive voir dire questioning and

participants who received a closed-ended voir dire question. There were no differences in perceptions of guilt between no voir dire questioning and the closed-ended questioning (Schuller et al., 2009). As the authors suggest, the reflective questioning format may prompt jurors to ponder the influence their racial attitudes may exert on their legal judgments. However, additional research must investigate the psychological mechanisms underlying this effect.

Judicial Admonition

Judicial instructions in the form of instructions to the jury to disregard information are another tool to address the problem of juror bias. This tool is typically used when jurors have been exposed to pretrial media coverage of the case or when jurors are presented with evidence during the trial that is later ruled inadmissible. An admonition to disregard typically instructs jurors not to consider the information in question and that their verdicts must be based solely on evidence presented at trial (Studebaker & Penrod, 2005). To ignore inadmissible evidence, jurors must have both the cognitive ability and motivation to do so (Steblay, Hosch, Culhane, & McWethy, 2006). Thus, failure to ignore pretrial publicity or evidence ruled inadmissible could be attributable to jurors' desire to consider the evidence or jurors' inability to suppress the information. Individual studies on the effectiveness of judicial admonitions to disregard inadmissible evidence show mixed results. Although some studies show that jurors are able to effectively follow these instructions and ignore banned information under certain circumstances, other studies suggest that these instructions are largely ineffective.

In one study that casts doubt on the efficacy of judicial admonitions to disregard evidence, participants were exposed to pretrial media coverage that contained no biasing elements, biasing (i.e., inadmissible) factual PTP, biasing emotional PTP, or both types of biasing PTP. In addition, half of the participants were told prior to viewing the trial that they

should ignore the pretrial publicity (Kramer et al., 1990). This study found no effect for instructions to disregard PTP. Instead instructions to disregard actually strengthened the impact of factual PTP; participants who were instructed to disregard the PTP rated the defendant more negatively than did participants who had not received limiting instructions (Kramer et al., 1990). Indeed, instructions designed to reduce bias by asking jurors to disregard information to which they have been exposed instead may increase the influence of bias on judgments (Kramer et al., 1990; Lieberman & Arndt, 2000).

Deliberation can reduce the influence of inadmissible evidence. London and Nunez (2000) measured the impact of incriminating photographic evidence either ruled admissible or inadmissible on jurors' pre- and post-deliberation verdicts. The photos had most influence on both pre- and post-deliberation verdicts when they were ruled admissible. However, although jurors were more likely to vote guilty after viewing inadmissible photos than when no photo evidence was introduced in their pre-deliberation verdicts, verdicts for those who viewed the inadmissible photos and those who viewed no photos did not differ *after* deliberation (London & Nunez, 2000). Thus, although deliberations in the aforementioned study were not recorded, the authors suggested that deliberation may reduce the prejudicial impact of inadmissible evidence on jury decisions because deliberating jurors may remind each other not to consider the banned evidence.

Another study investigating the impact of inadmissible pretrial publicity found that although jurors were instructed not to use the media accounts when making their decision, jurors who were exposed to pretrial publicity were more likely to vote guilty than those who did not view pretrial publicity (Ruva, McEvoy, & Bryant, 2007). However, deliberation reduced the negative impact of the pretrial publicity for post-deliberation individual juror verdicts compared

to their pre-deliberation verdicts (Ruva et al., 2007). In another study employing jury deliberations, researchers varied the admissibility of testimony that the defendant had been accused of a prior rape and the timing of global judicial instructions about such issues as burden of proof, reasonable doubt, and presumption of innocence (Isbell, Tyler, and DeLorenzo, 2007). Jurors were better able to ignore the inadmissible evidence if they received the global instructions before the trial. Jurors were much less likely to ignore the inadmissible evidence when global instructions were presented only before deliberation or both before the trial and before the deliberation (Isbell et al., 2007).

Another study investigated the ability of deliberation to reduce the influence of inadmissible evidence on juror judgments varied whether inadmissible evidence was supported conviction or acquittal (Thompson, Fong, & Rosenhan, 1981). Pro-conviction inadmissible evidence had no effect on juror verdicts. Conversely, pro-acquittal inadmissible evidence reduced the likelihood of pre-deliberation guilty verdicts and this effect persisted after deliberation (Thompson et al., 1981). The authors opined that jurors were unwilling to disregard evidence of innocence. Moreover, the influence of pro-acquittal inadmissible evidence on the judgments of deliberating jurors is consistent with the finding that jurors deliberating under the reasonable doubt standard are more likely to shift their initial verdicts preferences toward leniency after deliberation (MacCoun & Kerr, 1988). It is unclear why jurors were successful at ignoring inadmissible incriminating evidence.

Some studies have indicated that jurors are able to disregard inadmissible evidence if they believe that evidence is unreliable. In one experiment jurors heard evidence of a wiretapped conversation that incriminated the defendant (Sommers & Kassin, 2001). The judge ruled the evidence inadmissible but provided a varied the rationale for this ruling. Specifically, jurors were

either told that the evidence was inadmissible because its poor sound quality rendered it unreliable or that the evidence was inadmissible because it was illegally obtained. Jurors' judgments were somewhat influenced by the evidence when it was illegally obtained but not when it was unreliable (Sommers & Kassin, 2001). These findings, which replicate those of a previous study (Kassin & Sommers, 1997), indicate that jurors may wish to arrive at the "correct" verdict, and thus are willing to rely on evidence that is banned on a technicality as long as it is reliable. Similarly, a study investigating the influence of suspicion on jurors' judgments found that exposure to negative PTP led jurors to render more guilty judgments than a no-PTP control group, even though jurors were admonished to disregard all information not admitted as evidence in the trial (Fein, Morgan, Norton, & Sommers, 1997). However, when jurors were led to believe the PTP was racially motivated they were less likely to vote guilty than jurors who were not led to be suspicious and were no more likely to vote guilty than the no-PTP control (Fein et al., 1997).

A recent meta-analysis undertaken to resolve the apparent inconsistencies in findings across individual studies found that instructions to jurors to disregard inadmissible evidence do not fully ameliorate the effects of exposure to that evidence (Steblay et al., 2006). Specifically, the meta-analysis found that inadmissible evidence increases the likelihood of a guilty verdict. In addition, inadmissible evidence paired with judicial admonition to disregard produces more guilty verdicts than when there is no-inadmissible evidence control or inadmissible evidence alone (although the latter finding reflects only three tests of the effect). Steblay and colleagues found that instructions to disregard information work better when a reason is given, which is consistent with other findings (Sommers & Kassin, 2001).

Juror Rehabilitation

Similar to judicial admonition to disregard inadmissible evidence, juror rehabilitation is a practice during which jurors are informed about the requirements of the law (e.g., "you must ignore any biases") and are asked to publicly agree that they will adhere to these requirements. Legal scholars and psychologists have criticized the practice of juror rehabilitation, arguing that although jurors may promise to ignore prejudices, a rehabilitated juror's report of fairness likely reflects the juror's desire to please the judge and a disinclination to admit that they are unwilling or unable to be fair (Cosper, 2003; Neises & Dillehay, 1987). Despite criticisms that rehabilitation will not result in a reduction of juror bias, accounts of jury selection suggest that the practice is common (Giewat, 2001; Neises & Dillehay, 1987; Nietzel, Dillehay, & Himelein, 1987). Interestingly, an analysis of the voir dire transcripts of 16 criminal cases indicates that rehabilitation was most common in cases that had received a great deal of pretrial media exposure (Giewat, 2001). This finding is consistent with the argument that rehabilitation is commonly used as a remedy for juror bias, especially in cases in which many individuals in the venire are biased.

Case law on juror rehabilitation. The Supreme Court has addressed how trial courts should determine whether to rehabilitate or excuse prospective jurors who express an inability to be fair. In *Patton v. Yount* (1984) the Court noted that the judge must consider "did [the] juror swear that he could set aside any opinion he might hold and decide the case on the evidence, and should the juror's protestation of impartiality have been believed" (p. 2891). The Court held in *Irvin v. Dowd* (1961) and reiterated in *Murphy v. Florida* (1975) that "it is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence in court" (*Irvin v. Dowd*, 1961, p. 723). In *Gall v. Parker* (2000), the United States Court of Appeals

identified factors for trial judges to consider when deciding whether to accept a juror's assurances of impartiality: "the juror's own estimation of the relevance of [the information giving rise to her partiality]; any express indications of partiality by the juror…and the steps taken by the trial court in neutralizing this information" (*Gall v. Parker*, 2000, p. 308). These decisions make clear that at least in some circumstances, courts assume that rehabilitative questioning is an appropriate and effective mechanism by which to reduce the negative influence of juror bias on judgments.

There is great variability as to how appellate courts treat juror rehabilitation. Although a trial court's rulings on challenging jurors is subject to review and must not violate a defendant's 6th amendment right to an impartial jury, the Supreme Court has held that with regard to decisions made during voir dire, appellate courts should give deference to the trial court (*Mu'min v. Virginia*, 1991). In addition, an abuse of discretion finding is necessary to overturn a trial court's decision based on an error during jury selection (*Living v. State*, 2000). Because of this high standard of review, there are many examples of cases in which appellate courts have upheld decisions in which biased prospective jurors were successfully rehabilitated. For example, in *Barefoot v. State (1980)*, an appellate court affirmed a trial judge's refusal to grant challenges for cause for a juror who expressed the opinion that the proper punishment for capital murder is the death penalty and for a juror who stated he would be unwilling to consider the minimum punishment for murder. The court ruled that these jurors were effectively rehabilitated (*Barefoot v. State*, 1980). In *Conde v. State* (2003), several jurors expressed the opinion that they would wish to automatically impose the death penalty if the defendant was found guilty. Attempts at rehabilitation were successful at eliciting statements from the jurors that they would follow the law and the court's instructions. The appellate court did not find manifest error in the trial court's

decisions to deny challenges for cause for these jurors. The court noted, "Where, as here, a prospective juror initially states that one who murders should be executed but later states that he can follow the law upon court instruction, the trial court does not abuse its discretion in denying a cause challenge" (*Conde v. Florida*, 2003, p. 939).

Similarly, in *Barnhill v. State* (2002), a juror expressed a strong preference for the death penalty during voir dire and stated that an individual who kills should be executed. The prosecutor asked if the juror could set aside his opinions and follow the law; she agreed to do so. An appellate court found no error with the trial court's decision to deny a challenge for cause for this juror. The appellate decision states, "Barnhill argues that the court did not adequately rehabilitate Robinson after she indicated that she believed in the death penalty and had her own opinions as to when it should be imposed. This argument ignores the fact that Robinson also said that despite her feelings, she was more than willing to listen to the evidence and would consider life imprisonment based on what she heard" (*Barnhill v. State*, 2002, p. 845). In a recent Texas case in which the family of a nursing home resident sued the facility for mistreatment, a juror voiced an inability to be fair as a result of his experience as an insurance claims adjustor. After rehabilitation, the juror said he was "willing to try" to listen to the case and decide based on the evidence. The Supreme Court of Texas affirmed the trial court's decision to deny a challenge for cause and explicitly held that the rehabilitation was proper, "Many jurors have some sort of life experience that might impact their view of a case; we do not ask them to leave their knowledge and experience behind, but only to approach the evidence with an impartial and open mind. The veniremember here expressed willingness to do that" (*Cortez v. HCCI-San Antonio, Inc. D/B/A Alta Vista Nursing Center,* 2005, p. 93; see also *Clark v. State*, 2003; *Living v. State*, 2000; *State v. Walden*, 1995).

In a recent medical negligence case, a trial court did not remove a juror from the panel who worked as a nurse with the defendant. Despite clear signs of juror bias, the trial court elicited a statement from the juror that she could be impartial in the case. The jury found in favor of the defendant. This decision was reversed on appeal, and the majority opinion noted the trial court's error in ignoring evidence of juror partiality (*Walls v. Kim*, 2001). Similarly, appellate courts have reversed many instances of improper rehabilitation (see *Gum and Gum v. Schaefer*, 1984; *Ivey v. State*, 2002; *Thompson v. State*, 1995; *Walls v. Kim*, 2001). In the *Walls* decision, the effectiveness of rehabilitative questioning in cases of such extreme partiality was rightfully called into question. However, there is no evidence to suggest that rehabilitation is effective with less extreme examples of juror partiality. Indeed, despite the gravity of the situation, judges seem to place great faith in juror self-report of this kind during questioning even when rendering a decision of paramount importance. Judges may place such naïve trust in the responses of jurors to rehabilitative questioning because they believe in their own power to ignore inner bias, and expect jurors to wield the same control over personal prejudice (Marshall & Smith, 1985).

Empirical research on juror rehabilitation. Only one study has explicitly investigated the efficacy of juror rehabilitation for the reduction of juror bias. This study investigated juror bias in the context of an insanity case and categorized jurors as "biased" if they expressed the opinion that a verdict of NGRI is never appropriate (Crocker & Kovera, 2010, Experiment 1). In this study, the researchers manipulated the presence of juror rehabilitation in voir dire. Rehabilitation consisted of instruction on the law and a request that jurors ignore their biases. Biased jurors were more likely to find the defendant guilty than were unbiased jurors. Rehabilitation reduced participants' perceptions of defendant guilt. Most important, the interaction of juror bias and rehabilitation was not significant, suggesting that the rehabilitation

influenced biased and unbiased jurors similarly (Crocker & Kovera, 2010, Experiment 1). The results of this study were consistent with earlier findings that PTP exposure and extended voir dire independently affected the likelihood of guilty verdicts but that extended voir dire did not reduce the effects of PTP on juror judgments (i.e., there was no interaction) (Dexter et al., 1992). Rehabilitation reduced negative attitudes toward the insanity defense compared to participants' pre-study attitudes (Crocker & Kovera, 2010, Experiment 1). Participants completed the Insanity Defense Attitudes Scale-Revised (IDA-R) twice: once prior to the study and once after the trial. Biased and unbiased participants who were rehabilitated showed a larger decrease in bias against the insanity defense than did participants who were not rehabilitated. In addition, the decrease in bias was greatest for the particular items on the IDA-R that addressed concepts that were discussed by the judge during rehabilitation.

These findings suggest that rehabilitation may have a social influence on jurors. Crocker and Kovera (2010) speculated that rehabilitated jurors may have inferred that the judge personally preferred a not guilty by reason of insanity verdict. Thus, in a second experiment, mock jurors watched a video of voir dire for an insanity case. The video depicted a judge conducting voir dire with a group of prospective jurors, two of whom voiced an inability to be fair in the case. The authors manipulated whether the jurors cited bias against the insanity defense or busy schedules as the reason for their inability to serve. In half of the videos, the judge rehabilitated jurors to eliminate any bias against the insanity defense; in the other half of the videos, there was no rehabilitation attempt and the judge merely noted the jurors concerns. Participants who watched rehabilitation did not infer that the judge personally supported an insanity verdict (Crocker & Kovera, 2010, Experiment 2). Rehabilitation did influence

participants' perception of defendant responsibility; participants provided lower pretrial ratings of defendant responsibility if they watched juror rehabilitation.

The results of these two studies indicate that juror rehabilitation does influence juror judgments, but the psychological mechanisms underlying this influence remain unclear. Neither study included a manipulation of evidence strength, and therefore it is unclear whether rehabilitation results in more lenient verdicts or judgments that are more consistent with the law. The inclusion of an evidence strength manipulation is important for the understanding of the specific influences at work during rehabilitation. If juror rehabilitation influences jurors by providing them with information (e.g., a legal framework for evaluating the evidence), rehabilitated jurors should be more likely to render a verdict that is consistent with the legal instructions than non-rehabilitated jurors. If however, rehabilitation simply influences jurors heuristically so that their verdicts are more consistent with the slant of the judge's questions, jurors should be insensitive to variations in evidence strength.

CHAPTER 3: PSYCHOLOGICAL MEHCANISMS OPERATING DURING VOIR DIRE

Research and theory in social-cognitive psychology can provide a framework for understanding the mediating psychological processes underlying the influence of juror rehabilitation on juror judgments. It is likely that there are several psychological mechanisms operating during juror rehabilitation. It is possible that the psychological processes operating during juror rehabilitation may be slightly different depending on the source of the juror bias and the content of the judge's questions to the juror during rehabilitation. In a typical instance of juror rehabilitation, a judge might ask a juror who has expressed concern over harboring bias, "If the court were to instruct you, as a matter of law, to only consider evidence that is presented from the witness stand, could you set aside your bias?" (Cosper, 2003, p. 1474). The judge is a respected authority figure and jurors may feel obligated to acquiesce to requests from the judge. It is very likely that social influence processes are operating when jurors receive this type of questioning during voir dire. Specifically, the request for commitment from jurors that they will ignore their biases and be fair may result in normative social influence, whereas any legal instruction provided to jurors during voir dire may reflect informational social influence from the judge.

In some contexts, juror rehabilitation may also prompt jurors to engage in thought suppression. For example, if the judge instructs jurors during rehabilitation to actively suppress any prejudicial thoughts or knowledge during the trial, this emphasis on suppression may cause jurors to attempt mental control and thought suppression in particular. Thought suppression may be more likely to mediate the effect of rehabilitation on juror judgments in the context of bias caused by prejudicial pretrial publicity than other types of bias. The judge may be more likely to emphasize the importance of ignoring particular thoughts when the bias is caused by pretrial

knowledge rather than attitudes. For other types of juror bias such as generic prejudice, jurors may be less likely to engage in thought suppression because they may be able to replace their attitudinal bias with the legal instructions provided by the judge.

Social Influence

Throughout life, people learn that it is usually beneficial to follow the directives of legitimate authority figures, such as parents, teachers, and police officers, who may possess knowledge or information that will be helpful or useful (Cialdini & Sagarin, 2005). In the context of voir dire, the judge is a legitimate and respected authority figure. Jurors look to judges for information and thus the judge is likely to exert substantial influence over jurors. For example, judges' expectations about a defendant's guilt influenced mock jurors who watched videotaped instructions read by real judges; jurors were likely to render the verdict that the judge privately favored (Hart, 1995).

Conformity research typically attempts to explain the processes by which members in the group majority influence an individual group member. This research may also be extended to explain the process underlying the influence of the judge on individual jurors. The interaction between a juror and the judge may be similar to the interaction between an individual group member and a group majority. An individual group member may feel intimidated by the group majority, desire to be evaluated favorably by the majority, feel discomfort in the face of disagreeing with the majority, and believe that the majority may be more accurate in its judgment than the individual. Similarly, the individual juror may feel intimidated by the judge, wish for a favorable evaluation from the judge, feel uncomfortable disagreeing with the judge, and believe that the judge has an advantage in terms of quality of information. During juror rehabilitation, there is an interaction between an individual juror and the judge, during which there is an initial

disagreement (i.e., the juror reports an inability to be fair and the judge instructs that the law requires fairness and asks the juror to reconsider). Thus, jurors likely feel conformity pressure in this situation.

Conformity research presents two factors that can explain why individual group members are influenced by the majority: informational influence and normative influence. Informational influence on an individual occurs when an individual conforms to the view of the majority due to the belief that the majority members are correct in their opinions. Normative influence occurs when individuals conform as a response to social pressure or fear of being rejected from the group (Asch, 1956; Deutsch & Gerard, 1955; Nemeth & Goncalo, 2005). Thus, the judge's influence on jurors in voir dire may be an informational influence, a normative influence, or a combination of both types of social influence.

A person's judgment is likely to be susceptible to informational influence from another when that information is perceived as accurate, when the issue in dispute is factual, and when the source is perceived as credible and motivated to provide accurate information (Deutsch & Gerard, 1955). A person's judgment tends to be susceptible to normative influence from another when the person wishes to be evaluated positively by another person or when the person wants to meet positive expectations of another person. Further, a person's judgment is especially likely to be swayed by these two types of influences if the person is uncertain about the correctness of their own judgment (Deutsch & Gerard, 1955). These processes of normative and informational influences often occur in tandem.

Many of these situational factors (perceiving the source of information and the information itself as credible and a desire for positive evaluation) may be present in the context of voir dire. As noted earlier, juror rehabilitation often contains an informational component (the

legal instruction) and a normative component (the question from the authority figure asking the juror if they can follow the law). However, the relative impact of each of these influences on juror judgments remains unknown. As factors increasing jurors' susceptibility to both normative and informational influences are present during rehabilitation, it is likely that both of these processes exert influence on jurors. The legal instruction component of juror rehabilitation may be necessary for rehabilitation to influence juror verdicts because the instructions educate jurors about the correct way to render judgments. For example, jurors who are instructed on the law before the presentation of evidence make decisions that are more consistent with the evidence than do jurors who are instructed at the end of the trial (ForsterLee, Horowitz, & Bourgeois, 1993). Jurors who receive instructions on the law both before and after the presentation of evidence are better able to apply the law to the case facts than are those who only hear the instructions on the law at the end of the trial (Smith, 1991). The informational influence of the legal instruction from the judge can provide jurors with the information they need to make a decision that is consistent with the law but it is likely that the normative influence from the judge is also necessary to motivate jurors to apply the legal instruction to the facts of the case.

Reactance Theory

Judicial instructions to jurors to disregard inadmissible evidence do not fully ameliorate the effects of exposure to that evidence (Kramer et al., 1990; Lieberman & Arndt, 2000; Steblay et al., 2006). Both reactance theory and ironic process theories have been proposed to explain the ineffectiveness of instructions to disregard inadmissible information (Lieberman & Arndt, 2000). Reactance theory suggests that jurors perceive judicial instructions to disregard as infringing upon their freedom, and thus jurors reassert their freedom by ignoring the instructions. According to reactance theory, stronger threats to freedom should elicit stronger attempts by the

individual to establish control over behavior and decisions. A direct command from the judge stating that a juror must not consider pretrial publicity or that it is essential that the juror ignore biases is a rather strong limitation on jurors' freedom and is likely to elicit reactance. In addition, research on reactance theory suggests that the act of limiting an individual's choice results in the proscribed choice (e.g., considering inadmissible evidence) appearing more attractive to the individual (Lieberman & Arndt, 2000).

These two theoretical accounts, reactance theory and the ironic processes of mental control, differ as to the assumed motivation of the jurors. The ironic process of mental control theory assumes that jurors are motivated to ignore inadmissible information when instructed to do so. Conversely, reactance theory predicts that jurors dislike receiving limiting instructions from the judge and thus are motivated to assert their freedom to decide the case as they deem appropriate. For example, if jurors perceive the inadmissible evidence as reliable, they may be motivated to utilize this evidence in their judgments, even when explicitly instructed not to do so (Kassin & Sommers, 1997; Wegener, et al., 2000). Jurors appear motivated to comply with requests from the judge (Steele & Thornburg, 1988), suggesting that ironic processes of mental control may provide a more comprehensive account of the processes likely to operate during juror rehabilitation than reactance theory.

Ironic Processes of Mental Control

During the voir dire, the judge may ask jurors who have been exposed to PTP if they will be able to ignore everything they have heard or read about the case and base their judgments entirely on the evidence. If jurors are motivated to follow the judge's admonition to disregard the PTP, they will likely attempt to exert mental control over their thoughts during the trial. It is very difficult to successfully exert control over mental processes, and attempts to harness control of

one's thoughts are likely to fail under certain conditions (Wegner, 1994; Wenzlaff & Wegner, 2000). The ironic processes theory is one explanation for why attempts at mental control are often unsuccessful and may even result in the mental state that one is trying to avoid (Wegner, 1994). The theory states that mental control requires two simultaneous processes; the operating process works to achieve the desired mental state (i.e., works to suppress the undesired thoughts) and the ironic monitoring process tests whether the goals of mental control have been achieved (i.e., whether the thoughts are still entering consciousness). The operating process is conscious, effortful, and is dependent on cognitive resources. Conversely, the monitoring process is automatic, less dependent on cognitive resources, and does not require effort. Both the operating and the monitoring processes are cognitive search processes; although their search targets are different, their searches result in increased activation of the sought items (Wegner, 1994). In the case of thought suppression, the operating process actively searches for items that are not the banned thought (i.e., "not X"). For example, if a person is trying to suppress thoughts of pretrial publicity, the operator will actively search for and activate items that are unrelated to the pretrial publicity to which they were exposed. Meanwhile, the monitoring process will continuously search for evidence that the operator has failed, specifically, the presence of "X" (i.e., the intrusion of thoughts related to the pretrial publicity). If the monitor detects the presence of the banned thought, it will reinitiate the operating process. According to Wegner (1994), the desire to suppress a thought will activate the monitoring process, which will immediately detect the presence of the banned item, and thus activate the operating process. Unlike the monitoring process, the operating process does not operate continuously. Distraction of any kind, as well as absorption in the non-banned search items, may cause the operating process to cease the search

for “not X”. If and when the monitor detects the presence of the banned thought, it restarts the operating process (Page, Locke, & Trio, 2005; Wegner, 1994).

Thought suppression and other examples of mental control, such as concentration, often succeed (Wegner, 1994). Failures of mental control are typically observed immediately after efforts to suppress information cease (known as post-suppression rebound) or under conditions of cognitive load (Wenzlaff & Bates, 2000). According to the ironic processes theory, the most important factor for successful mental control is the availability of cognitive resources. Indeed, the ironic effects of attempts at thought suppression are typically observed when cognitive resources are depleted. These ironic effects (such as remaining awake when trying to sleep or experiencing reoccurring thoughts of a white bear when trying to avoid thinking about this very animal) are attributable to the monitoring process (Hart, Randell, & Griffith, 2007). Because the operating process is heavily dependent on mental resources, its functioning is disrupted under conditions of cognitive load or when attention is diverted to other tasks. The monitoring process is not resource dependent and thus when the operating process is disrupted, the monitoring process inadvertently causes the banned thought to enter consciousness. The disruption of the operating process may ironically result in greater accessibility of the banned thought than if suppression was never attempted (Wegner, 1994).

The goal of mental control influences the likelihood of an increased awareness of the unwanted mental state. Specifically, if a person wishes to avoid a certain thought and frames this goal in terms of concentration on an alternative thought, the monitoring processes will search for evidence in consciousness of thoughts other the new desired thought (i.e., the banned thought plus neutral thoughts). Thus, if cognitive resources are depleted, both neutral and banned thoughts may enter consciousness. However, if a person wishes to avoid a certain thought and

frames this goal in terms of suppression, the monitoring process will be searching only for the banned thought, and thus the banned thought alone will enter consciousness if cognitive resources are disrupted (Wenzlaff & Wegner, 1998). Therefore, if mental control is framed in terms of thought suppression (as opposed to concentration on an alternative), conditions of cognitive load will likely lead to greater accessibility of the banned thought than if suppression had never been attempted.

Suppression efforts often lead to a paradox in which environmental stimuli are able to easily bring the banned thought to mind, although the banned thought does not easily bring to mind other thoughts (Najimi & Wegner, 2008). Research indicates that when suppression efforts are paired with cognitive load, the semantic network paths from related thoughts *toward* a banned thought may become stronger than the paths *away* from the banned thought to other related concepts. Indeed, when the operating process (which attempts to activate related concepts) is disrupted, the strengths of association between the banned thought and distracter thoughts should become weaker. In other words, suppression under cognitive load may induce a difference in the strength of the association depending on the direction of the relationship: related concepts are more strongly associated with the banned thought than the banned thought is with the related concepts (Najimi & Wegner, 2008). Indeed, when participants are attempting to suppress a thought under cognitive load, the banned thought is easily brought to mind after priming with a related thought, but the same increase in accessibility is not found for the related thought when participants are primed with the banned thought (Najimi & Wegner, 2008).

Cognitive busyness. Jurors may face conditions of high cognitive load throughout trial proceedings (Steblay et al., 2006; Lieberman & Arndt, 2000; Heuer & Penrod, 1994). Jurors must listen to and understand both witness testimony and judicial instructions. Trial proceedings

are often lengthy, and jurors may suffer periods of fatigue during the trial. Thus it is likely that jurors will be "cognitively busy" while listening to the trial. Cognitive busyness is a mental state in which a person is engaged in multiple resource-dependant tasks at the same time (Gilbert, 1991). If jurors agree to follow judges' instructions to ignore prejudice and bias, they may attempt thought suppression (and thus initiate the dual operating and monitoring processes) to attain the desired unbiased mental state. When a person is engaged in multiple concurrent tasks, typically the most cognitively demanding task is disrupted (Gilbert, 1989). Thus, as a result of the deficiency in mental resources caused by jurors' attempts to process complex trial proceedings, jurors' attempts to ignore their biases may lead to an ironic increase in the accessibility of these very thoughts.

During a real trial, jurors will be engaged in the multiple tasks of deciphering complex legal jargon, remembering testimony from multiple witnesses, and comprehending legal instruction. One additional source of cognitive load that jurors may also face is the anticipation of group deliberation. Jurors may be nervous or anxious about discussing the case with fellow jurors and wish to be prepared for the discussion. Past research has successfully induced cognitive busyness by telling participants that they will need to be prepared to give a speech (Gilbert, Pelham, & Krull, 1988). Similarly, real jurors expect to have to defend their views and arguments in anticipation of deliberation. They must not only formulate a rationale for their opinions, but also generate possible counter-arguments. As the additional task of anticipating deliberation and preparing persuasive arguments will deplete cognitive resources, anticipation of deliberation may disrupt the resource-dependent operating process, causing thought suppression to fail.

Suppression of emotional information. Emotional thoughts are more difficult to suppress than neutral thoughts (Wenzlaff & Wegner, 2000). Perhaps because emotional information is more likely to draw and sustain attention, it may receive more elaborate or integrative encoding than neutral information (Edwards & Bryan, 1997). In one study, participants watched an emotional film about a fire disaster and a neutral film about polar bears (Davies & Clark, 1998). Half of the participants were instructed to actively suppress thoughts about the films. Although suppression efforts did not increase the accessibility of thoughts about the neutral film, suppression efforts lead to increased accessibility of thoughts about the emotional fire disaster film (Davies & Clark, 1998). Similar results were obtained when participants read a transcript of a trial in which incriminating evidence was either emotional or neutral, and a judge ruled that it was either admissible or inadmissible (Davies & Clark, 1998). Participants were less able to ignore the information when it was emotional than when it was non-emotional. In addition, emotional information had a larger effect on verdicts when it was ruled inadmissible than when it was ruled admissible, demonstrating a rebound effect. Research has found that delaying a trial reduced the negative effects of factual PTP but did not reduce the negative effects of emotional PTP (Kramer et al., 1990), indicating that emotional pretrial publicity may be more damaging than factual pretrial publicity.

As mentioned earlier, the heightened ability of emotional information to capture attention may lend itself to improved encoding. The elaborate encoding of emotional information may result in an abundance of retrieval cues for emotional information, making emotional information easier to bring to mind (and harder to actively suppress) than neutral information (Edwards & Bryan, 1997). In addition, suppression efforts, to be successful, require sufficient cognitive resources. Attending to and encoding emotional information requires cognitive

resources, and thus these processes may interfere with the resource-dependent search for distracter thoughts that is part of the conscious operator's job during thought suppression. Thus, if people are directed to actively suppress or ignore information that is emotional in nature, fewer (or fewer high-quality) distracter thoughts may be generated, leading to a failure in thought suppression (Edwards & Bryan, 1997).

CHAPTER 4: A RESEARCH-BASED ALTERNATIVE TO TRADITIONAL REHABILITATION PROCEDURES

In addition to investigating the psychological processes underlying traditional juror rehabilitation, the present research proposes a research-based alternative form of rehabilitative questioning. It is possible that jurors engage in thought suppression efforts when they undergo juror rehabilitation for pretrial publicity induced juror bias. As thought suppression efforts often lead to an increase in influence of the proscribed information, it follows that rehabilitation may be more successful at reducing juror bias when the juror's goal is framed in terms of concentration on the evidence instead of framed in terms of suppression of bias.

Rehabilitation Framed in Terms of Concentration. Research suggests that the goal of mental control (suppression vs. concentration) can influence the likelihood that an unwanted thought is successfully ignored. For example, if jurors wish to follow the law and thus refrain from considering pretrial publicity in their verdict decisions, the goal of mental control could be framed in terms of suppression ("ignore any pretrial publicity") or in terms of concentration ("concentrate on the evidence). The literature on mental control suggests that concentration efforts are often more successful than suppression efforts (Wenzlaff & Wegner, 2000). This effect appears to be driven by the differential influence of cognitive load on efforts to suppress versus efforts to concentrate. As described earlier, for mental control to be successful, the conscious operating process must actively search for thoughts that will lead to the desired state of mind while the automatic monitoring process will search for evidence that mental control has failed. The conscious operating process is resource dependent, and its search is disrupted when cognitive resources are depleted. Conversely, the automatic monitoring process is not resource-dependant, allowing it to continue its search even when resources are depleted. When mental

control is framed in terms of suppression, the conscious operating process will conduct a feature-negative search (i.e., all non-PTP thoughts) and the automatic monitoring process conducts a more directed, feature-positive search (i.e., PTP thoughts). Conversely, when mental control is framed in terms of concentration, the conscious operating process conducts a feature-positive search (i.e., evidence) and the automatic monitoring process conducts a feature-negative search (i.e., all non-evidence thoughts). During mental control, a depletion of cognitive resources causes a disruption of the resource-dependent conscious operating process, which results in increased accessibility of the search target of the automatic monitoring process.

Thus, for thought suppression efforts, the target of the automatic monitor's search (e.g., PTP) enters consciousness, and suppression efforts achieve the opposite of their intended effect. If efforts at concentration are met with a disruption of cognitive resources, however, the targets of the automatic monitor—which could include neutral or irrelevant thoughts in addition to unwanted thoughts–will enter consciousness. When mental control is framed in terms of concentration, the automatic monitor's search is not restricted to the unwanted thought (e.g., PTP), making it less likely that the unwanted thought enters consciousness when resources are depleted. Thus, a depletion of cognitive resources is more likely to result in a failure of mental control when the goal is framed in terms of suppression than concentration. Although it is possible that concentration is a superior strategy because the ironic monitor conducts a feature-negative search (rather than a feature-positive search for the banned item conducted by the ironic monitor during suppression efforts), suppression actually may increase activation of a target compared to concentration (Page et al., 2005).

Cognitive resources influence concentration efforts less than on suppression efforts. In a recent study, participants received instructions either to pay attention to a target person's

strengths (i.e., concentrate) or to ignore a target person's weaknesses (i.e., suppress), and half of all participants were put under cognitive load. Although there was no effect of cognitive load for concentrating participants, participants who were instructed to suppress made more negative inferences about the target person when they were under cognitive load than when they were not (Reich & Mather, 2008). In a similar study, participants were given the task of unscrambling a word. Half were told to unscramble the word to form a positive statement (i.e., concentration goal) and half were instructed not to unscramble a negative word (i.e., suppression goal). In addition, half of the participants were put under cognitive load. Participants in the concentration condition were more successful (i.e., less likely to unscramble a negative statement) than were participants in the suppression condition. Although cognitive load did not negatively affect participants who were told to concentrate, load did disrupt the performance of participants were instructed to suppress (Wenzlaff & Bates, 2000). An additional study compared the effectiveness of instructions to suppress (i.e., ignore negative thoughts) with instructions to concentrate (i.e., pay attention to positive thoughts) for participants who were *not* under cognitive load. Participants who were instructed to suppress were more likely to generate negative thoughts than participants who were instructed to concentrate, indicating that concentration efforts were more successful (Wenzlaff & Bates, 2000). In addition, participants who experienced ironic rebound of unwanted information reported expending more effort to adhere to instructions (Wenzlaff & Bates, 2000).

CHAPTER 5: GENERAL PLAN OF WORK

The current dissertation research consisted of two studies that examine the moderators and mediators of rehabilitation effects on juror judgments. In Study 1, I investigated the impact of two components of juror rehabilitation (i.e., instruction on the law and elicitation of a public commitment to forgo bias) to determine whether the effect of rehabilitation on juror decisions observed in prior research is due to informational or normative influences from the judge. Specifically, I assessed whether rehabilitation results in verdicts that are consistent with the evidence or verdicts that are biased toward leniency (as removal of bias in this case would result in a more lenient verdict) irrespective of the trial evidence. Biased and unbiased mock jurors participated in a live voir dire with an actor playing the role of a judge, during which they received individual questioning that varied both the presence of instructions on the law and a request for a commitment to ignore biases like other jurors. Jurors then watched a videotape of an insanity trial and rendered a verdict. In the trial video, I also manipulated the strength of evidence in favor of an insanity verdict. If rehabilitation has an informational influence on jurors, I predicted juror verdicts to be more sensitive to evidence strength when rehabilitation was present, especially rehabilitation achieved through instruction on the law. However, if rehabilitation exerts a normative influence on jurors, rehabilitation should not increase jurors' sensitivity to variations in evidence strength but instead should be more likely to find the defendant not guilty by reason of insanity than non-rehabilitated jurors regardless of evidence strength.

Study 2 tested whether the psychological processes of thought suppression mediate the influence of rehabilitation on juror judgments. I created juror bias by manipulating exposure to PTP: half of the participants were exposed to prejudicial PTP before voir dire and half were not.

A judge questioned mock jurors about their exposure to PTP using either received standard voir dire questions (no rehabilitation), rehabilitation with an emphasis on suppression of PTP (traditional), or rehabilitation with an emphasis on concentration on the evidence (new). Attempts were made to induce a state of cognitive busyness in all of the participants. Participants watched a videotaped trial and deliberated to a verdict. Deliberations were videotaped and coded for discussion of pretrial publicity. I predicted that jurors who were exposed to PTP and rehabilitated with an emphasis on suppression would be more likely than those questioned using other methods to discuss pretrial publicity during deliberation.

Hypotheses

H1: There will be a main effect of juror bias; biased jurors will be more likely to vote guilty than unbiased jurors.

H2: When either rehabilitative instructions or normative pressure rehabilitation are absent, there will be a significant two-way interaction of juror bias and evidence strength; unbiased jurors will be more sensitive to variations in evidence strength than will biased jurors. However, when instructions and normative pressure rehabilitation are present, there will be a significant main effect of evidence strength; jurors will be more likely to render a NGRI verdict in the strong evidence for insanity condition than in the weak evidence for insanity condition.

CHAPTER 6: STUDY ONE: THE SOCIAL INFLUENCE PROCESSES UNDERLYING JUROR REHABILITATION

Method

Participants

Participants were 403 jury-eligible community members from the NYC area. Advertisements for the study were posted in the "ETC Employment" section of the New York City page of Craigslist.org. Participants were paid $25 for their participation. Sixty-two percent of the participants were women (246 women and 154 men) and the sample was racially diverse (45% white, non-Hispanic, 27% Black, 12% Hispanic, 11% Asian, 5% "other"). Participants ranged in age from 18 to 75 ($M = 36$).

Design and Materials

The study had a 2 (Juror Bias: Biased v. Unbiased) X 2 (Strength of Evidence Supporting Insanity: Weak v. Strong) X 2 (Rehabilitative Instructions: Present v. Absent) X 2 (Normative Pressure Rehabilitation: Present v. Absent) factorial design.

IDA-R Scale. Participants completed the Insanity Defense Attitudes-Revised (IDA-R) scale (Skeem et al., 2004) online before arriving at the study and again after watching the trial stimulus. The scale is a 33-item measure that assesses respondents' attitudes toward the insanity defense. Participants indicated their agreement with 29 statements on seven-point Likert-type scales that ranged from strongly disagree to strongly agree, with higher numbers indicating greater agreement. The IDA-R scale also contains three questions about the strength of individuals' opinions about the insanity defense. For all three items, higher numbers represented that participants reported feeling more strongly about the insanity defense. Finally, participants provided a yes or no response to an item assessing their opinion about the appropriateness of the

insanity defense, “Did you have trouble completing this checklist because you cannot conceive of anyone who would not be responsible for their criminal actions?” See Appendix A for complete list of items.

Scores for the IDA-R were calculated by summing participant responses to a subset of 19 items 6 of which are reverse scored (See Appendix A). IDA-R scores can range from 19-133, with higher scores indicating a greater degree of bias against the insanity defense. The IDA-R has a two scale structure: strict liability (the appropriateness of holding mentally ill defendants responsible for their crimes) and injustice and danger (the degree to which the insanity defense is a loop-hole and the perceived danger of acquitting mentally ill defendants; Skeem et al., 2004). Validation of the IDA-R has demonstrated convergent, divergent, and predictive validity (Skeem et al., 2004).

Jurors bias categorization. Participants were categorized for bias against the insanity defense based upon their pretest IDA-R scores. I calculated the IDA-R score that was one standard deviation above the mean for a separate sample of pretest IDA-R scores (N = 1245) collected from a demographically similar sample (Crocker & Kovera, 2010). I used this score (92) as a bias cutoff score for the present study; participants whose pretest IDA-R score fell below the cutoff score were categorized as unbiased and participants whose pretest IDA-R scores were at or above the cutoff score were categorized as biased. Thus biased participants in the present study had more negative attitudes toward the insanity defense than unbiased participants. This method of categorizing participants as biased or unbiased differs from that used in a previous study (Crocker & Kovera, 2010). In the previous study, participants were categorized as biased if they answered no to the following question, “Is it ever appropriate to find a defendant Not Guilty by Reason of Insanity?” In the previous study, 13% of individuals

responding to the study advertisement (160 of 1245) answered no to this question, and 62 of these participants were successfully recruited. The large sample size required for the present study prevented us from using this criteria, as I would have needed more than 3,000 individuals to respond to our advertisement to successfully recruit 200 biased participants (historically, only approximately 50% of individuals who respond to advertisements actually participate in the research due to no-shows, scheduling conflicts, or lack of interest among participants). As a result of the present method of bias categorization, it is likely that some of the individuals categorized as unbiased do harbor some negative feelings about the insanity defense. However, this is similar to the situation during real voir dire: only the biased jurors with extremely negative attitudes receive rehabilitation[1].

Rehabilitative instructions on the law. In the rehabilitative instructions present condition, participants received the relevant instruction on the law about when a person should be held criminally responsible for their actions. These instructions provided jurors with the legal requirements for an insanity verdict. The judge provided the following instruction:

> Now I am going to instruct you on the law. The law requires that jurors base their decisions only on the evidence that is presented in court and that they follow the law. The law says that we should not hold someone responsible for their actions if they had a mental defect that prevented them from understanding the nature and consequences of their actions or that their actions were wrong.

As these same instructions are provided to all participants during the trial video, participants in the Instructions Present condition received the relevant law on the insanity defense both before and after the presentation of evidence. In the rehabilitative instructions absent condition, jurors

[1] If the current method of bias categorization labels some biased individuals as unbiased, this should make it more difficult, not easier, to observe differences between groups.

were not informed about the legal standard for an insanity case during voir dire.

Normative pressure rehabilitation. In the normative pressure rehabilitation present condition, the judge asked the following question to jurors, "Do you think you will be able to put aside your feelings about the insanity defense and only base your decision on the evidence and the law as I describe it to you, just as the other jurors have agreed to do?" One participant answered no to this question and was not included in the analyses. Participants in the normative pressure rehabilitation absent condition were not asked about their abilities to set aside their biases and follow the law.

Trial stimulus. The 45 minute trial video, *People v. Duncan,* was loosely based on a New York Supreme Court case, *People v. Goldstein* (2004). As this case could be identifiable to participants, I changed some major facts of the case. The trial video included opening and closing instructions from the judge, opening statements and closing arguments from the attorneys, and direct and cross-examination of an eyewitness, a police officer witness, and two expert witnesses. The State charged the defendant with second degree murder, alleging that the defendant pushed the victim into oncoming traffic, intentionally causing her death. The defendant, who suffered from schizophrenia, pled not guilty by reason of insanity. The psychiatric expert for the defense testified that the defendant had severe symptoms on the day of the crime and was not aware of his act or its consequences. The opposing expert for the prosecution countered that the defendant was exaggerating his symptoms and knew what he was doing when he killed the victim. In the closing instructions, the judge provided instructions on the NY Penal Code standard for insanity, the applicable standard for insanity in New York, and the evidence required to find a defendant guilty of murder in the second degree.

Strength of evidence supporting insanity. Across conditions, evidence was presented that the defendant had been suffering from paranoid schizophrenia for over ten years. The strength of evidence supporting insanity was manipulated. In the strong evidence of insanity condition, the facts of the case were consistent with the legal requirements for a finding of NGRI (i.e., that the defendant did not appreciate the nature and consequences of his actions and did not know his act was wrong). Specifically, evidence showed that the defendant appeared disoriented and confused when officers arrived, did not flee the scene and cooperated with the officers, showed limited awareness that he was responsible for the death of the victim, and had been experiencing heightened symptoms of his schizophrenia and had checked himself into the hospital in the days preceding the incident. In the weak evidence for insanity condition, the facts of the case were inconsistent with the legal requirements for an NGRI verdict. In the weak evidence of insanity condition, evidence was presented that the defendant wrote in his journal prior to the incident describing his intention to cause harm to a woman who resembled his mother on January 3rd and asking God for forgiveness of the intended act, the defendant's psychiatric test results indicated that he may have been exaggerating his symptoms, and the defendant attempted to flee the scene of the crime and resisted arrest, presumably to escape punishment for the murder.

Prior to filming the trial stimuli, I conducted pilot testing with the transcripts of the two trial versions with 54 student participants. Participants who read the weak evidence of insanity trial were significantly more likely to find the defendant guilty (64%) than were participants who read the strong evidence of insanity trial (28%), $\beta = 1.54$, SE = .59, Wald's χ^2 (1, N = 54) = 6.85, $p = .01$, Exp(β) = 4.67, indicating that our manipulation of evidence strength was successful.

Procedure

The study was advertised online at Craigslist.org and the Village Voice. The advertisement directed interested parties to a screening website. The screening website collected data to assess jury eligibility (e.g., age, country of citizenship), and the IDA-R (Skeem, et al., 2004). I categorized participants as biased or unbiased according to their pretest IDA-R score; participants with scores that fell below the cutoff score (i.e., scores ranging from 19-91) were categorized as unbiased, and participants whose scores were at or above the cutoff score (i.e., scores ranging from 92-133) were categorized as biased. A total of 2,257 individuals completed the screening questions and the IDA-R. Fifteen percent of these individuals (340 of 2257) scored at or above the IDA-R cutoff score and were categorized as biased against the insanity defense. Biased participants had significantly higher pretest IDA-R scores (M = 101.76) than did unbiased participants, (M = 63.66), $F(1,401) = 691.04$, $p < .01$, $\eta_p^2 = .63$. I recruited an equal number of biased and unbiased individuals who completed the screening website to participate in the study by email. Participants were informed that they would take part in a simulated jury selection and receive questioning from a mock judge.

The study took place in a laboratory space designed to resemble a courtroom with, among other features, a witness box and a judge's bench. The experimenter greeted participants upon their arrival at the mock courtroom. After providing informed consent, participants completed a brief voir dire questionnaire, which contained basic demographic questions. Next, the actor playing the role of the judge entered the courtroom wearing a black robe, and the experimenter instructed participants to rise while the judge entered the courtroom. The judge then sat at the judge's bench and greeted participants. The judge informed participants that they were the venirepersons for the case *People v. Francis Duncan* and that the defendant entered a plea of not

guilty by reason of insanity to the charge of second degree murder. The judge explained that a voir dire would be conducted before the trial and that the voir dire questioning is designed to determine which jurors are best suited for jury service. After questioning the jurors as a group about their acquaintance with the defendant and the victim and their prior jury service, the judge conducted private voir dire with each juror individually while the other participants waited in an adjoining room. The judge greeted each participant and asked them the following "standard" voir dire questions: (a) It says here on your questionnaire that you watch [number provided by participant on voir dire questionnaire] hours of television per week. Can you tell me what types of shows you typically watch? (b) It says here on your questionnaire that you usually get your news from [source indicated on voir dire questionnaire]. Is that correct? Would you say you rely on this source more than other sources? (c) Do you consider yourself a big reader? When you do read, what types of things do you like to read?

Participants in the rehabilitative instructions absent/normative pressure rehabilitation absent conditions were then dismissed to the adjoining room. If the participant was assigned to one of the three rehabilitative questioning conditions (rehabilitative instructions and normative pressure rehabilitation, rehabilitative instructions only, or normative pressure rehabilitation only), the experimenter (who was present during questioning) discretely performed one of three subtle hand movements, signaling to the judge the questioning condition. Depending on the condition, the experimenter signaled that the judge should provide the insanity instructions, put normative pressure on the venireperson to commit to ignoring their opinion about the insanity defense, or both. The use of the signal method allowed the judge to be blind to experimental condition while greeting participants and while asking the standard questions, ensuring that the judge's behavior to participants would not differ according to experimental condition. The judge

was also blind to whether the jurors were unbiased or biased against the insanity defense. After voir dire questioning, participants were thanked and excused to the adjoining room.

After all of the venirepersons received voir dire questioning, participants returned to the courtroom and reclaimed their seats. The judge informed all of the participants that they have been selected to be jurors for the insanity case. Participants watched a videotape of the second degree murder trial. After participants finished watching the trial, they completed a verdict questionnaire and a second administration of the IDA-R. Upon completion of the dependent measures, participants were paid, debriefed, and thanked for their participation.

Dependent measures

Voir dire questionnaire. The voir dire questionnaire contained demographic questions as well as questions about juror eligibility. Participants provided their gender, age, education level, racial/ethnic background, marital status, prior juror experience, and income level. This questionnaire also contained questions about participants' political views, television watching habits, religious worship habits, and preferred news sources. Participants also provided yes or no responses to the following questions, "Have you or anyone close to you been diagnosed with a mental illness?" and "Have you or anyone close to you been admitted to a psychiatric hospital?" See Appendix A for full versions of the questionnaires for Study One.

Manipulation checks. Manipulation checks assessed whether participants correctly recalled the specific questions asked during voir dire. Participants provided a yes or no response to the following questions: (a) Did the judge explain to you the legal requirements pertaining to the insanity defense? (b) Did the judge specifically ask you to agree to set aside your personal opinions about the insanity defense and base your verdict only on the evidence presented during the trial? As a manipulation check for rehabilitation, participants also identified the verbatim

statement/question that the judge addressed to them after asking about their reading habits (see Appendix A). An additional manipulation check assessed participants' perceptions of the strength of evidence for insanity. Participants responded to the following question using a scale ranging from 0 (not at all strong) to 10 (extremely strong), "How strong was the evidence supporting an insanity verdict?"

Verdict questionnaire. The verdict questionnaire first prompted participants to choose between a Guilty and a Not Guilty by Reason of Insanity verdict. Participants then rated their confidence in their verdict on a 0-100% scale. Participants also provided ratings of defendant responsibility on a 0-100% scale. Participants indicated their agreement (ranging from strongly disagree to strongly agree) with the following statements about the trial video and the evidence on a 7-point Likert-type scale: (a) The defendant appreciated the nature and consequences of his actions at the time of the crime, (b) The defendant knew his actions at the time of the crime were wrong, (c) The evidence suggested that the defendant planned his actions on the day of the crime, (d) The evidence suggested that the defendant knew what he was doing when he committed the crime, and (e) The evidence suggested that the defendant tried to get away with the crime. Participants also evaluated their voir dire experience by indicating their agreement with the following statements on a 7-point Likert-type scale, (a) During private questioning with the judge, I found it difficult to answer the judge's questions honestly, (b) The judge was intimidating, (c) During private questioning with the judge, I wanted the judge to find my responses to the questions acceptable, (d) During private questioning with the judge, I felt pressure to answer the judge's questions in a certain way, (e) During private questioning with the judge, I felt pressure to express an attitude that I do not hold, (f) During private questioning with the judge, I was motivated to follow the judge's instructions. In addition, participants rated how

truthful they were when answering questions from the judge during voir dire on a scale of 0 (Not truthful at all) to 10 (Entirely truthful).

CHAPTER 7: STUDY ONE RESULTS

Analytic Strategy

To analyze participants' dichotomous verdict choice, I conducted a binary logistic regression analysis. As I did not have specific hypotheses about the relative influence of rehabilitative instructions and normative pressure rehabilitation on juror judgments, I performed a stepwise logistic regression with dichotomous verdict as the dependent variable and juror bias, rehabilitative instructions, normative rehabilitation, and evidence strength as the independent variables. I also included in the model the interaction terms that represented the competing predictions about the influence of the two components of rehabilitation on judgments: the two-way interaction of juror bias and evidence strength, the two-way interaction of juror bias and rehabilitative instructions, the two-way interaction of juror bias and normative pressure rehabilitation, the two-way interaction of rehabilitative instructions and evidence strength, the three-way interaction of juror bias, rehabilitative instructions, and normative pressure rehabilitation, and the four-way interaction of juror bias, instructions, normative pressure rehabilitation, and evidence strength.

I created an additional verdict measure by combining participants' verdict choice and their reported confidence in that verdict. I recoded dichotomous verdict so that -1 indicated a verdict of not guilty by reason of insanity and 1 indicated a verdict of guilty. I multiplied the recoded verdict variable by the continuous confidence variable to create a scaled verdict. The scaled verdict could range from -100 (highly confident not guilty by reason of insanity judgment) to +100 (highly confident guilty judgment) and had a mean scaled verdict judgment of 8.04.

Participants rated their agreement with three items that assessed perceptions of the aspects of evidence at trial that were most important for the evaluation of an insanity verdict: (a)

The evidence suggested that the defendant planned his actions, (b) The evidence suggested that the defendant knew what he was doing when he committed the crime, and (c) The defendant tried to get away with the crime. I created an evidence evaluation scale by averaging participants' responses to these three items (scale scores ranged from 1 to 7), with higher scores indicating more pro-prosecution interpretation of the evidence. The scale was reliable ($\alpha = .83$).

To determine whether participants who received one or both components of rehabilitation would have larger reductions in pretest to posttest IDA-R scores than would participants who did not receive rehabilitation, I conducted a repeated measures ANOVA with participants pretest and posttest IDA-R scores as the dependent variables. I anticipated that the reduction in IDA-R scores would be driven by the specific IDA-R items that deal with the appropriateness of punishing truly mentally ill offenders, as this issue was addressed by the judge in the rehabilitative instructions questioning condition. There were seven items that addressed this issue and which load onto the strict liability subscale of the IDA-R (see Table 2); for each item, I created a change score by subtracting the posttest value from the pretest value. Positive numbers indicated a reduction in bias against the insanity defense.

For each analysis involving a single continuous dependent variable, I conducted an analysis of variance (ANOVA). For analyses involving more than one continuous dependent variable, I conducted a multivariate analysis of variance (MANOVA). Unless otherwise indicated, the following independent variables were included in these analyses: juror bias, rehabilitative instructions, normative pressure rehabilitation, and evidence strength[2]. A test of Hypothesis 1 is provided by the test of the main effect of juror bias in these analyses. To test Hypothesis 2, I also examined the significance of the main effect of evidence strength and the

[2] Juror bias was not included as a predictor of analyses involving IDA-R scores because the juror bias variable was created from participants' IDA-R scores.

interaction of juror bias and evidence strength within each of four cells in the rehabilitation instruction by normative pressure interaction for each of the dependent variables assessing perceptions of defendant guilt. For the dichotomous verdict variable, I selected the data for each questioning condition and ran a logistic regression. Although this method of analysis resulted in a reduction in power compared to an analysis that included data from all respondents (e.g., a test of the omnibus four-way interaction), it allowed me to test the specific predictions in Hypothesis 2.

Figure 1 presents a correlation matrix of the main dependent variables.

Figure 1. *Correlation matrix with dependent variables.*

	Verdict	Defendant Responsibility	Defendant appreciated nature and consequences	Defendant knew his actions were wrong	Strength of evidence in support of insanity verdict	Evidence Evaluation Score
Verdict	1	.69**	.66**	.72**	-.70**	.63**
Defendant Responsibility	.69**	1	.76**	.72**	-.64**	.60**
Defendant appreciated nature and consequences	.66**	.76**	1	.78**	-.63**	.67**
Defendant knew his actions were wrong	.72**	.72**	.78**	1	-.65**	.72**
Strength of evidence in support of insanity verdict	-.70**	-.64**	-.63**	-.65**	1	-.63**
Evidence Evaluation Score	.63**	.60**	.67**	.72**	-.63**	1

** significant at .01 level

Manipulation Checks

Evidence strength in support of NGRI verdict. Pilot testing of the trial transcripts indicated that the manipulation of evidence strength was successful. In addition, the evidence strength manipulation significantly predicted verdict choice; participants who viewed the weak evidence of insanity trial were more likely to vote guilty (69%) than were participants who viewed the strong evidence of insanity trial (39%), $\beta = 1.42$, SE = .23, Wald's χ^2 (1, N = 402) = 37.55, $p < .01$, Exp(β) = 4.12, 95% CIs [2.62, 6.48]. There was a main effect of evidence strength on jurors' scaled verdict judgments; jurors who viewed the weak evidence of insanity trial indicated more confidence in the defendant's guilt ($M = 34.10$) than did jurors who viewed the strong evidence of insanity trial ($M = -18.03$), $F(1, 385) = 49.69$, $p < .01$, $\eta_p^2 = .11$, 95% CIs [23.81, 44.39] and [-28.30, -7.76], respectively. Evidence strength also significantly influenced defendant responsibility judgments. Participants who viewed the weak evidence of insanity trial perceived the defendant to be more responsible for the crime ($M = 73.06$) than did participants who viewed the strong evidence of insanity trial ($M = 55.34$), $F(1, 386) = 33.22$, $p < .01$, $\eta_p^2 = .08$, 95% CIs [68.79, 77.33] and [51.07, 59.62], respectively.

Participants provided levels of agreement with two items designed to assess participants' assessments of whether the defendant met the legal criteria for the insanity defense. There was a main effect of evidence strength on agreement with the item assessing whether the defendant appreciated the nature and consequence of his actions; jurors who viewed the weak evidence of insanity trial were more likely to agree that the defendant appreciated the nature and consequences of his actions ($M = 4.89$) than were jurors who viewed the strong evidence of insanity trial ($M = 3.48$), $F(1, 386) = 60.46$, $p < .01$, $\eta_p^2 = .14$, 95% CIs [4.64, 5.15] and [3.22, 3.73], respectively. There was also a main effect of evidence strength on participants' ratings of

the extent to which the defendant knew that his actions were wrong; jurors who viewed the weak evidence of insanity trial were more likely to agree that the defendant knew his actions were wrong ($M = 5.43$) than were jurors who viewed the strong evidence of insanity trial ($M = 3.75$), $F(1, 386) = 90.18$, $p < .01$, $\eta_p^2 = .19$, 95% CIs [5.19, 5.69] and [3.50, 4.00], respectively.

There was also a main effect of the evidence strength manipulation on participants' subjective ratings of evidence strength, further demonstrating the success of our manipulation. Participants who viewed the trial with strong evidence of the defendant's insanity trial provided higher ratings of evidentiary support for an NGRI verdict ($M = 7.03$) than did participants who viewed the weak evidence of insanity trial ($M = 4.96$), $F(1, 384) = 60.02$, $p < .01$, $\eta_p^2 = .14$, 95% CIs [6.66, 7.41] and [4.59, 5.33], respectively. There was a main effect of evidence strength on participants' evidence evaluation scale scores; scores were higher, indicating a more pro-prosecution evidence evaluation, for participants who viewed weak evidence of insanity ($M = 5.17$) than for participants who viewed the strong evidence of insanity trial ($M = 2.30$), $F(1, 364) = 414.89$, $p < 0.01$, $\eta_p^2 = .53$, 95% CIs [4.98, 5.37] and [2.10, 2.49], respectively.

Components of rehabilitation. Manipulation checks for rehabilitation revealed that the manipulation of rehabilitation type was successful. Participants who received rehabilitative instructions were more likely to agree that the judge explained the legal requirements of the insanity defense during voir dire than were participants who did not receive rehabilitative instruction, $\chi^2 (1, N = 403) = 98.09$, $p < .01$, $\Phi = 0.49$. Participants who received normative pressure rehabilitation were more likely to agree that the judge asked them to set aside personal opinions about the insanity defense during voir dire than were participants who did not receive normative pressure, $\chi^2 (1, N = 402) = 72.27$, $p < .01$, $\Phi = 0.42$. In response to the manipulation check question that prompted participants to identify the precise question asked to them by the

judge, 76% percent of participants correctly identified which type of voir dire questioning they received. The percentage of participants who correctly identified the voir dire question asked to them in the instructions and pressure, instructions only, pressure only, and no rehabilitation conditions were 67%, 69%, 77%, and 92%, respectively.

As an additional manipulation check for the normative pressure rehabilitation manipulation, I conducted a MANOVA with the five items that were designed to assess participants' perception of judicial pressure during voir dire as the dependent variables. The multivariate test was significant for normative pressure rehabilitation, mult. $F(5, 381) = 4.75$, $p < .01$, $\eta_p^2 = .06$. Participants who received normative pressure rehabilitation during voir dire provided significantly higher agreement ratings that they found it difficult to answer the judge's questions honestly, that the judge was intimidating, that they felt pressure to answer the judge's questions in a certain way, and that they felt pressure to express an attitude that they did not hold than did participants who did not receive normative pressure rehabilitation. See Table 1 for the univariate tests of significance and means. None of multivariate tests for the other main effects or interactions were significant.

Hypothesis 1

To test Hypothesis 1, I conducted a binary logistic regression with participant verdict choice. The model was significant, -2LL = 465.80, χ^2 (3) = 88.95, $p < .01$. The variables remaining in the equation were juror bias, trial evidence, and rehabilitative instructions. As predicted in Hypothesis 1, juror bias exerted a significant main effect on verdict; participants categorized as biased against the insanity defense were more likely to find the defendant guilty (68%) than were participants who were categorized as unbiased (40%), $\beta = -1.33$, SE = .21, Wald's χ^2 (1, N = 402) = 33.29, $p < .01$, Exp(β) = 0.26, 95% CIs [0.17, 0.42].

Table 1. *Mean scores for normative pressure rehabilitation on items assessing perceptions of questioning by the judge*

Items	No Pressure	Pressure	*F*	*p*	η_p^2
I found it difficult to answer the judge's questions honestly	1.14 (0.05) [1.04, 1.25]	1.43 (0.05) [1.32, 1.54]	14.72	0.00	.04
The judge was intimidating	1.45 (0.08) [1.28, 1.59]	1.74 (0.08) [1.58, 1.89]	7.48	0.01	.02
I wanted the judge to find my responses to the questions acceptable	4.00 (1.49) [3.70, 4.29]	4.34 (1.51) [4.04, 4.63]	2.60	ns	.01
During voir dire, I felt pressure to answer the judge's questions in a certain way	1.84 (0.11) [1.62, 2.06]	2.45 (0.11) [2.23, 2.67]	14.90	0.00	.04
During voir dire, I felt pressure to express an attitude that I do not hold	1.28 (0.07) [1.13, 1.42]	1.70 (0.07) [1.55, 1.84]	16.16	0.00	.04

Support for Hypothesis 1 was also reflected in the analyses for other measures of defendant culpability. On the scaled verdict measure, biased jurors provided higher scores (indicating more confidence in guilt) than did unbiased jurors. Jurors biased against the insanity defense also provided higher ratings of defendant responsibility than did unbiased jurors. See Table 2 for means and univariate tests of significance.

Juror bias also influenced participants' ratings of the defendant's mental state. Jurors biased against the insanity defense more strongly agreed that the defendant appreciated the nature and consequences of his actions than did unbiased jurors. Jurors biased against the insanity defense more strongly agreed that the defendant knew that his actions were wrong than

did unbiased jurors. These main effects of juror bias extended to their evaluations of the trial evidence. Unbiased participants rated the evidence for a NGRI verdict as stronger than did biased participants. In addition, jurors biased against the insanity defense had higher scores on the evidence evaluation scale, indicating a pro-prosecution interpretation of the evidence than did unbiased jurors. There was a marginally significant main effect of juror bias on participants' self-reports of how truthful they were during voir dire, such that biased jurors reported being slightly more truthful than did unbiased jurors. See Table 2 for univariate tests and means.

Hypothesis 2

Hypothesis 2 predicted a significant interaction of juror bias and evidence strength in the instructions only, pressure only, and no rehabilitation conditions; however, the interaction effect was not significant in any of the four questioning conditions (all *p*s > .15). Hypothesis 2 also predicted that there would be a main effect of evidence strength for the instructions and pressure condition only; however, there was a main effect for evidence strength in the instruction and pressure condition as well as in the pressure only condition. For the instructions and pressure condition, participants were more likely to vote guilty in the weak evidence trial (M = 62%) than in the strong evidence trial (M = 28%), β = 1.73, SE = .63, Wald's χ^2 (1, N = 100) = 7.6, p = .01, Exp(β) = 5.63, 95% CIs [1.65, 19.23]. Similarly for the pressure only condition, participants were more likely to vote guilty in the weak evidence trial (M = 72%) than in the strong evidence trial (M = 45%), β = 1.52, SE = .74, Wald's χ^2 (1, N = 101) = 4.28, p = .04, Exp(β) = 4.58, 95% CIs [1.08, 19.38].

To further examine Hypothesis 2, I also tested the significance of the main effect of evidence strength and the interaction of evidence strength and juror bias within each of the four cells that make up the rehabilitation instruction and normative pressure interaction with the

scaled verdict as the dependent variable[3]. Again the predicted pattern of effects was not observed in that the interaction effect of juror bias and evidence strength was not significant in any of the four conditions (all *p*s > .23). Instead, the main effect of evidence strength was significant in all of the conditions. In the instructions and pressure condition; participants expressed more confidence in the defendant's guilt after viewing the weak evidence of insanity trial (M = 22.15) than they did after viewing the strong evidence of insanity trial (M = -37.60), $F(1, 386) = 16.05$, $p < .01$, $\eta_p^2 = .04$. Similarly in the instructions only condition, participants expressed more confidence in the defendant's guilt after viewing the weak evidence of insanity trial (M = 17.50) than they did after viewing the strong evidence of insanity trial (M = -34.70), $F(1, 386) = 12.49$, $p < .01$, $\eta_p^2 = .03$. The main effect of evidence strength was also significant in the pressure only condition; participants expressed more confidence in the defendant's guilt after viewing the weak evidence of insanity trial (M = 43.10) than they did after viewing the strong evidence of insanity trial (M = -9.54), $F(1, 386) = 12.71$, $p < .01$, $\eta_p^2 = .03$. Finally, the effect of evidence strength was significant in the no rehabilitation condition; participants expressed more confidence in the defendant's guilt after viewing the weak evidence of insanity trial (M = 53.65) than they did after viewing the strong evidence of insanity trial (M = 12.20), $F(1, 386) = 7.88$, $p < .01$, $\eta_p^2 = .02$.

As a third test of Hypothesis 2, I tested for the significance of the main effect of evidence strength and the interaction effect on participants' ratings of defendant responsibility within each of the conditions representing the four cells of the rehabilitation instruction and normative pressure interaction. Again, the predicted pattern of results was not observed as the interaction of juror bias and evidence strength was not significant for any of the four combinations of the

[3] I calculated an F statistic for each of the effects manually using the following formula: (SS effect/df effect)/(SS error/df error), taking the error terms from the analysis of variance for the full sample including all the conditions.

rehabilitation manipulations (all *p*s > .26). Instead, the main effect for evidence strength was significant for three of the four combinations: the instructions and pressure, the instructions only, and the pressure only conditions. When they received both rehabilitative instructions and normative pressure, participants perceived the defendant as more responsible after viewing the weak evidence of insanity trial ($M = 70.80$) than they did after viewing the strong evidence of insanity trial ($M = 46.90$), $F(1, 387) = 15.02$, $p < .01$, $\eta_p^2 = .04$. Participants who received rehabilitative instructions but no normative pressure perceived the defendant as more responsible after viewing the weak evidence of insanity trial ($M = 68.70$) than they did after viewing the strong evidence of insanity trial ($M = 53.64$), $F(1, 387) = 6.02$, $p = .02$, $\eta_p^2 = .02$. Finally, participants who received normative pressure but not rehabilitative instructions rated the defendant to be more responsibility in the weak evidence of insanity trial ($M = 77.40$) than in the strong evidence of insanity trial ($M = 54.54$), $F(1, 387) = 13.87$, $p < .01$, $\eta_p^2 = .03$. The main effect of evidence strength was not significant in the rehabilitation absent condition ($p = .18$).

Additional Analyses

Influence of rehabilitative instructions. Receipt of rehabilitative instructions on the law significantly predicted verdict; participants who received rehabilitative instructions on the law during voir dire were less likely to vote guilty (44%) than were participants who did not receive instructions (64%), $\beta = 0.98$, SE = .23, Wald's χ^2 (1, N = 402) = 18.52, $p < .01$, Exp(β) = 2.67, 95% CIs [1.71, 4.17]. There were main effects for rehabilitative instructions on other judgments of the defendant's responsibility. Specifically, participants who received rehabilitative instructions provided lower scaled guilt judgments indicating that they judged the defendant to be less guilty than did participants who did not receive legal instruction during voir dire.

Table 2. *Mean Scores for Juror Bias on Items Assessing Defendant Culpability*

Items	Unbiased	Biased	*F*	df	*p*	η_p^2
Scaled Verdict	-17.38 (5.24)	33.45 (5.22)	47.22	385	.00	.11
	[-27.67, -7.08]	[23.18, 43.72]				
Defendant Responsibility	53.74 (2.17)	74.67 (2.17)	46.38	386	.00	.11
	[49.46, 58.01]	[70.40, 78.94]				
The defendant appreciated the nature and	3.59 (0.13)	4.78 (0.13)	42.36	386	.00	.10
consequences of his actions.	[3.34, 3.85]	[4.52, 5.03]				
The defendant knew that his actions were	3.93 (0.13)	5.25 (0.13)	55.19	386	.00	.04
wrong.	[3.69, 4.18]	[5.01, 5.50]				
How strong was the evidence supporting a	6.71 (0.19)	5.28 (0.19)	28.62	384	.00	.07
NGRI verdict?	[6.34, 7.09]	[4.91, 5.65]				
Evidence Evaluation Scale	3.32 (0.10)	4.16 (0.10)	35.47	364	.00	.09
	[3.12, 3.51]	[3.96, 4.35]				
How truthful were you during voir dire?	9.63 (0.06)	9.77 (0.06)	3.49	386	.06	.01
	[9.52, 9.74]	[9.66, 9.88]				

Moreover, participants who received rehabilitative instructions judged the defendant to be less responsible than did participants who did not receive legal instructions during voir dire. See Table 3 for univariate effects and means.

Rehabilitation instructions also influenced participants' evaluations of the defendant's mental state. Participants who received rehabilitative instructions during voir dire were less likely to agree that the defendant appreciated the nature and consequences of his actions than were participants who did not receive instruction during voir dire. Similarly, participants who received rehabilitative instructions during voir dire were less likely to agree that the defendant knew his actions were wrong than were participants who did not receive instruction during voir dire. Rehabilitation instructions influenced participants' evaluations of the evidence. Participants who received rehabilitative instructions rated the evidence in favor of a NGRI verdict to be stronger than did participants who did not receive rehabilitative instructions. There also was a marginally significant main effect of rehabilitative instructions on participants' evidence evaluation scale scores. Specifically, participants who received rehabilitative instructions during voir dire had lower scores, indicating a more defense oriented evaluation of the evidence, than did participants who did not receive rehabilitative instructions. See Table 3 for univariate tests and means.

There was a main effect of rehabilitative instructions on participants' reported motivation to follow the judge's instructions; jurors who received rehabilitative instructions during voir dire reported higher motivation to follow the judge's instructions than did jurors who did not receive rehabilitative instructions during voir dire (see Table 3). There was also a three-way interaction between juror bias, evidence strength, and instructions on participants' motivation to follow the judge's instructions, $F(1, 386) = 3.82$, $p = .05$, $\eta_p^2 = .01$. Simple effects tests revealed that for

Table 3. *Mean Scores for Rehabilitative Instructions on Items Assessing Defendant Culpability*

Items	Instructions Absent	Rehabilitative Instructions	*F*	df	*p*	η_p^2
Scaled Verdict	24.85 (5.21)	-8.78 (5.25)	20.68	385	.00	.05
	[14.61, 35.09]	[-19.10, 1.54]				
Defendant Responsibility	68.60 (2.17)	59.81 (2.18)	8.17	386	.00	.02
	[64.33, 72.85]	[55.53, 64.09]				
The defendant appreciated the nature and	4.43 (0.13)	3.94 (0.13)	7.36	386	.01	.02
consequences of his action.	[4.18, 4.68]	[3.68, 4.19]				
The defendant knew that his actions were	4.84 (0.13)	4.35 (0.13)	7.67	386	.01	.02
wrong.	[4.59, 5.09]	[4.10, 4.60]				
How strong was the evidence supporting a	5.54 (0.19)	6.46 (0.19)	11.93	384	.00	.03
NGRI verdict?	[5.17, 5.91]	[6.09, 6.83]				
Evidence Evaluation Scale	3.87 (0.10)	3.60 (0.10)	3.61	364	.06	.01
	[3.67, 4.06]	[3.40, 3.80]				
Motivation to follow judge's instructions	5.65 (0.11)	5.95 (0.11)	3.90	386	.05	.01
	[5.43, 5.86]	[5.74, 6.17]				

biased jurors, viewing the weak evidence of insanity trial resulted in higher motivation to follow the instructions if they received rehabilitative instructions (M = 6.22) than if they did not (M = 5.60), $F(1, 386) = 3.97$, $p = .05$, $\eta_p^2 = .01$, 95% CIs [5.79, 6.65] and [5.17, 6.03], respectively. The effect of rehabilitative instructions on motivation was not significant for biased jurors in the strong insanity evidence condition; mean motivation levels for no instructions and instructions jurors were M = 6.01 and 5.83, respectively. Unbiased jurors were marginally more motivated to follow the judge's instructions if they viewed the strong evidence of insanity trial and received rehabilitative instructions (M = 5.80) than if they did not receive rehabilitative instructions (M = 5.20), $F(1, 386) = 3.72$, $p = .06$, $\eta_p^2 = .01$, 95% CIs [5.37, 6.23] and [4.77, 5.63], respectively. There was no effect of rehabilitative instructions on reported motivation for unbiased participants in the weak insanity evidence condition; mean motivation levels for the no instructions and instructions conditions were M = 5.77 and 5.90, respectively. There was a three-way interaction between juror bias, rehabilitative instructions, and normative pressure rehabilitation on participants' self-reported level of truthfulness during voir dire questioning, $F(1, 386) = 4.38$, $p = .04$, $\eta_p^2 = .01$. Simple effects tests revealed that biased jurors who received normative pressure rehabilitation reported being less truthful in answers to the judge if they had received rehabilitative instructions on the law (M = 9.57) than if they did not receive instructions during voir dire (M = 9.90), $F(1, 386) = 4.38$, $p = .04$, $\eta_p^2 = .01$, 95% CIs [9.68, 10.12] and [9.35, 9.79], respectively. The effect of rehabilitative instructions on biased participants' ratings of truthfulness was not significant for participants who did not receive normative pressure; mean ratings of truthfulness for the no instructions and instructions conditions were M = 9.86 and 9.76, respectively. The interaction between normative pressure and rehabilitative instructions on ratings of truthfulness was not significant for unbiased participants (mean truthfulness ratings for

the no pressure/no instructions, no pressure/instructions, pressure/no instructions, and pressure/instructions conditions were 9.77, 9.54, 9.50, and 9.70, respectively.

A repeated measures ANOVA with participants' pretest and posttest IDA-R scores as the dependent variables revealed a main effect of timing of IDA-R administration; posttest IDA-R scores were lower (M = 71.25) than pretest IDA-R scores (M = 82.67), $F(1, 394) = 200.76$, $p < .01$, $\eta_p^2 = .34$, 95% CIs [68.93, 73.58] and [80.31, 85.03], respectively. There was a significant two-way interaction between timing of IDA-R administration and rehabilitative instructions, $F(1, 394) = 13.95$, $p < .01$, $\eta_p^2 = .03$. For pretest IDA-R scores, there was no effect of rehabilitative instructions (as expected, since participants provided these responses prior to attending the experiment). However, posttest IDA-R scores were significantly lower for participants who received rehabilitative instructions from the judge (M = 67.72) than for those who did not receive rehabilitative instructions (M = 74.79), $F(1, 394) = 8.92$, $p < .01$, $\eta_p^2 = .02$, 95% CIs [64.42, 71.02] and [71.51, 78.07], respectively. For the MANOVA with the change scores for the seven IDA-R items that measure attitudes toward punishing truly mentally ill offenders, there was a main effect of rehabilitative instructions, mult. $F(7, 365) = 4.60$, $p < .01$, $\eta_p^2 = .08$. Participants who received rehabilitative instructions during voir dire exhibited significantly larger decreases in bias against the insanity defense for all seven of these IDA-R items than did participants who did not receive rehabilitative instructions. See Table 4 for univariate tests of significance and means.

Table 4. *Means represent mean decrease in scores (representing a decrease in bias) from pretest to posttest administration of IDA-R*

Items	No Instructions	Instructions	*F*	*p*	η_p^2
I believe that people should be held responsible for their actions no matter what their mental condition	0.35 (0.13) [0.10, 0.60]	1.27 (0.13) [1.02, 1.52]	26.17	0.00	.07
I believe that we should punish a person for a crime *only* if he understood the act as evil and then freely chose to do it *	0.67 (0.17) [0.33, 1.01]	1.16 (0.17) [0.82, 1.49]	3.96	0.05	.01
A defendant's degree of insanity is irrelevant: if he commits the crime, then he should do the time	0.53 (0.13) [0.27, 0.79]	1.05 (0.13) [0.79, 1.31]	7.81	0.01	.02
We should punish people who commit criminal acts, regardless of their degree of mental disturbance	0.60 (0.13) [0.35, 0.86]	1.11 (0.13) [0.86, 1.36]	7.83	0.01	.02
It is wrong to punish people who commit crime for crazy reasons while gripped by uncontrollable hallucinations or delusions *	0.36 (0.15) [0.07, 0.66]	0.83 (0.15) [0.54, 1.13]	4.87	0.03	.01

Some people with severe mental illness are out of touch with reality and do not understand that their acts are wrong. These people cannot be blamed and do not deserve to be punished *	0.42 (0.14) [0.16, 0.69]	0.97 (0.14) [0.71, 1.24]	8.17	0.01	.02
It is wrong to punish someone for an act they commit because of any uncontrollable illness, whether it be epilepsy or mental illness *	-0.06 (0.15) [-0.35, 0.23]	0.51 (0.15) [0.22, 0.79]	7.31	0.01	.02

* = Item was recoded so that higher numbers indicate a greater amount of bias against the insanity defense

Influence of normative pressure rehabilitation. Although normative pressure rehabilitation did not have a significant main effect on participant verdict or participants' scaled guilt judgment, there was a significant two-way interaction between evidence strength and normative pressure on defendant responsibility judgments, $F(1, 386) = 3.89$, $p = .05$, $\eta_p^2 = .01$. Simple effects tests revealed a significant main effect of normative pressure rehabilitation on defendant responsibility judgments in the strong evidence of insanity condition; in the strong evidence of insanity trial condition, participants who received normative pressure rehabilitation from the judge during voir dire provided lower defendant responsibility judgments ($M = 50.32$) than did participants who did not receive normative pressure rehabilitation during voir dire ($M = 60.37$), $F(1, 386) = 5.34$, $p = .02$, $\eta_p^2 = .01$, 95% CIs [44.26, 56.38] and [54.34, 66.40], respectively. The effect of normative pressure rehabilitation on defendant responsibility judgments was not significant for the weak evidence of insanity condition ($p = .63$).

Normative pressure also influenced participants' evaluations of the defendant's mental state. Participants who received normative pressure rehabilitation during voir dire were less likely to agree that the defendant appreciated the nature and consequences of his actions ($M = 3.96$) than were participants who did not receive normative pressure rehabilitation during voir dire ($M = 4.41$), $F(1, 386) = 6.23$, $p = .01$, $\eta_p^2 = .02$, 95% CIs [3.70, 4.21] and [4.16, 4.66], respectively. Similarly, participants who received normative pressure rehabilitation during voir dire were less likely to agree that the defendant knew his actions were wrong ($M = 4.32$) than were participants who did not receive normative pressure rehabilitation during voir dire ($M = 4.87$), $F(1, 386) = 9.82$, $p < .01$, $\eta_p^2 = .03$, 95% CIs [4.07, 4.56] and [4.63, 5.12], respectively.

The effect of normative pressure rehabilitation on ratings of strength of evidence in favor of an insanity verdict was not significant. Similarly, the effect of normative pressure rehabilitation on participants' evidence evaluation scale scores was not significant.

Normative pressure rehabilitation influenced participants' reported motivation to follow the judge's instructions; participants who received normative pressure rehabilitation during voir dire reported higher motivation to follow the judge's instructions (M = 5.96) than did jurors who did not receive normative pressure rehabilitation during voir dire (M = 5.63), $F(1, 386) = 4.51$, $p = .03$, $\eta_p^2 = .01$, 95% CIs [5.75, 6.18] and [5.42, 5.85], respectively.

There was a two-way interaction between timing of IDA-R administration and normative pressure rehabilitation, $F(1, 394) = 5.03$, $p = .03$, $\eta_p^2 = .01$. Although posttest IDA-R scores were significantly lower than pretest IDA-R scores for both participants who received normative pressure rehabilitation from the judge and those who did not, the difference between pretest and posttest IDA-R scores was larger for participants who received normative pressure rehabilitation (posttest M = 69.53) than for participants who did not receive normative pressure rehabilitation (posttest M = 72.98), $F(1, 394) = 134.00$, $p < .01$, $\eta_p^2 = .25$, 95% CIs [66.23, 72.83] and [69.69, 76.26], respectively.

CHAPTER 8: STUDY ONE DISCUSSION

The results of the present study provide support for Hypothesis 1. Consistent with our predictions, attitudes toward the insanity defense influenced both verdict choice and other legal judgments. Biased jurors were more likely than were unbiased jurors to perceive the defendant as guilty and judge the evidence in a pro-prosecution manner, which is consistent with research on attitudinal bias and, more specifically, research on biases against the insanity defense (Crocker & Kovera, 2010; Skeem et al., 2004).

I predicted that when one or both of the components of rehabilitation were absent, juror bias would interfere with participants' ability to make the correct legal decision but that when both of the components of rehabilitation were present, bias would not influence guilt decisions. Specifically, I predicted a pattern of results that showed an interaction of juror bias and evidence strength when one or both of the rehabilitation components was absent and a main effect of evidence strength on judgments when both components were present. Hypothesis 2 was not supported by the findings in the current study. Indeed, for the three variables assessing perceptions of defendant culpability, there was no significant interaction between juror bias and evidence strength for any of the questioning conditions, indicating that unbiased jurors are not more sensitive to variations in evidence strength than are biased jurors.

For participants' scaled guilt judgments, both biased and unbiased participants were sensitive to variations in evidence strength across all four questioning conditions, suggesting that biased jurors made decisions that comported with the law even without rehabilitation. Similarly, participants' defendant responsibility judgments also exhibited sensitivity to variations in evidence strength without the presence of both components of rehabilitation. When at least one of the rehabilitation components was present, both biased and unbiased jurors were sensitive to

evidence strength. However, when participants did not receive any rehabilitation, participants' judgments about defendant responsibility were not sensitive to variations in evidence strength.

Is rehabilitation necessary?

Although attitudinal bias influenced perceptions of guilt, it is important to consider the extent to which juror bias is legally problematic. The present study attempted to investigate the degree to which attitudinal bias against the insanity defense influences jurors' judgments, and whether it interferes with jurors' ability to follow the law, by including a manipulation of the strength of evidence in favor of an insanity verdict.

If harboring bias against the insanity defense renders jurors insensitive to variations in evidence strength, this would strongly suggest rehabilitation of some kind is necessary. However, the findings of the current study demonstrate that unbiased participants were not more sensitive to variations in evidence strength than were unbiased participants. The interaction between juror bias and evidence strength was not significant for participants' verdict, scaled verdict, and defendant responsibility judgments. Although biased jurors were more likely to perceive the defendant as guilty than were unbiased jurors, *both* biased and unbiased jurors' judgments were sensitive to variations in the strength of evidence in support of an insanity verdict.[4] In other words, without rehabilitation, jurors were already following the law (despite their attitudinal biases). This finding suggests that if rehabilitation is designed to increase the

[4] As this important finding supports the null hypothesis, it is necessary to rule out alternative explanations about why the interaction effect was not found. For this two-way interaction, there were 100 individuals per cell, which would allow sufficient power (0.98) to observe a small to medium effect. The effect sizes for the two-way interaction for scaled verdict and defendant responsibility were $\eta_p^2 = .001$ and .005, respectively, indicating that the effect is extremely small. There were no ceiling or floor effects for these three dependent variables, and there was sufficient variability in the dependent variables to observe an effect if one was present. For example, the percentage of guilty verdicts for biased and unbiased participants was 68% and 40%, respectively, and the percentage of guilty verdicts for the weak strong evidence of insanity condition was 69% and 39%, respectively. The IDA-R pretest scores of biased participants were higher than those of unbiased participants, indicating that the bias manipulation was successful, and both pilot testing and verdict and evidence evaluation scores indicated that participants were more likely to perceive the defendant as guilty if they viewed the weak evidence of insanity trial than if they viewed the strong evidence of insanity trial, indicating that the evidence strength manipulation was successful.

degree to which jurors obey the law, rehabilitation may be unnecessary. However, as the trial video in the present study was briefer and more simplified than a real trial, it is possible that the task of following the legal instructions from the judge was easier for the participants in the present study than it would have been for actual jurors.

Influence of Rehabilitative Instructions

Rehabilitation, specifically rehabilitative instructions, had a main effect on guilt and responsibility judgments in the current study. The finding that instructions on the law had a main effect on verdict judgments helps to answer questions posed in prior research on rehabilitation. Crocker and Kovera (2010) found a main effect of rehabilitation (containing both instruction on the law and a request for the juror to be fair) on scaled guilt judgments, but as the study did not include an evidence strength manipulation, it was unknown whether rehabilitation increased the likelihood that the participants would render legally correct judgments or whether rehabilitation just created a leniency bias. The findings of present study can shed light on this question. As there was not a significant interaction of instructions and evidence strength, rehabilitative instructions on the law influenced participants to render more lenient judgments, not judgments that are more consistent with the evidence strength.

Why did rehabilitative instructions fail to increase jurors' sensitivity to variations in evidence strength? The Flexible Correction Model (FCM, Wegener & Petty, 1997) provides a useful theoretical framework with which to examine the results of the present study. The FCM outlines the requirements for individuals to successfully correct for judgment bias. The model emphasizes that individuals' beliefs about their biases (e.g., the direction and magnitude of their biases, or even individuals' awareness of whether they possess attitudinal bias) bear directly on how individuals will correct for these biases. For example, to successfully correct for bias, an

individual must be aware of the bias, the person must be motivated to take the time and cognitive effort to correct for the bias, and the correction effort must be calibrated correctly (i.e., the individual must accurately estimate the magnitude of the bias and know in which direction to correct; Wegener et al., 2000). Jury instructions on bias are framed in terms of the possibility of bias; therefore, individual jurors may not think that the risk of bias applies to them, reducing the likelihood that the instructions will help jurors to become aware of their biases. In the present study, however, participants received instructions during one-on-one voir dire with the judge; the participants were likely forced to consider that the risk of harboring attitudinal bias applied to them personally. Thus, participants in the present study were likely aware of the possibility of attitudinal bias. Participants who received instructions also reported high levels of motivation to follow those instructions. It is possible however, that participants were not accurately calibrated; participants may have been aware of the direction that their judgments could be biased (i.e., toward guilt), but unaware of how much to correct for the possible attitudinal bias. Indeed, it is possible that participants in our study who received rehabilitative instructions overcorrected for the possible bias, resulting in a shift in judgments toward leniency.

Receipt of rehabilitative instructions in the present study also resulted in a change in participants' attitudes toward the insanity defense. There was a shift (i.e., a reduction) in bias as measured by the IDA-R among all jurors (biased and unbiased) who received rehabilitative instructions, perhaps because jurors were overcorrecting for their potential biases against the insanity defense. As the IDA-R is designed to measure stable attitudes toward the insanity defense, one could argue that the change in scores observed in the present study reflects the scale's susceptibility to social desirability concerns among participants. However, participants completed the IDA-R privately at the end of the study, and were informed that their response

would be anonymous, casting doubt on the possibility that participants wished to demonstrate to the judge their acceptance of the insanity defense. In addition, previous research suggests participants do not make inferences about the judge's personal opinions about the case after exposure to rehabilitation (Crocker & Kovera, 2010).

It is also possible that rehabilitative voir dire acted to persuade biased and unbiased participants about the merits of the insanity defense, and the resulting reduction in bias is responsible for the observed effect on verdict and responsibility judgments. Unfortunately, it is not possible to specifically test for this meditational analysis as post-trial IDA-R scores were measured *after* participants provided their verdict choices. That said, the hypothesis that the observed attitude change is a result of persuasion is dubious, as participants in the normative pressure rehabilitation condition (who had no reason to be persuaded about the merits of the insanity defense) also exhibited a reduction in attitudinal bias against the insanity defense. It is more likely that the observed change in IDA-R scores among participants in both rehabilitation conditions is a result of overcorrection for possible bias.

Rehabilitation, specifically rehabilitative instructions, likely did not increase participants' sensitivity to variations in evidence strength because it did not provide participants with the tools to properly correct for their attitudinal biases. Specifically, the rehabilitative instructions simply provided the legal standard for insanity, which participants' reported being motivated to follow. However, the rehabilitative instructions only raised the possibility of bias to participants; participants were not given information about whether or not they actually harbored bias and if so, the magnitude of that bias. As participants were sensitive to variations in evidence strength without rehabilitation, rehabilitative instructions prompted all participants (even unbiased

participants) to attempt to correct for bias, which resulted in overcorrection, or increased leniency shown to the defendant.

Influence of Normative Pressure Rehabilitation

In the previous study that investigated the influence of juror rehabilitation (Crocker & Kovera, 2010), the rehabilitation manipulation included both instructions on the law and a request for the juror to put aside their biases, and so it was not possible in that study to determine which of these two components was responsible for the influence of rehabilitation on jurors' scaled guilt judgments. In the present study, I hypothesized that both components would be necessary to influence juror judgments, as the instructions would educate jurors on the legally correct judgment and the normative pressure component would help to motivate jurors to comply with the instructions. It appears, however, that the legal instruction is the component of rehabilitation that produces the effect on verdict observed in this study and possibly in past research; the present study found no effect of the normative pressure component of rehabilitation on verdict or guilt judgments.

Although normative pressure rehabilitation did not influence participants' guilt judgments, there was evidence that this manipulation did have some influence on jurors. Specifically, participants were less likely to agree that the defendant met the legal criteria for an insanity verdict after receiving normative pressure rehabilitation. Normative pressure rehabilitation increased participants' reported motivation to follow the judge's instructions. Receiving normative pressure also led to a decrease in posttest IDA-R scores, indicating a reduction in bias against the insanity defense.

If normative pressure rehabilitation were able to influence participants' perceptions of the defendant's mental state, why did it fail to influence participants' guilt and responsibility

judgments? Although normative pressure appeared to increase participants' motivation to render fair judgments, it is possible that normative pressure rehabilitation did not provide participants with sufficient information about how to reduce the influence of attitudinal bias on their judgments. Specifically, during the normative pressure rehabilitation, the judge asked participants to set aside any personal biases or opinions about the insanity defense. However, it is possible participants were unsure about whether they possessed bias and the nature of that bias, a possibility that is supported by research showing that individuals have limited awareness of biasing influences and how those influence may affect their judgments (Nisbett & Wilson, 1977; Wilson & Brekke, 1994). The normative pressure rehabilitation did not inform participants about the direction of the possible bias and did not give the participants a more appropriate framework (i.e., legal instructions) with which to make their judgments.

It is important to note that the combination of rehabilitative instructions and normative pressure rehabilitation did not exert a stronger effect on judgments than rehabilitative instructions alone. Rehabilitative instructions influenced participants' guilt judgments, and normative pressure to comply was not necessary to observe this effect. This may not be surprising as normative pressure is essentially a tool to motivate jurors to take a particular action (i.e., ignore their biases). Normative pressure may have been unnecessary because the rehabilitative instructions by themselves increased participants' motivation to follow the law and also provided more information about the type (and direction) of attitudinal bias that participants may need to correct for.

Summary

Both biased and unbiased participants in the current study exhibited sensitivity to variations in evidence strength in their verdict judgments without rehabilitation, and

rehabilitative instructions during voir dire did not increase the likelihood that jurors would render more "legally correct" verdicts. This finding raises questions about the problem of juror bias in the legal system. Does attitudinal bias truly interfere with a defendant's right to a fair trial if participants harboring bias remain sensitive to variations of evidence strength?

The rehabilitative instructions component of rehabilitation, and not the normative pressure component of rehabilitation, influenced jurors' judgments about defendant guilt and responsibility for the crime, which may help explain which component of rehabilitation was responsible for the effect of rehabilitation on juror judgments that was observed in prior research on rehabilitation (Crocker & Kovera, 2010). Although rehabilitative instructions influenced juror judgments, it shifted the judgments of both biased and unbiased jurors toward leniency. One possibility for this effect is that the instructions motivated participants to render fair judgments and provided them with information about the possibility, and the potential direction, of bias. It is possible that both biased and unbiased participants inferred that they harbored some degree of inappropriate attitudinal bias. Participants may have attempted to reduce the influence of bias but overestimated the magnitude of the bias, which resulted in overly lenient judgments.

It is clear from the results of Study One that the assumptions held by the legal system about the effect of rehabilitation on juror bias are not met. Specifically, although the law presumes that rehabilitation will reduce the influence of juror bias on judgments to allow jurors to better follow the law, I found that jurors, biased and unbiased, were sensitive to variations in evidence strength and that rehabilitation did not increase this sensitivity. These findings may provide evidence that rehabilitation is an unnecessary (and potentially biasing) questioning technique and that its use should be discontinued. However, this conclusion may be premature as Study One examined rehabilitation for attitudinal bias only. It is possible that rehabilitation may

be better able to reduce the influence of juror bias when the bias is due to exposure to a discrete piece of information (e.g., pretrial publicity). As noted earlier, the Flexible Correction Model states that individuals must be well calibrated (i.e., aware of the existence of bias and able to accurately estimate the magnitude and direction of bias) in order to successfully correct their judgments for bias. It is possible that jurors may be better able to estimate the existence and magnitude of a discrete collection of facts than an attitude, and thus better to partial out its influence. Study Two examined the effectiveness of two forms of rehabilitation for the reduction of juror bias attributable to pretrial publicity exposure.

Hypotheses

H1: PTP will increase the number of guilty verdicts.

H2: PTP and rehabilitation will interact to influence juror trial judgments. In the rehabilitation absent condition, jurors exposed to PTP will be more likely to vote guilty than will jurors not exposed to PTP. Similarly, in the suppression rehabilitation condition, jurors exposed to PTP will be more likely to vote guilty than will jurors not exposed to PTP, and the effect of PTP on judgments in the suppression rehabilitation condition will be larger than in the rehabilitation absent condition. However, in the concentration rehabilitation condition, there will be no main effect of PTP on guilt judgments.

H3: PTP and rehabilitation also will interact to influence deliberation content. When PTP is absent, rehabilitation will not influence the content of deliberations. However, when PTP is present, jurors who received suppression rehabilitation will be more likely to discuss PTP during deliberation than jurors who received no rehabilitation or jurors who received concentration rehabilitation. Jurors who

received no rehabilitation will be more likely to discus PTP than will jurors who received no rehabilitation.

H4: Among juries composed of jurors who were exposed to PTP, deliberations should be more likely to contain discussion of emotional than factual pretrial information.

CHAPTER 9: STUDY TWO: THE EFFICACY OF JUROR REHABILITATION TO REDUCE PREJUDICIAL IMPACT OF PRETRIAL PUBLICITY

Method

Participants

Participants were 267 undergraduate Introductory Psychology students and 206 jury-eligible community members. Students participated in exchange for partial fulfillment of their General Psychology research requirement. Student participants also received $5 if they arrived at least 10 minutes early to the study. Community member participants were recruited through advertisements in the "ETC Employment" section of the New York City page of Craigslist.org. Community member participants received $25 for their participation. Sixty four percent of student participants were women (170 women and 94 men) and the sample was racially diverse (17% white, non-Hispanic, 23% Black, 42% Hispanic, 10% Asian, 8% "other"). Student participants ranged in age from 18 to 43 (M = 20). Fifty six percent of community member participants were women (114 women and 91 men) and the sample was racially diverse (52% white, non-Hispanic, 24% Black, 9% Hispanic, 11% Asian, 4% "other"). Community member participants ranged in age from 18 to 70 (M = 36).

Participants were grouped into 81 deliberating juries (13-14 juries per cell). Juries ranged in size from 4 to 7 members. There were 3 four-member juries[5], 28 five-member juries, 29 six-member juries, and 21 seven-member juries (M jury size = 5.84).

Design and Materials

The study had a 2 (Pretrial Publicity: Present v. Absent) X 3 (Rehabilitation Type: None v. Rehabilitation with Suppression v. Rehabilitation with Concentration) factorial design.

[5] Results did not differ upon the removal of the four-member juries and so these juries remained in the analyses.

Pretrial publicity manipulation. Participants in the pretrial publicity condition received 10 news articles about the case prior to their arrival at the study. These articles contained both factual and emotional biasing pretrial information. The pretrial publicity articles were loosely based on the emotional and factual pretrial publicity used by Kramer and colleagues (1990). The factual pretrial information included mention of the defendant's prior criminal record and a description of inadmissible circumstantial evidence that linked the defendant to the crime, specifically a canvas bag and toy gun obtained during an illegal search of the defendant's girlfriend's home. The emotional pretrial information included a description of a hit-and-run accident involving a car similar to the one used by the perpetrator during the robbery during which a 7-year-old child was severely injured and later died. Participants in the pretrial publicity absent condition received 10 news articles that were unrelated to the case. These articles were adapted from real news stories about global warming from the New York Times and the Associated Press, among other sources. Global warming articles were similar in length and word count to the pretrial publicity articles. See Appendix B for the both sets of articles and source information for global warming articles.

Rehabilitation manipulation. In the rehabilitation absent condition, participants received standard voir dire questions; the judge asked participants about their television watching habits, their preferred news sources, and their reading habits (see the description of standard voir dire questions in Study 1). No additional instructions or questions were addressed to participants in the rehabilitation absent condition.

Participants in both rehabilitation conditions received the standard voir dire questions from the judge first, followed by the following instruction on the law regarding PTP: "The case we have before us today has received a lot of media attention. It is possible that the media has

released information about this case, including information about the defendant's prior criminal record, none of which you should consider when reaching your verdict." In both rehabilitation conditions, the judge followed the pretrial publicity instructions with a request for the venireperson to be fair, although the framing of the request varied across conditions. Specifically, in the suppression rehabilitation condition the judge continued, "Regardless of what you may know about this case, do you think you will be able to completely ignore everything you have heard about the case and only base your decision on the evidence presented in this courtroom and the law as I describe it to you?" In the concentration rehabilitation condition the judge instead said, "It is important that you concentrate your attention on the evidence and the facts presented to you in court. Will you be able to base your verdict on the evidence and on the law as I describe it to you?" All participants answered yes to these questions.

Trial stimulus. The 33-minute trial video, *People v. Carter,* was loosely based on the trial stimulus materials used by Kramer and colleagues (1990). The trial video included opening and closing instructions from the judge, opening statements and closing arguments from the attorneys, and direct and cross-examination of two eyewitness, a police officer witness, and a fingerprint expert witnesses. The State charged the defendant, Nelson Carter, with first degree armed robbery, alleging that the defendant committed the armed robbery of $30,000 from PJ's Wholesale Liquor Store in Washington Heights. The defendant pled not guilty to the charges. The two eyewitnesses testified that the defendant entered the liquor store with a gun, asked to be taken to the safe in the back room, and exited the store with a canvas bag containing the money from the safe. The defense argued that the defendant had been mistakenly identified as the perpetrator by the eyewitnesses. In support of this claim, the defense attorney argued that the eyewitness identification procedures employed by the police were faulty and suggestive.

Specifically, the defense presented evidence that after the store cashier witness, Mr. Washburn, failed to identify the defendant's photo from the first lineup, the police showed him a second lineup that contained all new photographs with the exception of the defendant's photograph. Pilot testing of the trial transcript with 29 student participants resulted in a 34% conviction rate[6].

Procedure

I advertised the study to student participants on the website for the departmental research participant pool. Community member participants were recruited through advertisements placed on Craigslist.org. The study was advertised to both groups of participants as a study of perception and decision-making. The advertisements stated that prior to the study, participants would read news articles and answer questions about them, and that during the study participants would watch a video and discuss the video as a group. The study advertisements did not mention the legal system or jury decision-making. Participants were allowed to sign up for a session of the study up to one day in advance of that session. Immediately upon signing up for a session of the study, participants were sent a series of emails containing links to the ten news articles. Participants were also informed that they must have read all ten of the news stories before their session to be eligible to participate. Participants were randomly assigned to receive either the pretrial publicity articles or the global warming articles, and all of the participants on a single jury were assigned to the same PTP condition. Separate web pages were created for each article (ten PTP web pages and ten global warming web pages). The purpose of having the participants read the newspaper articles online was to record how much time they spend reading the articles to ensure that they received the intended manipulation. Each article webpage contained one recall question about the content of that article. The link to the last article also contained all ten

[6] As we predicted that pretrial publicity exposure would increase conviction rates, we reasoned that a conviction rate less than 50% would help us to avoid ceiling effects for guilt in the pretrial publicity conditions.

recall questions about the content presented in the ten articles. Participants who did not read all 10 of the articles or participants who answered fewer than 7 out of 10 questions correct on the recall test were notified that they were ineligible to participate.

Upon arrival at the study, participants played the role of mock venirepersons in a live voir dire with a judge following the same procedure detailed in Study One. After participants arrived at the mock courtroom, they provided informed consent and completed a brief voir dire questionnaire. As in Study One, the judge entered the courtroom wearing a black robe, sat down at the judge's bench, and explained that the participants were the venirepersons for an armed robbery case. Specifically, participants were told that the defendant allegedly stole $30,000 from PJ's Wholesale Liquor Store in Washington Heights. After questioning the jurors as a group about their acquaintance with any of the individuals involved in the trial and their prior jury service, the judge conducted private voir dire with each juror individually while the other participants waited in an adjoining room. All participants received the standard voir dire questions, and depending on the experimental condition, the experimenter either dismissed the participant to the adjoining room or signaled for the judge to continue with the pretrial publicity instruction and one of the two rehabilitation questions, keeping the judge blind to condition before the signal. Each jury as a whole was randomly assigned to the same questioning condition. The judge was not aware of whether the participants have been exposed to pretrial publicity.

After the voir dire, participants returned to their seats in the courtroom and the judge informed the group that they had all been selected for jury service in the case. At this point, the judge informed participants that upon conclusion of the trial, they would be deliberating together to reach a unanimous verdict. The judge instructed participants that for deliberation to be

productive, it was important for each juror to come to the deliberation room prepared with reasons and arguments to defend their preferred verdict. The judge told participants that they should spend time preparing their arguments for deliberation while watching the trial evidence. This instruction was designed to induce participants to engage in two simultaneous tasks (i.e., watching the trial and preparing arguments for deliberating), creating a state of cognitive busyness for all participants. Gilbert and colleagues (1988) used a similar manipulation (i.e., told participants to be prepared to give a speech) to successfully induce a state of cognitive busyness in participants.

After the trial, participants completed a brief individual verdict form. Participants then gathered around a table to deliberate as a jury. Jury deliberations were videotaped, and the group was allowed up to 30 minutes for deliberation. If after 30 minutes the group could not reach a unanimous decision, they were urged to try their best to do so, and given an extra five minutes to discuss the case. Two juries were not able to reach a decision and declared themselves hung. These two groups were not included in the jury-level analyses. After reaching a verdict, the foreperson of the jury completed a brief jury verdict form, and each participant also completed an individual post-deliberation verdict form.

Each jury deliberation video was coded for discussion of pretrial publicity by two independent raters who were blind to experimental condition. Specifically, the coders rated the videos on the following dimensions: (a) Did anyone on the jury mention pretrial publicity? (b) Did anyone mention "emotional" pretrial publicity (e.g., hit and run accident involving a 7-year-old)? (c) Did anyone mention "factual" pretrial publicity (e.g., fruit of illegal search; defendant's prior record)? (d) Did anyone on the jury state that the group should not consider the pretrial publicity when coming to a verdict decision? Kappas were calculated for each of the four coding

categories to assess the level of interrater reliability. The coding agreement for the four coding categories was .79, .78, .70, and .76, respectively; the mean agreement level across the four coding categories was .76. Coding disagreements were resolved through review of the deliberation video(s) and discussion among both coders. Coder 1 also recorded the time spent deliberating for each jury (M = 13.58 minutes).

Dependent measures

Voir dire questionnaire. The voir dire questionnaire contained demographic questions as well as questions about juror eligibility. Participants provided their gender, age, education level, racial/ethnic background, marital status, prior juror experience, and income level. This questionnaire also contained questions about participants' political views, television watching habits, religious worship habits, and preferred news sources. See Appendix B for the full versions of the questionnaires.

Manipulation checks. Several questions assessed whether participants correctly recalled content of the news articles that they read prior to the study. Specifically, participants answered one recall question about each of the 20 news articles (see Appendix B). Items also assessed whether participants recalled the voir dire questions asked of them. Specifically, participants answered yes or no to the following questions, (a) Did the judge question you about your reading habits?; (b) Did the judge question you about your television watching habits?; (c) Did the judge question you about your exposure to negative pretrial publicity about the case?; and (d) Did the judge inform you that the media may have released information about this case, and that you should not consider this information when reaching your verdict? Participants also answered the question, "During voir dire, which of the following did the judge ask you to do?" (a) Ignore information from the newspaper articles you read, (b) Concentrate only on the evidence

presented at trial, (c) None of the above. As the difference in wording between the suppression rehabilitation and the concentration rehabilitation conditions was subtle, I also included a more specific recognition manipulation check question in which participants were asked to identify which of three verbatim statements were made to them by the judge during private voir dire questioning (see Appendix B). As an additional manipulation check for rehabilitation, participants rated their agreement with the following two statements on 7-point Likert-type scales (1= Strongly Disagree, 7 = Strongly Agree), (a) While watching the trial, I tried to ignore the information that I read online in the newspaper articles for part 1 of the study, and (b) I tried to concentrate only on the evidence while watching the trial.

Pre-deliberation individual verdict questionnaire. Participants selected a verdict and rated their confidence in the verdict choice on a 0-100% scale and provided ratings of defendant responsibility on a 0-100% scale.

Post-deliberation jury verdict questionnaire. After deliberating as a group, each jury jointly filled out a verdict questionnaire. Participants selected a verdict and rated their confidence in the verdict choice on a 0-100% scale.

Post-deliberation individual questionnaire. After completing the post-deliberation jury verdict form, all participants filled out an additional individual questionnaire. Participants selected a verdict and rated their confidence in the verdict choice on a 0-100% scale and provided ratings of defendant responsibility on a 0-100% scale. Participants also rated their agreement with items assessing their perceptions of voir dire (e.g., how much pressure they felt from the judge to answer questions in a certain way), their evaluation of the trial evidence, and the degree to which they were able to maintain focus on the evidence while watching the trial and during deliberation on 7-point Likert-type scales (see Appendix B for a complete list of

items). Participants also rated how truthful they were during voir dire questioning and how strong they perceived the prosecution's case to be on a scale of 0 (not strong at all) to 10 (extremely strong).

CHAPTER 10: STUDY TWO RESULTS

Analytic Strategy

To analyze both pre-deliberation individual verdict choice and jury verdict choice, I performed a binary logistic regression analysis with dichotomous verdict choice as the dependent variable and pretrial publicity, rehabilitation type, and participant type as the independent variables. I also included in the model the two-way interaction of pretrial publicity and rehabilitation type and the three-way interaction of pretrial publicity, rehabilitation type, and participant type.

For post-deliberation dependent variables, it was necessary to account for the nesting of jurors within jury groups. To analyze individual post-deliberation verdicts, I ran a multilevel logistic regression model using the R program (R Development Core Team, 2010; Wright & London, 2009). Individual juror verdicts were nested within jury group, and I included pretrial publicity, rehabilitation type, participant type, the two-way interaction of pretrial publicity and rehabilitation type, and the three-way interaction as predictor variables in the model.

I created additional verdict measures for pre-deliberation, jury, and post-deliberation judgments by combining verdict choice and reported confidence in verdict. I recoded dichotomous verdict so that -1 indicated a verdict of not guilty and 1 indicated a verdict of guilty. I multiplied the recoded verdict variable by the continuous confidence variable to create a scaled verdict measure. The scaled verdict measure could range from -100 (highly confident not guilty judgment) to +100 (highly confident guilty judgment).

To create a scale measuring the participants' self-reports of the accessibility of the news articles, participants were asked to rate their agreement on a Likert-type scale (1 = Strongly Disagree; 7 = Strongly Agree) with five items that measured the degree to which participants had

difficulty ignoring the articles they read prior to the study: (a) It was difficult for me to concentrate only on the evidence during the trial, (b) I felt distracted during the trial, (c) During the trial, I found it difficult to ignore the information I read in the newspaper articles prior to the study, (d) During the trial, I caught myself thinking about the articles I read online for Part One of the study, (e) During deliberation with the other jurors, I felt tempted to mention things that I read online in the news articles in Part One of the study. I averaged participants' responses to these five items to create an article accessibility scale. The scale had good reliability ($\alpha = 0.81$).

For participant's post-deliberation individual judgments, I analyzed continuous dependent variables using a nested ANOVA with jury group as the random variable. For analyses involving more than one continuous dependent variable, I conducted a nested MANOVA using the R program. Unless otherwise indicated, the following independent variables were included in all analyses: pretrial publicity, rehabilitation type, and participant type.

Manipulation Checks

Manipulation checks revealed that the manipulation of rehabilitation was successful. Participants were more likely to agree that the judge asked them to completely ignore everything they have heard about the case if they received suppression rehabilitation than if they received concentration rehabilitation, χ^2 (1, N = 316) = 81.32, $p < .01$, $\Phi = -0.51$. Participants were more likely to agree that the judge asked them to concentrate their attention on the evidence if they received concentration rehabilitation than if they received suppression rehabilitation, χ^2 (1, N = 316) = 85.64, $p < .01$, $\Phi = 0.52$. In response to the manipulation check asking participants to identify which specific questioning they received from the judge during voir dire (i.e., "Please identify below exactly what the judge said to you after asking about your reading habits"), 80%

of participants correctly identified the specific questioning that they received during voir dire. The percentage of participants in the suppression rehabilitation, concentration rehabilitation, and no rehabilitation conditions who correctly identified the statements made to them by the judge during voir dire was 73%, 70%, and 98%, respectively. I also assessed participants' self-reported effort to ignore the news articles and concentrate on the evidence. There was a main effect of rehabilitation type on participants' self-reported level of effort to ignore the news articles, $F(2, 389) = 12.71$, $p < .01$, $\eta_p^2 = .26$. A Tukey post-hoc test revealed that participants in the suppression rehabilitation and concentration rehabilitation conditions were significantly more likely to agree that they attempted to ignore the news articles ($M = 6.18$ and 6.05, respectively) than participants in the no rehabilitation condition ($M = 5.23$), 95% CIs [5.89, 6.46], [5.76, 6.34], and [4.93, 5.52], respectively. The suppression rehabilitation and the concentration rehabilitation conditions did not differ on agreement levels for whether they attempted to ignore the articles. There was a main effect of rehabilitation type on participants' self-reported level of effort to concentrate on the evidence, $F(2, 391) = 3.30$, $p = .04$, $\eta_p^2 = .09$. A Tukey post-hoc test revealed that participants in the concentration rehabilitation and suppression rehabilitation conditions were significantly more likely to agree that they attempted to concentrate on the evidence ($M =$ 6.69 ad 6.68, respectively) than were participants in the no rehabilitation condition ($M = 6.45$), 95% CIs [6.57, 6.80], [6.57, 6.80], and [6.33, 6.56], respectively. There was no difference in self-reported effort to concentrate on the evidence between the two rehabilitation conditions.

To test for effectiveness of our manipulation of pretrial publicity, prior to attending the study, participants answered 10 multiple-choice questions about the content presented in the ten articles they received. The mean score on the article recall quiz was 8.82 (out of 10), SD = 1.68.

Hypothesis 1

Pre-deliberation individual guilt judgments. To test Hypothesis 1, I conducted a binary logistic regression with pre-deliberation individual verdict choice as the dependent variable. The model was significant, -2LL = 524.42, χ^2 (8) = 15.63, p = .05. Pretrial publicity was a significant predictor of verdict. Participants who received pretrial publicity articles were significantly more likely to vote guilty (M = 33%) than were participants who did not receive pretrial publicity (M = 20%), β = 0.89, SE = .38, Wald's χ^2 (1, N = 473) = 5.52, p = .02, Exp(β) = 2.43, 95% CIs [1.16, 5.09].

Adding further support for Hypothesis 1, there was a main effect for pretrial publicity on scaled verdicts; participants exposed to pretrial publicity displayed more confidence in the defendant's guilt (M = -24.12) than did participants who were not exposed to pretrial publicity (M = -46.19), F(1, 460) = 11.37, p < .01, η_p^2 = .02, 95% CIs [-33.50, -14.75] and [-55.00, -37.39], respectively. Participants exposed to pretrial publicity also provided higher pre-deliberation likelihood of guilt ratings (M = 53.76) than did participants who were not exposed to pretrial publicity (M = 42.91), F(1, 460) = 15.34, p < .01, η_p^2 = .03, 95% CIs [49.80, 57.73] and [39.18, 46.64], respectively.

Post-deliberation individual guilt judgments. For the nested logistic regression conducted with post-deliberation verdict choice, after taking into account the variance attributable to jury group, none of the independent variables were significant predictors of individual verdict (all ps > 0.55). However, participants who were exposed to pretrial publicity exhibited more confidence in the defendant's guilt (M = -53.99) than did participants who were not exposed to pretrial publicity (M = -72.33), F(1, 392) = 4.41, p = .04, η_p^2 = .06, 95% CIs [-58.07, -49.90] and [-76.22, -68.43], respectively. Finally, participants exposed to pretrial publicity provided higher post-deliberation likelihood of guilt ratings (M = 43.26) than did

participants who were not exposed to pretrial publicity (M = 34.15), $F(1, 392) = 5.01$, $p = .03$, $\eta_p^2 = .07$, 95% CIs [40.22, 46.30] and [31.25, 37.04], respectively.

Hypothesis 2

Pre-deliberation individual guilt judgments. I first tested the predicted interaction of PTP and rehabilitation type for pre-deliberation individual guilt judgments. The interaction effect was not significant for pre-deliberation verdict ($p > .43$). Similarly, the interaction of PTP and rehabilitation type did not significantly influence pre-deliberation scaled verdict judgments ($p > .78$) or pre-deliberation likelihood of guilt judgments ($p > .37$).

Jury verdicts. To test for the interaction of PTP and rehabilitation type on jury verdicts, I conducted a binary logistic regression with jury verdict choice as the dependent variable. The model was not significant, -2LL = 31.47, χ^2 (8) = 10.99, $p = .20$. For jury scaled verdicts however, there was a significant interaction between pretrial publicity and rehabilitation type, $F(2, 67) = 3.26$, $p = .04$, $\eta_p^2 = .09$. When rehabilitation was absent, participants who read PTP expressed more confidence in the defendant's guilt (M = -34.38) than did participants who did not read PTP (M = -82.29), $F(1, 67) = 6.81$, $p = .01$, $\eta_p^2 = .09$, 95% CIs [-61.87, -6.88] and [-106.54, -58.05], respectively. Guilt judgments did not differ according to PTP exposure for the two rehabilitation conditions, although the pattern of means followed that of individual post-deliberation guilt judgments (see below).

Post-deliberation individual guilt judgments. There was a significant interaction between pretrial publicity and rehabilitation type on post-deliberation individual scaled verdict, $F(2, 392) = 3.44$, $p = .04$, $\eta_p^2 = .09$. When rehabilitation was absent, participants who read PTP exhibited more confidence in the defendant's guilt (M = -30.78) than did participants who did not read PTP (M = -80.89), $F(1, 392) = 96.36$, $p < .01$, $\eta_p^2 = .20$, 95% CIs [-37.55, -23.21], and

[-65.74, -52.68], respectively. Similarly, in the concentration rehabilitation conditions, participants who read PTP expressed more confidence in the defendant's guilt (M = -58.52) than did participants who did not read PTP (M = -77.88), $F(1, 392) = 15.00$, $p < .01$, $\eta_p^2 = .04$, 95% CIs [-65.58, -51.47], and [-84.73, -71.04], respectively. However, in the suppression rehabilitation condition, participants who read PTP expressed *less* confidence in the defendant's guilt (M = -73.06) than did participants who did not read PTP (M = -59.21), $F(1, 392) = 8.07$, $p = .01$, $\eta_p^2 = .02$, 95% CIs [-80.07, -66.04], and [-65.74, -52.68], respectively.

Hypothesis 3

To test Hypothesis 3, I conducted a binary logistic regression analysis with rehabilitation type as the independent variable and whether jurors mentioned pretrial publicity as the dependent variable. I selected only cases of juries that received pretrial publicity articles. The model was not significant, -2LL = 36.37, $\chi^2 (2) = 2.74$, $p = .25$. The frequencies suggest a trend for participants to be less likely to mention pretrial publicity if they received suppression rehabilitation (67%) compared to concentration rehabilitation (77%) and no rehabilitation (92%).

Of the 38 juries that were exposed to pretrial publicity, 30 juries (79%) mentioned the pretrial publicity during deliberation. Of the juries that mentioned pretrial publicity, 9 juries (30%) discussed emotional pretrial publicity and 23 juries (77%) mentioned factual pretrial publicity. Of juries that mentioned pretrial publicity, one or more people on 25 (83%) of these juries stated that the pretrial publicity should not be discussed or used in their decision-making.

Hypothesis 4

To test hypothesis 4, I conducted a binary logistic regression with rehabilitation type as the independent variable and whether juries mentioned emotional PTP as the dependent variable. Only juries exposed to PTP were included in the analysis. Rehabilitation type did not predict

whether juries mentioned emotional pretrial publicity, -2LL = 39.30, χ^2 (2) = 2.30, p = .32. I conducted a second binary logistic regression with rehabilitation type as the independent variable and whether juries mentioned factual PTP as the dependent variable. Rehabilitation type did not predict whether juries mentioned factual pretrial publicity, -2LL = 50.29, χ^2 (2) = 0.69, p = .71. Rehabilitation type also did not predict whether deliberations contained an admonishment that the group should not use the pretrial publicity in their judgments, -2LL = 47.67, χ^2 (2) = 1.16, p = .56.

Additional analyses

Influence of PTP. I conducted a nested MANOVA using the R program with the six items that were designed to measure perceptions of the quality of the eyewitness evidence provided by the two witnesses. The multivariate test was significant for pretrial publicity, mult. $F(6, 421) = 3.18$, $p < .01$, $\eta_p^2 = .03$. Participants who were exposed to pretrial publicity were more likely to agree that the manager witness had a good view of the perpetrator ($M = 3.43$) than were participants who were not exposed to pretrial publicity ($M = 2.98$), $F(1, 426) = 7.28$, $p = 0.01$, $\eta_p^2 = .02$, 95% CIs [3.20, 3.67] and [2.76, 3.20], respectively. Participants who were exposed to pretrial publicity rated the store manager witness as more reliable ($M = 3.51$) than did participants who were not exposed to pretrial publicity ($M = 2.90$), $F(1, 426) = 14.32$, $p < .01$, $\eta_p^2 = .03$, 95% CIs [3.27, 3.74] and [2.69, 3.12], respectively. The multivariate test was also significant for the two-way interaction between participant type and pretrial publicity, mult. $F(6, 421) = 3.60$, $p < .01$, $\eta_p^2 = .03$. For participants who were not exposed to pretrial publicity, community member participants were more likely to agree that the police used proper identification procedures used with the store manager eyewitness ($M = 5.43$) than were student participants ($M = 4.89$). However, for participants who were exposed to pretrial publicity,

students were more likely than community members to agree that the police id procedures used with the store manager identification were proper (M = 5.64 and 4.75, respectively), $F(1, 426) = 11.21$, $p < .01$, $\eta_p^2 = .03$, 95% CIs [5.02, 5.84], [4.49, 5.28], [5.22, 6.05], and [4.30, 5.20], respectively. For participants exposed to pretrial publicity, community members were more likely to agree that the id procedures used with the cashier witness were proper (M = 2.19) than were student participants (M = 1.80), $F(1, 426) = 4.84$, $p = .03$, $\eta_p^2 = .01$, 95% CIs [1.90, 2.47] and [1.54, 2.07], respectively.

There was a main effect of pretrial publicity on participants' article accessibility score; participants who were exposed to pretrial publicity reported easier access to the articles that they had read (M = 2.55) than did participants who were not exposed to pretrial publicity (M = 1.64), $F(1, 387) = 38.95$, $p < .01$, $\eta_p^2 = .36$, 95% CIs [2.42, 2.69] and [1.51, 1.77], respectively.

Influence of rehabilitation. Rehabilitation type was not a significant predictor of pre-deliberation scaled verdict choice (p = 0.35). Rehabilitation also did not significantly predict pre-deliberation likelihood of guilt judgments (p = 0.16).

For the MANOVA conducted with items assessing the quality of the eyewitness evidence, the multivariate effect was significant for concentration rehabilitation, mult. $F(6, 421) = 2.42$, $p = .03$, $\eta_p^2 = .03$. Participants who received concentration rehabilitation were less likely to agree that the police used proper identification procedures with the cashier witness (M = 1.62) than were participants in the no rehabilitation condition (M = 2.10), $F(1, 426) = 12.56$, $p < .01$, $\eta_p^2 = .02$, 95% CIs [1.39, 1.86], and [1.87, 2.33], respectively.

There was a significant two-way interaction between participant type and rehabilitation type on post-deliberation self-reported levels of actual truthfulness during voir dire, $F(1, 392) = 3.97$, $p = .02$, $\eta_p^2 = .10$. Simple effects tests revealed that for participants who received

concentration rehabilitation, community member participants indicated that they were more truthful ($M = 9.94$) than did student participants ($M = 9.64$), $F(1, 392) = 6.86$, $p = .01$, $\eta_p^2 = .02$, 95% CIs [9.77, 10.10] and [9.49, 9.79], respectively.

There was a main effect of rehabilitation type on duration of deliberation, $F(2, 68) = 3.28$, $p = .04$, $\eta_p^2 = .09$. A Tukey post-hoc test revealed that juries that received suppression rehabilitation deliberated longer ($M = 16.07$) than did juries that received concentration rehabilitation ($M = 9.53$), and neither group's deliberation time was significantly different from that of the rehabilitation absent group ($M = 15.14$), 95% CIs [12.14, 19.99], [5.65, 13.41], and [11.24, 19.04], respectively.

Influence of participant type. There was a main effect of participant type on pre-deliberation likelihood of guilt; community member participants rated the likelihood that the defendant was guilty higher ($M = 51.15$) than did student participants ($M = 45.52$), $F(1, 460) = 4.13$, $p = .04$, $\eta_p^2 = .01$, 95% CIs [47.06, 55.24] and [41.94, 49.11], respectively. There were no significant interaction effects with participant type.

There was also a main effect of participant type; community member participants provided higher post-deliberation likelihood of guilt ratings ($M = 44.89$) than did student participants ($M = 33.71$), $F(1, 392) = 7.23$, $p = .01$, $\eta_p^2 = .09$, 95% CIs [41.71, 48.06] and [30.92, 36.50], respectively. There were no significant interaction effects with participant type.

I conducted a nested MANOVA using the R program with the four items that were designed to assess participants' perceptions of judicial pressure during voir dire as the dependent variables. I made two dummy coded predictor variables (i.e., rehab1 and rehab2) to account for the three levels of rehabilitative questioning. The dummy variables were coded so that rehab1 represented the comparison between suppression rehabilitation and no rehabilitation and rehab2

represented the comparison between concentration rehabilitation and no rehabilitation. The multivariate test was significant for the interaction between concentration rehabilitation and participant type, mult. $F(4, 456) = 5.26$, $p < .01$, $\eta_p^2 = .03$. In the concentration rehabilitation conditions, students were more likely to agree that it was difficult to answer the judge's questions honestly ($M = 1.67$) than were community members, ($M = 1.04$), $F(1, 456) = 8.54$, $p < .01$, $\eta_p^2 = .02$, 95% CIs [1.46, 1.88] and [0.81, 1.28], respectively. In the concentration rehabilitation conditions, students were more likely to agree that the judge was intimidating ($M = 2.48$) than were community members, ($M = 1.53$), $F(1, 456) = 14.30$, $p < .01$, $\eta_p^2 = .03$, 95% CIs [2.19, 2.77] and [1.21, 1.84], respectively. Also in the concentration rehabilitation conditions, students were more likely to agree that they felt pressure to answer the judge's questions in a certain way ($M = 2.74$) than were community members, ($M = 1.75$), $F(1, 456) = 13.24$, $p < .01$, $\eta_p^2 = .03$, 95% CIs [2.40, 3.09] and [1.36, 2.13], respectively.

For the MANOVA testing the items measuring participants' evaluation of eyewitness evidence quality, the multivariate test was significant for participant type, mult. $F(6, 421) = 2.76$, $p = .01$, $\eta_p^2 = .02$. Community members rated the manager eyewitness's view of the perpetrator to be better ($M = 3.49$) than did student participants ($M = 2.92$), $F(1, 426) = 11.94$, $p < .01$, $\eta_p^2 = .03$, 95% CIs [3.26, 3.73] and [2.70, 3.14], respectively. Community members also rated that witness's identification of the defendant to be more reliable ($M = 3.49$) than did student participants ($M = 2.92$), $F(1, 426) = 12.18$, $p < .01$, $\eta_p^2 = .03$, 95% CIs [3.26, 3.72] and [2.70, 3.14], respectively. There were no significant interaction effects with participant type.

CHAPTER 11: STUDY TWO DISCUSSION

Hypothesis 1

Consistent with past research on pretrial publicity, exposure to pretrial publicity increased perceptions of defendant guilt, even after jury deliberations (Chrzanowski, 2005). Participants who read pretrial publicity were more likely to vote guilty prior to jury deliberations and provided higher likelihood of guilt and higher scaled guilt ratings (expressing more confidence in the defendant's guilt) both prior to and after jury deliberations. In addition to influencing perceptions of defendant guilt, exposure to pretrial publicity influenced participants' evaluation of the trial evidence, indicating that PTP caused pre-decisional distortion (Hope et al., 2004). Participants who read pretrial publicity rated the liquor store manager witness as having had a better view of the perpetrator and also rated the manager's eyewitness identification as more reliable than did participants who did not read pretrial publicity. Pretrial publicity exposure also led to slightly stronger evidence ratings in general.

Hypothesis 2

For post-deliberation individual guilt judgments, there was a pretrial publicity by rehabilitation type interaction. When rehabilitation was absent, participants were more confident in the defendant's guilt if they had read the PTP than if they had read the global warming articles. The rehabilitation absent condition can be interpreted as a baseline condition, demonstrating a negative effect of PTP on judgments: That PTP increases participants' perception of defendant guilt. The pattern was the same for concentration rehabilitation; contrary to hypotheses, even after receiving concentration rehabilitation, participants who read PTP were more likely to perceive the defendant as guilty than were participants who did not read PTP, indicating that concentration rehabilitation did not eliminate the biasing effect of PTP. However,

after receiving the suppression rehabilitation, participants who read PTP were less likely to perceive the defendant as guilty than were participants who did not read PTP. For post-deliberation jury scaled guilt judgments, this same pattern emerged, although the only mean difference that achieved significance was between the PTP conditions for the rehabilitation absent condition.

The abovementioned finding is very interesting in that it suggests suppression rehabilitation, or traditional rehabilitation, may reduce the negative influence of pretrial publicity on guilt judgments. However, rather than reducing the negative influence of PTP to the level of participants who were not exposed to PTP, receiving suppression rehabilitation resulted in guilt ratings that were *lower* for participants who read PTP than for those who did not. One possible explanation for this result is that upon receiving suppression rehabilitation, participants who were exposed to PTP attempted to correct for the PTP bias, but overestimated the magnitude of the bias, causing the resulting judgments to be more lenient than the baseline (i.e., no PTP) condition.

The effect of suppression rehabilitation can be compared with the influence of rehabilitative instructions observed in Study One; in both studies, the rehabilitation questioning resulted in an overcorrection for bias. The overcorrection is likely a result of participants overestimating the influence that the biasing agent (i.e., the attitude or the PTP) will exert on their judgments. Similar research has found evidence that mock jurors may overestimate the influence that pro-prosecution inadmissible evidence will have on their judgments (Thompson, 1981). Contrary to the findings in Study One, the effect of suppression rehabilitation was an interaction with pretrial publicity instead of a main effect on judgments. It is important to note that instead of shifting all participants (i.e., PTP-exposed and non PTP-exposed) toward

leniency, suppression rehabilitation only influenced the judgments of participants who read PTP. One possible explanation for this finding is that it is easier for individuals to determine whether they have read pretrial publicity about a case than to determine if they possess an attitudinal bias. It is likely that in Study One, all participants thought it was possible that they were biased and thus attempted to correct judgments whereas in Study Two, participants who were confident that no bias existed (i.e., those who read global warming articles) did not attempt to correct for bias.

The finding that suppression rehabilitation resulted in lower guilt judgments for PTP-exposed participants than for participants not exposed to PTP was also contrary to our hypotheses; we predicted that suppression rehabilitation would lead to an *increased* influence of the biasing pretrial publicity information due to a failure of thought suppression under conditions of cognitive load. It is possible that we did not observe the predicted results because thought suppression succeeded among participants who received pretrial publicity and suppression rehabilitation. One explanation for why thought suppression may have succeeded is that participants did not experience the intended level of cognitive busyness. Although participants across conditions were instructed to undertake multiple tasks simultaneously (e.g., watching the trial video and preparing arguments for deliberation), it is unclear whether this degree of load was high enough to induce a state of cognitive busyness[7]. I predicted that participants who read pretrial publicity and were rehabilitated with suppression would score higher than participants in the other conditions on items measuring accessibility of the articles; however, rehabilitation type did not interact with pretrial publicity for article accessibility scale scores.

[7] The present study did not manipulate cognitive busyness, making it more difficult to determine whether the cognitive busyness instruction had the intended effect.

Hypothesis 3

Judging from the jury deliberation coding in this study, deliberation did not appear to exacerbate the biasing effect of pretrial publicity. Although the vast majority (79%) of juries that were exposed to pretrial publicity mentioned pretrial publicity during the course of deliberation, discussion of pretrial publicity was brief and was usually quickly followed by a warning from a member of the jury that the information should not be considered. Kramer and colleagues (1990) similarly found that jurors mentioned pretrial publicity only briefly during deliberation and that discussion of pretrial publicity was frequently paired with a warning not to discuss it.

Although the effect of rehabilitation on the likelihood of discussing pretrial publicity during deliberation was not significant, the pattern of means suggests that there is a trend for juries that were rehabilitated with suppression to be less likely to discuss pretrial publicity during deliberation than were juries rehabilitated with concentration instructions, which are in turn were less likely to discuss pretrial publicity than were juries that did not receive rehabilitation. That said, the difference between rates of pretrial publicity discussion across rehabilitation conditions is small, so it is inappropriate to draw strong conclusions from this pattern.

Juries that were rehabilitated with suppression instructions deliberated longer than did juries that were rehabilitated with concentration. However, the effect of rehabilitation on deliberation length was a main effect and not an interaction with pretrial publicity (which might have suggested greater effort undertaken to ignore the biasing information). One possible explanation for this effect is that suppression rehabilitation may have prompted jurors to suppress any outside information or considerations that were not presented at trial. As suppression is generally more difficult than concentration (Wenzlaff & Wegner, 1998), the increased effort associated with suppression could explain the longer deliberation time.

Despite the fact that participants in the present study did not discuss pretrial publicity at length during deliberation, exposure to pretrial publicity did influence individual jurors' judgments. It is possible that the pretrial publicity exerted influence on judgments primarily through pre-decisional distortion, by biasing the evaluation of trial evidence in a pro-prosecution manner.

Hypothesis 4

The prediction that juries exposed to pretrial publicity would be more likely to mention emotional than factual pretrial publicity was not supported. This finding was unexpected as emotional information is typically more difficult to suppress than factual information due to the superior encoding of emotional information. It is possible that the emotional pretrial publicity did not benefit from superior encoding in the present study because participants were not more likely to attend to or recall information about the emotional articles compared to the factual articles. Indeed, because the factual pretrial publicity in the present study was directly relevant to the likelihood that the defendant is guilty of the crime charged, perhaps the participants were more likely to recall and think about the factual PTP than the emotional PTP during the trial.

Summary

The results of the present study replicated the findings from the body of research on pretrial publicity; specifically, pretrial publicity increases perceptions of defendant guilt. Further, the biasing effect of pretrial publicity in the current study was not eliminated by exposure to trial evidence or deliberation with other jurors[8]. Although deliberation has been proposed as a remedy to reduce the biasing effects of pretrial publicity, participants exposed to pretrial publicity

[8] We can hypothesize that the biasing effect of the pretrial publicity articles was stronger prior to the presentation of evidence than after the trial, but we cannot actually test for this effect as the present study did not include any pre-trial perception of guilt measures.

reported higher confidence in the defendant's guilt and rated the likelihood that the defendant was guilty as higher than did participants who were not exposed to pretrial publicity even after deliberation. Exposure to pretrial publicity also biased participants' evaluation of the trial evidence, which is consistent with other research showing pre-decisional distortion (Hope et al., 2004).

Contrary to our hypotheses, suppression rehabilitation was effective at reducing PTP-induced bias, but participants who were exposed to PTP and who received suppression rehabilitation overcorrected for the PTP judgments and thus rendered judgments that were more lenient than those rendered by participants who did not read PTP. There was no evidence that participants experienced failures of thought suppression after receiving suppression rehabilitation. Concentration rehabilitation, which was designed to be an improvement upon traditional rehabilitation, was inferior to suppression rehabilitation in terms of reducing perceptions of defendant guilt, and was no more effective than no rehabilitation.

CHAPTER 12: GENERAL DISCUSSION

The present dissertation research was designed to examine the psychological processes underlying juror rehabilitation effects, and also to investigate whether rehabilitation results in better quality juror judgments. I also sought to replicate the effect of rehabilitation that has been observed in past research and tease apart the specific component(s) of rehabilitation responsible for the effect on juror judgments. The influence of rehabilitation on juror judgments was relatively consistent across Study One and Study Two. With regard to rehabilitation for attitudinal bias, rehabilitation (specifically rehabilitative instructions) resulted in a leniency bias across all jurors. That is, rehabilitation influenced biased and unbiased participants similarly, but did not make participants more sensitive to variations in evidence strength. When investigating rehabilitation for pretrial publicity-induced bias, rehabilitation (specifically suppression rehabilitation) also resulted in more lenient judgments, but only for participants who were exposed to pretrial publicity. This type of rehabilitation shifted judgments in the appropriate direction (i.e., toward judgments of not guilty), but as the resulting judgments were more lenient than those rendered by participants who did not read PTP, it appears that participants overcorrected for their bias. That participants in the present studies overestimated the magnitude of their biases is consistent with similar examples of overestimation in the social psychological literature. Research on affective forecasting shows that individuals consistently overestimate the degree to which they will be influenced by both positive and negative experiences. Specifically, individuals appear to overestimate the temporal duration of increases or decreases to their well-being (Gilbert, Pinel, Wilson, Blumberg, & Wheatley, 1998).

It is possible that the FCM can explain the effects of rehabilitation for attitudinal and pretrial publicity induced bias. The effect of rehabilitation on juror bias may be slightly different

according to the nature of the bias itself. Specifically, jurors may have an easier time correcting their judgments for potential bias if the bias is a discrete piece of information than if the bias is a personal attitude or belief. The results of our studies indicate that rehabilitation during individual voir dire can alert participants to the possibility that they are biased, and that participants are motivated to follow the instructions from the judge (as opposed to perceiving the rehabilitation as a limitation on their personal freedom as reactance theory would predict).

However, the rehabilitation may be more effective for pretrial publicity that for attitudinal bias for two reasons. First, as FCM suggests, individuals must not only be alerted to the possibility of bias, but they must be able to determine if they harbor bias; it is easier to determine if one has read pretrial publicity than to determine if one's attitudes toward the insanity defense are inappropriately biased. Second, the effectiveness of bias correction depends on individuals' ability to accurately assess the magnitude of the biasing influence. It may be more difficult to partial out or accurately assess the magnitude of an attitudinal bias than bias attributable to exposure to media accounts of a case (information that is not personally relevant). Consistent with these ideas, it appears that participants in Study Two who were not exposed to pretrial publicity understood that there was no bias to correct for, whereas Study One participants who were not biased against the insanity defense apparently were unable to accurately assess whether they harbored bias, as unbiased participants did attempt to correct for bias. With regard to rehabilitation for attitudinal bias, the observed leniency effect may reflect the fact that all participants overcorrected for their attitudinal bias. Study Two did not contain a manipulation of evidence strength, and thus we cannot determine to what degree participants exposed to pretrial publicity and rehabilitated with suppression overcorrected for bias. Future research should

include an evidence strength manipulation in investigations of rehabilitation for pretrial publicity so that assessments of the quality of juror judgments can be made.

Taken together, the two studies provide evidence that rehabilitation does not have the precise effect predicted by the legal system. Rehabilitation may be unnecessary, given that biased jurors in Study One were sensitive to variations in evidence strength, and rehabilitation did not increase jurors' sensitivity to evidence strength. In addition, jurors may not possess accurate information about whether they harbor bias, the direction of that bias, and the magnitude of that bias. If jurors are not calibrated in this manner, rehabilitation may simply result in judgments that are biased in the direction of leniency. The present results also suggest that rehabilitation may be a more promising remedy for biases that are discrete (e.g., inadmissible evidence, pretrial publicity) rather than attitudinal in nature.

Limitations and Future Directions

The present dissertation research has several limitations. For Study One, although jurors categorized as biased had more negative attitudes toward the insanity defense than did jurors categorized as unbiased, the juror bias categorization did not directly correspond to the relevant categorization used during actual voir dire. During actual voir dire, juror bias rises to the level of a challenge for cause when a jurors state that they are unable to follow the law due to their attitudes. Although the large required sample size of the study prevented us from using the legally relevant bias categorization criteria, the categorization method used allowed for a more reliable indicator of actual bias (participants' IDA-R scale scores) than would have been possible using participants' response to a single question.

Also in Study One, it is possible that the instructional component of rehabilitation contained an implicit normative influence. Indeed, after hearing the legal instruction, jurors may

have inferred that the judge was expecting the juror to agree to follow the law. However, for the MANOVA with the five items assessing perceived pressure from the judge during voir dire, there was only a main effect for normative pressure rehabilitation. There was not a main effect of rehabilitative instructions, which suggests that participants did not perceive any pressure from the judge to respond in a particular way after receiving the instructions alone.

Another possible limitation of Study One is the use of theory on group influence to explain the interaction between the individual juror and the judge during rehabilitation. Although there are parallels between the influence of the judge on a juror and the influence of a group majority on an individual group member (e.g., the judge is a credible source, motivated to provide accurate information, from whom the jurors wishes to obtain a favorable evaluation), the research on conformity has rarely been applied to situations of individual influence.

For Study Two, I informed participants prior to their participation in the study that they would be tested on the articles that they were going to read. Although participants were unaware that they would be participating in a jury study, informing participants that they would be tested on the articles may have induced them to pay more attention to the articles that they would have otherwise. In addition, our participant recruitment methodology did not allow for the distribution of pretrial publicity over a period of days, which would replicate the manner in which actual pretrial publicity is disseminated. However, research combining field and laboratory methodology to examine PTP effects suggests that the effects of pretrial publicity on judgments are similar for experimentally manipulated and naturally occurring pretrial publicity exposure (Daftary-Kapur, 2010; Chrzanowski, 2005). The evidence for guilt in the robbery trial for Study Two was weaker than intended. The low variability in jury verdicts (6 out of 81 juries voted guilty) prevented us from observing significant effects of the manipulations for this variable. It is

possible that pretrial publicity would have had a greater influence on jury verdicts if the evidence against the defendant had been stronger. That said, we did observe PTP effects for other measures of defendant culpability, such as pre- and post-deliberation individual guilt judgments.

For Study Two, although I attempted to induce all participants to experience cognitive busyness, it is unclear whether the methodology succeeded in establishing the intended level of mental load. Inconsistent with research on thought suppression and our hypotheses, participants who were exposed to pretrial publicity and rehabilitated with suppression did not appear to experience the predicted hyper-accessibility of the banned pretrial publicity information. However, we cannot determine whether participants did not actively engage in thought suppression or whether participants were not cognitively busy (which would allow them to successfully engage in thought suppression). As we did not manipulate participants' level of cognitive busyness, we cannot fully eliminate ironic processes of mental control as a theoretical model for the effect of juror rehabilitation. Thus, it is important for future research to investigate whether there are conditions under which rehabilitation with suppression exacerbates, rather than reduces, the biasing influence of pretrial publicity. If it is found that rehabilitation with suppression is an effective remedy for pretrial publicity induced bias when cognitive load is not present, future research could examine the effectiveness of interventions (e.g., note-taking, more frequent breaks during trial) to reduce cognitive load among real jurors.

Future research should focus on new potential remedies to reduce the influence of attitudinal bias on jurors' judgments. It is possible that rehabilitation containing a simplified legal instruction might improve jurors' abilities to more accurately apply the law to the trial evidence without overreliance on personal attitudes. Whether efforts to improve jurors' ability to accurately correct for attitudinal bias can be improved is unclear, as jurors would need to be

aware of the nature and magnitude of their attitudinal bias to accurately correct for it. It is possible that with the use of attitudinal scale instruments, juror bias could be accurately measured during voir dire, although judges are unlikely to allow use of such attitude measures during voir dire and even less likely to inform jurors of their scores on these measures of bias.

Future research should also examine the influence of rehabilitation on individual jurors who are rehabilitated in front of the venire panel of other prospective jurors. Normative influences are likely to operate in this context, especially if many prospective jurors announce that they will ignore their biases. Indeed, jurors will likely feel more pressure and accountability after rehabilitation in open court in front of other jurors than they will during private rehabilitation with a judge. It is possible that biased jurors who agree to ignore their biases in open court may experience psychological discomfort after behaving in a manner that is inconsistent with their attitudes. Thus, future research should consider cognitive dissonance as a psychological mechanism operating during rehabilitation.

Conclusion

In both Study One and Study Two of the present dissertation research, juror bias negatively influenced jurors' judgments of guilt and evaluations of trial evidence. The influence of juror bias across these two studies was not fully eliminated by the presentation of trial evidence or jury deliberation. These findings are consistent with the wider body of research that suggests juror bias influences guilt judgments, but they raise questions about whether juror bias is legally problematic if biased jurors are sensitive to variations in evidence strength. The present research suggests that one of the frequent remedies for juror bias, juror rehabilitation, may motivate participants to correct for the influence of biases on their judgments. However, the

findings suggest participants do not accurately estimate the presence and magnitude of their biases, making accurate adjustment of judgments difficult.

Appendix A

STUDY 1: IDA-R Scale

***Scale Items and Directions*: For each statement below, please indicate your attitude by circling the appropriate number.**

1. I believe that people should be held responsible for their actions no matter what their mental condition. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

2. It is not necessarily wrong to punish someone for something they did under the influence of irrational experiences that they could not control.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

3. I do not believe that the insanity defense sends a message to average criminals that they can escape punishment.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

4. For the right price, psychiatrists will probably manufacture a “mental illness” for any criminal to convince the jury that he is insane. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

5. I believe that we should punish a person for a criminal act *only* if he understood the act as evil and then freely chose to do it. *†

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

6. I believe that all human beings know what they are doing and have the power to control themselves. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

7. The insanity defense is a necessary element in our legal system.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

8. The insanity defense threatens public safety by telling criminals that they can get away with a crime if they come up with a good story about why they did it. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

9. Most people who are found "not guilty by reason of insanity" really are insane.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

10. I believe that mental illness can impair people's ability to make logical choices and control themselves. *†

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

11. A defendant's degree of insanity is irrelevant: if he commits the crime, then he should do the time. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

12. The insanity defense returns disturbed, dangerous people to the streets. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

13. Mentally ill defendants who plead insanity have failed to exert enough willpower to behave properly like the rest of us. So, they should be punished for their crimes like everyone else. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

14. As a last resort, defense attorneys will encourage their clients to act strangely and lie through their teeth in order to appear "insane". †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

15. Severe mental illness suggests a reduced ability to make wise decisions, to form criminal intents, and to act in accord with the law.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

16. Perfectly sane killers can get away with their crimes by hiring high-priced lawyers and experts who misuse the insanity defense. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

17. The insanity plea is a loophole in the law that allows too many guilty people to escape punishment. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

18. The insanity defense should be abolished.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

19. Most insane offenders are released from custody only when they no longer pose any significant threat of harm.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

20. We should punish people who commit criminal acts, regardless of their degree of mental disturbance. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

21. It is wrong to punish people who commit crime for crazy reasons while gripped by uncontrollable hallucinations or delusions. *†

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

22. Most defendants who use the insanity defense are truly mentally ill, not fakers. *†

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

23. Few felons actually "get off" by using the insanity defense.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

24. People who do wrong may well suffer from chemical imbalances or bad parenting. But holding them responsible for their actions is the only thing that will make them behave properly.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

25. Some people with severe mental illness are out of touch with reality and do not understand that their acts are wrong. These people cannot be blamed and do not deserve to be punished. *†

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

26. Many of the crazy criminals that psychiatrists see fit to return to the streets go on to kill again. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

27. With slick attorneys and a sad story, any criminal can use the insanity defense to finagle his way to freedom. †

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

28. It is wrong to punish someone for an act they commit because of any uncontrollable illness, whether it be epilepsy or mental illness. *†

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

29. The insanity defense needs a lot of reform.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

30. How strongly do you feel about the insanity defense?

1	2	3	4	5	6	7
Not at all Strongly						Very strongly

31. How personally important is your opinion on the insanity defense?

1	2	3	4	5	6	7
Not at all Strongly						Very strongly

32. How much do you care about the insanity defense?

1	2	3	4	5	6	7
Not at all Strongly						Very strongly

Did you have trouble completing this checklist because you cannot conceive of anyone who would not be responsible for their criminal actions? (*check one*)

_____ No _____ Yes

* item is reverse coded
† item is among 19 core items used to calculate IDA-R score

STUDY 1: Voir Dire Questionnaire

1. Gender (circle one) FEMALE MALE

2. Age _____

3. How many children do you have, if any? _____

4. Have you ever served as a juror? Yes No
If yes, was the trial Civil Criminal Grand Jury

5. Which of the following statements best describes your highest educational achievement?
____ Some high school
____ High school graduate
____ Trade school
____ Some college
____ College graduate
____ Some graduate school
____ Graduate degree

6. What is your racial/ethnic background? (circle one)
White, Non-Hispanic Black Asian
Hispanic Other

7. What is your current marital status?
Single Married
Divorced Widowed

8. Which of the following best describes your income before taxes?
___ Less than 20,000 ___20,000-30,000
___30,000-45,000 ___45,000-60,000
___60,000-75,000 ___More than 75,000

9. Generally speaking, do you usually think of yourself as a Republican, Democrat, or an Independent?

1	2	3	4	5	6	7
Strong Republican	Not Very Strong Republican	Independent Leaning Republican	Independent	Independent Leaning Democrat	Not Very Strong Democrat	Strong Democrat

10. Which of these opinions best represents your views?

1	2	3	4	5	6	7
Extremely Liberal	Liberal	Slightly Liberal	Moderate	Slightly Conservative	Conservative	Extremely Conservative

11. Do you attend religious services at least once a month? YES NO

12. Have you or anyone close to you been diagnosed with a mental illness? YES NO

13. Have you or anyone close to you been admitted to a psychiatric hospital? YES NO

14. How many hours of television do you watch per week? _____

15. Where do you usually get your news from?
___TV ___Radio
___Newspaper ___Internet

STUDY 1: Verdict Questionnaire

Part I

Instructions: Please answer the following questions by circling the appropriate response.

1. As a juror in this case, I find the Defendant:

Not Guilty by Reason of Insanity Guilty

2. Please rate how confident you are about this judgment (circle appropriate number)

0% 5 10 15 20 25 30 35 40 45 50% 55 60 65 70 75 80 85 90 95 100%

3. Please indicate the defendant's level of responsibility for the crime on a scale from 0-100%, where 0% indicates zero responsibility and 100% indicates full responsibility.

0% 5 10 15 20 25 30 35 40 45 50% 55 60 65 70 75 80 85 90 95 100%

4. The Defendant appreciated the nature and consequences of his actions at the time of the crime.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

5. The Defendant knew that his actions at the time of the crime were wrong.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

Part II The following items refer to the voir dire portion of this research study, during which you received questioning by the Judge

6. Did the judge question you about your reading habits?

YES NO

7. Did the judge question you about your television watching habits?

YES NO

8. Did the judge question you about your attitudes toward the insanity defense?

YES NO

9. Did the judge ask you about your attitudes toward the death penalty?

YES NO

10. Did the judge explain to you the legal requirements pertaining to the insanity defense?

YES NO

11. Did the judge specifically ask you to agree to set aside your personal opinions about the insanity defense and base your verdict only on the evidence presented during the trial?

YES NO

12. During jury selection, you spoke privately with the judge. Below are four statements. After asking you about your reading habits, the judge made ONE of the following statements to you. Read the following 4 items carefully. Please identify below exactly what the judge said to you after asking about your reading habits. (Circle ONLY one)

a. "The response you provided on your questionnaire indicate that you might have some misgivings about the insanity defense. Now I want to talk to you a little bit about that. I need to instruct you on the law. The law requires that jurors base their decisions only on the evidence that is presented in court and on the law. The law says that we should not hold someone responsible for their actions if they had a mental defect that prevented them from understanding the nature and consequences of their actions or that their actions were wrong. Do you think you will be able to put aside your feelings about the insanity defense and only base your decision on the evidence and on the law as I describe it to you, just as the other jurors have agreed to do so?"

b. "The response you provided on your questionnaire indicate that you might have some misgivings about the insanity defense. Now I want to talk to you a little bit about that. I need to instruct you on the law. The law requires that jurors base their decisions only on the evidence that is presented in court and on the law The law says that we should not hold someone responsible for their actions if they had a mental defect that prevented them from understanding the nature and consequences of their actions or that their actions were wrong."

c. "The response you provided on your questionnaire indicate that you might have some misgivings about the insanity defense. Now I want to talk to you a little bit about that. Do you think you will be able to put aside your feelings about the insanity defense and only base your decision on the evidence and on the law as I describe it to you, just as the other jurors have agreed to do so?"

d. "Thank you. You may return to the adjoining room."

Instructions: For the following 6 questions, please read the following statements and indicate your level of agreement.

1. During private questioning with the judge, I found it difficult to answer the judge's questions honestly.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

2. The judge was intimidating.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

3. During private questioning with the judge, I wanted the judge to find my responses to the questions acceptable.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

4. During private questioning with the judge, I felt pressure to answer the judge's questions in a certain way.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

5. During private questioning with the judge, I felt pressure to express an attitude that I do not hold.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

6. During private questioning with the judge, I was motivated to follow the judge's instructions.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

7. How truthful were you in answering questions from the Judge during private questioning? Please answer on a scale of 0-10, with 0 indicating not truthful at all, and 10 indicating entirely truthful.

0	1	2	3	4	5	6	7	8	9	10
Not truthful at all										Entirely Truthful

Part III The following items refer to the trial video.

1. On a scale of 1-10, how strong was the evidence supporting **a *"Not Guilty by Reason of Insanity verdict?"***

0	1	2	3	4	5	6	7	8	9	10
Not strong at all										Extremely strong

Please indicate your level of agreement with the following statements on a scale from 1 to 7 with 1 indicating “Strongly Disagree” and 7 indicating “Strongly Agree”.

2. The evidence suggested that the defendant planned his actions on the day of the crime.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

3. The evidence suggested that the defendant knew what he was doing when he committed the crime.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

4. The evidence suggested that the defendant tried to get away with the crime.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

Appendix B

STUDY 2: Global Warming Articles

GLOBAL 1
Channel 4's 6 o'clock Eyewitness News
Thursday, August 20th 2009

The United Nations scientific panel studying climate issued a report today stating that the evidence of a warming trend is "unequivocal," and that human activity has "very likely" been the driving force in that change over the last 50 years. The report cites mounting scientific evidence that the release of carbon dioxide and other gases from smokestacks, tailpipes and burning forests has played a central role in raising the average surface temperature of the earth by more than 1 degree Fahrenheit since 1900.

GLOBAL 2
Channel 7's News at Ten
Thursday, August 20th 2009

Scientists have a new method of tracking penguins: Follow their poop from space. In Antarctica, Emperor penguins breed on sea ice, which is at risk to shrink because of global warming. However, because penguins stay on the same ice for months, researchers who study these penguins have discovered that their poop stains make them stand out from space. Using satellites, scientists found 10 new colonies of penguins and six colonies that seemed to have disappeared.

GLOBAL 3
Channel 4's 11 o'clock Eyewitness News
Thursday, August 20th 2009

The UN panel on climate change has identified human activity as the likely culprit of climate change and global warming. The panel's scientific report shifts focus of the climate discussion from whether humans are responsible for climate change to what measures should be taken to reduce the impact of human activity on the planet.

GLOBAL 4
New York Daily News, morning edition, Friday, August 21st 2009

Cabinet to Meet on Mt. Everest
According to officials, Nepal's cabinet will hold a meeting on Mount Everest to highlight the threat from global warming, which is causing glaciers to melt in the Himalayas.

The cabinet will meet at the Everest base camp this month, just before an international climate change conference in December in Copenhagen, said Deepak Bohara, the forest and soil conservation minister.

The high profile meeting reflects growing concern among governments about global warming, and comes on the heels of a United Nations report issued last week that urged governmental action to prevent drastic consequences of climate change.

Prime Minister Madhav Kumar Nepal and other cabinet members will fly by plane to the 17,400-foot camp, the starting point for mountaineers trying to climb the world's highest mountain.

Last month, the cabinet of Maldives donned scuba gear and held an underwater meeting to highlight the threat of global warming to that country, the world's lowest-lying nation.

GLOBAL 5
New York Daily News, afternoon edition
Friday, August 21st 2009

Mt. Kilimanjaro Ice Cap Continues Rapid Retreat
The ice atop Mount Kilimanjaro in Tanzania has continued to retreat rapidly, declining 26 percent since 2000, scientists say in a new report. Yet the authors of the study, to be published Tuesday in the Proceedings of the National Academy of Sciences, reached no consensus on whether the melting could be attributed to humanity's role in warming the global climate. Eighty-five percent of the ice cover that was present in 1912 has vanished, the scientists said. Researchers studying the mountaintop differ in their conclusions on how much of the melting could result from human activity or other climatological influences. Lonnie G. Thompson, a glaciologist at Ohio State University, extracted deep cylinders of ice from Kilimanjaro's glaciers in 2000 and found that the higher layers were full of elongated bubbles — signs that melting and refreezing had occurred in recent years. If his dating of the ice core layers is accurate, surface melting like that seen in recent years has not occurred over the last 11,700 years. But Georg Kaser, a glaciologist at the Institute for Geography in Austria, said that the ice measured was only a few hundred years old and that the recent melting had more to do with a decline in moisture levels than with a warming atmosphere. But Dr. Thompson emphasized that the melting of ice atop Mount Kilimanjaro was paralleled by retreats in ice fields elsewhere in Africa as well as in South America, Indonesia and the Himalayas. "It's when you put those together that the evidence becomes very compelling," he said.

GLOBAL 6
Channel 4's 6 o'clock Eyewitness News
Friday August 21st 2009

The wind, a favorite power source of the green energy movement, seems to be dying down across the United States. And the cause, ironically, may be global warming - the very problem wind power seeks to address. The idea that winds may be slowing is still a speculative one, and scientists disagree whether that is happening. But a first-of-its-kind study suggests that average and peak wind speeds have been noticeably slowing since 1973, especially in the Midwest and the East.
"It's a very large effect," said study co-author Eugene Takle, a professor of atmospheric science at Iowa State University. In some places in the Midwest, the trend shows a 10 percent drop or more over a decade. The authors of the study, which will be published in the Journal of Geophysical Research, say it's too early to know if this is a real trend or not, but note that it raises a new side effect of global warming. It also makes sense based on how weather and climate work, Takle said. In global warming, the poles warm more and faster than the rest of the globe. That means the temperature difference between the poles and the equator shrinks and with it the difference in air pressure in the two regions. Differences in barometric pressure are a main driver in strong winds. Lower pressure difference means less wind. Several outside experts mostly agree that there are signs that wind speed is decreasing and that global warming is the likely culprit.

GLOBAL 7
New York Times, Weekend Edition Saturday August 22nd 2009
Science

Statisticians reject cooling claims by global warming skeptics
An analysis of global temperatures by independent statisticians shows the Earth is still warming and not cooling as some global warming skeptics are claiming. The analysis was conducted at the request of The Associated Press to investigate the legitimacy of talk of a cooling trend that has been spreading on the Internet, fueled by some news reports, a new book and temperatures that have been cooler in a few recent years. In short, it is not true, according to the statisticians. The statisticians, reviewing two sets of temperature data, found no trend of falling temperatures over time. U.S. government data show the decade that ends in December will be the warmest in 130 years of record-keeping, and 2005 was the hottest year recorded. Of the 10 hottest years recorded by National Oceanic and Atmospheric Administration, eight have occurred since 2000, and after this year it will be nine because this year is on track to be the sixth-warmest on record.

GLOBAL 8
New York Post, morning edition
Monday, August 24th 2009

American's Belief in Global Warming Plummets
Americans seem to be cooling toward global warming. Just 57 percent think there is solid evidence the world is getting warmer, down 20 points in three years, a new poll says. And the share of people who believe pollution caused by humans is causing temperatures to rise has also declined, even as the U.S. and world forums gear up for possible action against climate change. The poll of 1,500 adults conducted by the Pew Research Center was released Thursday, a day after 18 scientific organizations wrote Congress to reaffirm the consensus behind global warming. Only about a third of respondents feel that human activities – such as pollution from power plants, factories and automobiles – are behind a temperature increase. The vast majority of scientists agree that global warming is occurring and that the primary cause is a buildup of greenhouse gases in the atmosphere from the burning of fossil fuels, such as oil and coal. Despite misgivings about the science, half the respondents still say they support limits on greenhouse gases, even if they could lead to higher energy prices. People living in the Midwest and mountainous areas of the West are far less likely to view global warming as a serious problem and to support limits on greenhouse gases than those in the Northeast and on the West Coast.

GLOBAL 9
New York Times Op Ed page
Wednesday August 26 2009
Op-Ed Contributors John Kerry and Lindsey Graham

Yes We Can (Pass Climate Change Legislation)
Conventional wisdom suggests that the prospect of Congress passing a comprehensive climate change bill soon is rapidly approaching zero. The divisions in our country on how to deal with climate change are deep. However, we refuse to accept the argument that the United States cannot lead the world in addressing global climate change. We are also convinced that we have found both a framework for climate legislation to pass Congress and the blueprint for a clean-energy future that will revitalize our economy, protect current jobs and create new ones, safeguard our national security and reduce pollution. First, we agree that climate change is real and threatens our economy and national security. That is why we are advocating aggressive reductions in our emissions of the carbon gases that cause climate change. Second, while we invest in renewable energy sources like wind and solar, we must also take advantage of

nuclear power, our single largest contributor of emissions-free power. Third, climate change legislation is an opportunity to get serious about breaking our dependence on foreign oil. We need to provide new financial incentives for companies that develop carbon capture and sequestration technology. Fourth, we cannot sacrifice another job to competitors overseas. Finally, we will develop a mechanism to protect businesses — and ultimately consumers — from increases in energy prices. We are confident that a legitimate bipartisan effort can put America back in the lead again and can empower our leaders to insist that the rest of the world join us in producing a new international agreement on global warming. That way, we will pass on to future generations a strong economy, a clean environment and an energy-independent nation.

GLOBAL 10
New York Daily News, morning edition
Wednesday October 7, 2009

Study Details How U.S. Could Cut 28% of Greenhouse Gases
The United States could shave as much as 28 percent off the amount of greenhouse gases it emits at fairly modest cost and with only small technology innovations, according to a new report written by energy experts at McKinsey & Company. A large share of the reductions could come from changes that would result in lower energy bills for industries and individuals, the report said. The report said there are many potential changes in the lighting, heating and cooling of buildings, for example, that would reduce carbon dioxide emissions from the burning of fossil fuels even as they save money. One obstacle is that a landlord or builder has no incentive to spend more money upfront for efficient equipment since the cost of electricity or fuels to operate the equipment is paid for by the tenant or home buyer, even though doing so would save a lot of money in the long run. Another problem, the report said, is that most consumers are oblivious to energy efficiency when they are shopping for products such as computers. Though the report primarily focused on describing the problem, it did mention some possible solutions. Rules for utilities could be rewritten so they make as much money in promoting conservation as in selling electricity, the study said. The task might also require emissions limits and other government mandates, as well as incentives like tax breaks to promote efficient buildings, cars and appliances, the study said.

CITATIONS

The news articles you read were adapted from actual articles published by the New York Times, the New York Daily News, and the Associated Press. The references are below:

Bhanoo, S. N. (2009, November 3). Mt. Kilimanjaro ice cap continues rapid retreat. *The New York Times*. Retrieved November 9, 2009, from http://www.nytimes.com/2009/11/03/world/africa/03melt.html.

Borenstein, S. (2009, June 10). Not so windy: Research suggests winds dying down. *The Associated Press*. Retrieved November 9, 2009, from http://abcnews.go.com/Technology/GlobalWarming/wireStory?id=7800447.

Borenstein, S. (2009, June 2). The poop on finding penguins: Follow the guano. *The Associated Press.* Retrieved November 6, 2009, from http://abcnews.go.com/Technology/wireStory?id=7731739.

Global Warming. *The New York Times*. Retrieved November 6, 2009, from http://topics.nytimes.com/top/news/science/topics/globalwarming/index.html#.

Kerry, J. & Graham, L. (2009, October 10). Yes we can (pass climate change legislation). *The New York Times*, pp. WK11.

The Associated Press (2009, October, 23). Americans' belief in global warming plummets 20 percent in three years, Pew poll says. *New York Daily News.* Retrieved November 6, 2009, from http://www.nydailynews.com/news/national/2009/10/23/2009-10-23_americans_belief_in_global_warming_plummets_20_percent_in_three_years_pew_poll_s.html.

The Associated Press. (2009, November 3). Cabinet to meet on Mt. Everest. *The New York Times*, pp. A6.

The Associated Press. (2009, October 27). Statisticians reject cooling claims by global warming skeptics. *New York Daily News.* Retrieved November 9, 2009, from http://www.nydailynews.com/news/world/2009/10/27/2009-10-27_statisticians_reject_global_cooling.html.

Wald, M. L. (2007, November 30). Study details how U.S. could cut 28% of greenhouse gases. *The New York Times,* pp. C5.

STUDY 2: Pretrial Publicity Articles

PTP 1
Channel 4's 6 o'clock Eyewitness News
Thursday, August 20th 2009

PJ's Liquor Store at Broadway and 168th Street in Washington Heights was robbed shortly after 2:30pm this afternoon. Store personnel say the robber forced a cashier at gunpoint to open a safe in the back office. He emptied the safe of a reported thirty thousand dollars and then calmly walked out of the store, got into a waiting car, and was driven away. No injuries were reported. The robber is described as a black male, between 25 and 30 years old.

PTP 2
Channel 7's News at Ten
Thursday, August 20th 2009

A 7-year old Astoria child was seriously injured in a hit-and-run accident this afternoon. Molly McDonald was walking home from her bus stop when she was struck by a speeding car that was driving erratically. Witnesses said the car was a Maroon four door sedan with New York license plates and a Yankees sticker on the bumper. Molly was immediately taken to Bellevue Hospital and is currently listed in critical condition.

PTP 3
Channel 4's 11 o'clock Eyewitness News
Thursday, August 20th 2009

Washington Heights' PJ's wholesale Liquor store was robbed of thirty thousand dollars early this afternoon. Tonight, police have arrested and charged 26 year old Derek Bryant of Brooklyn with the crime. None of the stolen money from the store has been recovered yet. Bryant's alleged accomplice is still at large.

PTP 4
New York Daily News , morning edition, Friday, August 21st 2009

NYPD Daily Blotter
Manhattan
A bar employee who allegedly robbed a Washington Heights liquor store was arrested after two eyewitnesses identified him from a lineup, police offers said yesterday.

An armed Derek Bryant, 26, approached a cashier at PJ's Wholesale Liquor Store in Washington Heights near 168th street at 2:30 p.m. Aug. 20, according to a police officer.

Bryant told the cashier to unlock the store's safe and to help him put the money in a bag, sources said.

An eyewitness saw Bryant leaving the store and getting into a maroon car with a Yankees sticker, sources said.

Two employees at the liquor store positively identified Bryant's mug shot photograph from a lineup, which led to Bryant's arrest. According to officers, Bryant attempted to flee from them when approached and resisted arrest. According to a source, Bryant has previous convictions of armed robbery.

PTP 5
New York Daily News, afternoon edition
Friday, August 21st 2009

Arrest in Liquor Store Robbery
A Washington Heights supermarket was robbed on Thursday afternoon of approximately thirty thousand dollars. A black male entered PJ's Wholesale Liquor Store at Broadway and 168th Street around 2:30pm. He approached cashier Robert Washburn and told him that he had a gun in his pocket. Washburn was forced into the back office where he opened the store safe containing several days' receipts. The man then ordered Washburn to remain in the office while he made his escape. Another cashier, Edward Randall, said that he saw the thief take the money from the safe, walk out of the store, and enter a waiting automobile. Randall told officers that the car was a maroon sedan displaying a Yankees bumper sticker. Police investigators report that the car fitting this description was stolen in Queens last week. Later that evening, NYPD arrested 26-year old Derek Bryant of Flatbush, Brooklyn at his place of employment, a local bar, and charged him with the robbery. Police also searched the home of Bryant's girlfriend where they found a white canvas bag and a toy pistol believed to have been used in the robbery. However, according to the prosecutor's office, these items cannot be used as evidence because of an error by the police in obtaining a warrant to search the girl's apartment. None of the money stolen from PJ's Liquor store has been recovered thus far. Police are still looking for the accomplice and the car used in the robbery.

PTP 6
Channel 4's 6 o'clock Eyewitness News
Friday August 21st 2009

A 7-year old Astoria child injured in a hit and run accident yesterday afternoon died this morning from multiple head and internal injuries. Police have at least one suspect in the case. Derek Bryant, charged with yesterday's robbery of a Washington Heights liquor store is also considered a prime suspect in the hit and run case. Police investigators report that the description of the car used in the robbery at around 2:30pm Thursday—a maroon sedan with a Yankees bumper sticker-- match the description of the car involved in the hit and run about an hour and a half later. Don Reade has the story. Derek Bryant was arraigned this morning on a charge of armed robbery. But police also consider him a major suspect in the hit and run death of 7-year-old Astoria child Molly McDonald. Citing the ongoing investigation into the hit and run assistant Manhattan District Attorney William Harrison requested that Bryant be held without bond. Harrison told Eyewitness News that if Bryant is linked with the hit and run the charge will be first degree murder. Meanwhile, a spokesperson for the family of Molly McDonald released the following statement:
"Molly died peacefully at 10 o'clock this morning. We are heartbroken by this tragedy and want to thank the outpouring of support from the community. We have confidence that the NYPD will be able to bring the person who did this to our daughter to justice."
This is Don Reade reporting.

PTP 7
New York Times, Weekend Edition Saturday August 22nd 2009
N.Y./Region

Police error in robbery investigation bars use of crucial evidence, prosecutors say
Errors made by New York City police officers investigating the robbery at Manhattan's PJ's liquor store will render incriminating evidence inadmissible in court, according to sources at the Manhattan DA's office. Derek Bryant, 26, is charged with armed robbery in the theft of $30,000 from PJ's Wholesale Liquor store located in upper Manhattan. Officers Ned Porter and Keith Murphy failed to obtain a valid search warrant prior to entering the home of Derek Bryant's girlfriend, Christina Rodriquez. Among other items found during the search of Ms. Rodriquez's home, the officers identified a white canvas bag and a realistic looking toy pistol, items that may have been used during the robbery. According to sources at the prosecutor's office, items obtained during an illegal search are not admissible in court, and thus the prosecutors will not be able to introduce these items during the trial.

PTP 8
New York Post, morning edition
Monday, August 24th 2009

Robber Responsible for Deadly Hit-and-Run
Police say the man arrested in the robbery of thirty thousand dollars from a Washington Heights wholesale liquor store may also be arrested in the hit- and-run death of a seven year-old Astoria child. Derek Bryant, a 26 year old Brooklyn man who has a prior conviction for armed robbery, has been arrested for the armed robbery of PJ's Liquor Store at Broadway and 168th Street in Washington Heights. Mr. Bryant allegedly held a cashier at gunpoint while the cashier emptied the contents of the store's safe. A witness to the robbery told police that the robber exited the liquor store in a maroon sedan with a Yankees bumper sticker driven by another person. The description of the robbery getaway vehicle is consistent with the description of the vehicle that was reportedly involved in a hit and run accident later that afternoon in Queens. Witnesses say that the maroon sedan that hit and killed 7-year old Molly McDonald was driving fast in a residential neighborhood and that the driver may have lost control of the car. Neighbors who watched the horrific accident reported that there appeared to be two individuals in the car, a driver and a person in the front passenger seat. Molly was taken to Bellevue hospital where she was pronounced dead early Friday morning. The Manhattan DA's office is requesting that Mr. Bryant be held without bail.

PTP 9
New York Times Op Ed page
Wednesday August 26 2009
Editorial by NYT Editorial Staff Writers

Public protection or Criminal comfort?
Over the past few months, the New York State Parole Board has been giving early releases to dozens of convicted criminals. That's their solution to overcrowded prisons, but it's a bad solution. It's a bad idea because the parole board does a poor job of deciding who to keep and who to release. As a result, dangerous law breakers threaten our neighborhoods. Consider the example of Derek Bryant. He was recently granted an early release despite an extensive criminal record. In investigating Mr. Bryant's background, our staff discovered that he was arrested several times as a juvenile. His offenses included shoplifting, vandalism, and breaking and entering. He also served time in juvenile detention. By age 19, he was in a state prison with a three year sentence for armed robbery. Only six weeks after his release

from prison in 2005, he robbed a liquor store. This time Bryant pistol whipped the clerk, inflicting serious injuries. Through a plea bargaining arrangement, he was not charged with the assault but plead guilty to only the armed robbery. Now if Bryant served his full ten year term, we would have to worry about him until 2015. But in May, the parole board released him because the prison was overcrowded. Bryant now stands charged with robbing a Washington Heights liquor store of thirty thousand dollars last week. Not only that, but police also suspect him in a hit and run death of a 7-year-old child. For people like Bryant, violent crime isn't just a hobby; it's a full time career. Public protection should always take precedent over the comfort of career criminals. The parole board should keep dangerous offenders behind bars for as long as possible no matter how crowded the prisons become.

PTP 10
New York Daily News, morning edition
Wednesday October 7, 2009

Jury selection to start in PJ's Liquor armed robbery case
The Manhattan District Attorney's office announced Tuesday that jury selection would begin next week for the trial of armed robbery defendant, Derek Bryant. Mr. Bryant, 26, is charged with armed robbery in the theft of thirty thousand dollars from PJ's liquor store in Washington Heights. Mr. Bryant, who has a prior criminal history including a conviction for armed robbery, has pled not guilty to the charges. On August 20, 2009, Derek Bryant allegedly used a gun to order an employee at PJ's Liquors to empty the store safe of thirty thousand dollars in cash. Mr. Bryant's mug shot photograph was positively identified by two store employees, leading to Mr. Bryant's arrest on the evening of the 20th. According to sources at the prosecutor's office, Mr. Bryant was uncooperative with police during the arrest and attempted to run away from the officer. Although investigating officers obtained incriminating evidence including a toy gun possibly used in the robbery from a search of Mr. Bryant's girlfriend's home, these items were ruled inadmissible in a pre-trial hearing, sources say. In a related case, sources say the district attorney's office is planning to charge Mr. Bryant with first degree murder for the hit-and-run death of a 7-year-old Astoria child on the same day as the robbery. Jury selection in the armed robbery case will begin on Monday, and should take several days, sources say.

STUDY 2: Recall Questions for News Articles

Global Warming Articles

1. True or False: The United Nations' scientific panel studying climate change concluded that it was "not likely" that human activity has been the driving force behind the recent warming trend in our climate.
    a. True
    b. False*
    c. I don't recall

2. According to one news story you read, scientists discovered a way to track the location of colonies of certain animals, using satellite images. Which animals did this article refer to?
    a. Zebras
    b. Penguins*
    c. Geese
    d. Elephants
    e. I don't recall

3. True or False: The United Nations' scientific panel studying climate change shifted the focus of the climate discussion from whether humans are responsible for climate change to what actions can be taken to reduce the impact of human activity on the planet.
    a. True*
    b. False
    c. I don't recall

4. To draw attention to the threat from global warming, cabinet members from Nepal held a meeting
    a. In the Australian outback
    b. On a glacier in Antarctica
    c. On the top of Mt. Everest*
    d. In a rain forest
    e. I don't recall

5. According to one news story you read, the ice atop Mount Kilimanjaro in Tanzania is retreating. How much of the ice cover that was present in 1912 has vanished?
    a. 0%
    b. 50%
    c. 85%*
    d. 100%
    e. I don't recall

6. According to one news story you read, wind speeds across the world are _____, probably due to global warming.
    a. Dying down*
    b. Speeding up
    c. I don't recall

7. According to statisticians who conducted a study for the Associated Press, the average temperature on the planet is _____.
    a. Increasing*
    b. Decreasing
    c. I don't recall

8. True or False: According to a poll by the Pew Research Center, more Americans believe in global warming today that three years ago.
    a. True
    b. False*
    c. I don't recall

9. True or False: An editorial article argued that the U.S. should take advantage of nuclear power as an energy source.
    a. True*
    b. False
    c. I don't recall

10. According to the article you just read, for the United States to cut greenhouse gas emissions by 28%, this would require
    a. Expensive and technologically difficult innovations
    b. Only modest costs and small technological innovations*
    c. I don't recall

STUDY 2: Recall Questions for News Articles

PTP Articles

1. Where did the armed robbery crime take place?
    a. At a bank
    b. At a liquor store*
    c. In a private home
    d. I don't know

2. According to the articles you read, 7-year-old child Molly McDonald sustained injuries on Thursday, August 20th, the same day as the robbery. Which of the following caused her injuries?
    a. Molly suffered gunshot wounds
    b. Molly was sexually assaulted
    c. Molly was struck by a hit-and-run driver*
    d. I don't recall

3. According to the news coverage, was the money that was stolen by the perpetrator recovered by the police?
    a. Yes
    b. No*
    c. I don't recall

4. Which of the following led to Derek Bryant's arrest?
    a. Two eyewitnesses identified his photograph from a lineup*
    b. A police officer caught up with him after he fled the scene
    c. He turned himself in to the police and confessed
    d. The police found the stolen money in Bryant's possession
    e. I don't recall

5. The perpetrator fled the scene in a _____.
    a. A beat up white van with tinted windows
    b. A maroon sedan with a Yankee's bumper sticker*
    c. I don't recall

6. True or False: 7-year-old Molly McDonald died from the injuries she received on the same day as the robbery.
    a. True*
    b. False
    c. I don't recall

7. During an illegal search of Derek Bryant's girlfriend's residence, the police found a canvas bag and what other item?
    a. A toy gun*
    b. A real gun
    c. A knife
    d. I don't recall

8. The defendant, Derek Bryant, has a prior conviction for:
    a. Drug possession
    b. Armed robbery*
    c. First degree murder
    d. Manslaughter
    e. I don't recall

9. True or False: The defendant, Derek Bryant, served the full length of his prison sentence from his prior conviction.
    a. True
    b. False*
    c. I don't recall

10. According to the news story you just read, what even related to the Derek Bryant case will take place in one week?
    a. Arraignment of the defendant, Derek Bryant
    b. Pre-trial hearing
    c. Jury selection for the trial*
    d. Closing arguments by the attorneys
    e. I don't recall

STUDY 2: Voir Dire Questionnaire

1. Gender (circle one) FEMALE MALE

2. Age _____

3. How many children do you have, if any? _____

4. Have you ever served as a juror? Yes No
If yes, was the trial Civil Criminal Grand Jury

5. Which of the following statements best describes your highest educational achievement?
____ Some high school
____ High school graduate
____ Trade school
____ Some college
____ College graduate
____ Some graduate school
____ Graduate degree

6. What is your racial/ethnic background? (circle one)
White, Non-Hispanic Black Asian
Hispanic Other

7. What is your current marital status?
Single Married
Divorced Widowed

8. Which of the following best describes your income before taxes?
___ Less than 20,000 ___20,000-30,000
___30,000-45,000 ___45,000-60,000
___60,000-75,000 ___More than 75,000

9. Generally speaking, do you usually think of yourself as a Republican, Democrat, or an Independent?

1	2	3	4	5	6	7
Strong Republican	Not Very Strong Republican	Independent Leaning Republican	Independent	Independent Leaning Democrat	Not Very Strong Democrat	Strong Democrat

10. Which of these opinions best represents your views?

1	2	3	4	5	6	7
Extremely Liberal	Liberal	Slightly Liberal	Moderate	Slightly Conservative	Conservative	Extremely Conservative

11. Do you attend religious services at least once a month? YES NO

12. How many hours of television do you watch per week? _____

13. Where do you usually get your news from?
___TV ___Radio
___Newspaper ___Internet

STUDY 2: Pre-deliberation Individual Verdict Questionnaire

Juror Number: _____

Part I
Instructions: Please answer the following questions by circling the appropriate response.

1. As a juror in this case, I find the Defendant:

Not Guilty Guilty

2. Please rate how confident you are about this judgment (circle appropriate number)

0% 5 10 15 20 25 30 35 40 45 50% 55 60 65 70 75 80 85 90 95 100%

3. Please indicate the likelihood that the defendant is guilty on a scale from 0-100%, where 0% indicates zero likelihood of guilt and 100% indicates certainty of guilt.

0% 5 10 15 20 25 30 35 40 45 50% 55 60 65 70 75 80 85 90 95 100%

STUDY 2: Jury Verdict Questionnaire

Jury Number ____

Part I

Instructions: Please answer the following questions by circling the appropriate response.

1. As a juror in this case, I find the Defendant:

   Guilty Not Guilty by Reason of Insanity

2. Please rate how confident you are about this judgment (circle appropriate number)

0% 5 10 15 20 25 30 35 40 45 50% 55 60 65 70 75 80 85 90 95 100%

STUDY 2: Juror Post-deliberation Verdict Questionnaire

Part I:
Instructions: Please answer the following questions by circling the appropriate response.

1. As a juror, I find the Defendant:

Not Guilty Guilty

2. Please rate how confident you are about this judgment (circle appropriate number)

0% 5 10 15 20 25 30 35 40 45 50% 55 60 65 70 75 80 85 90 95 100%

3. Please indicate the likelihood that the defendant is guilty of armed robbery on a scale from 0-100%, where 0% indicates zero likelihood of guilt and 100% indicates certainty of guilt.

0% 5 10 15 20 25 30 35 40 45 50% 55 60 65 70 75 80 85 90 95 100%

Part II The following items refer to the voir dire portion of this research study, during which you received questioning by the judge.

1. Did the judge question you about your reading habits?

YES NO

2. Did the judge question you about your television watching habits?

YES NO

3. Did the judge question you about your attitudes toward eyewitness testimony?

YES NO

4. Did the judge question you about your exposure to negative pretrial publicity about the case?

YES NO

5. Did the judge inform you that the media may have released information about this case, and that you should not consider this information when reaching your verdict?

YES NO

6. During voir dire, which of the following did the judge ask you to do?

a. Ignore information from the newspaper articles you read
b. Concentrate only on the evidence presented at trial
c. None of the above

7. During your private questioning with the judge, how truthful were you in answering questions from the judge? Please answer on a scale of 0-10, with 0 indicating not truthful at all, and 10 indicating entirely truthful.

0	1	2	3	4	5	6	7	8	9	10
Not truthful at all										Entirely Truthful

8. During jury selection, you spoke privately with the judge. Below are three statements. After asking you about your reading habits, the judge made ONE of the following statements to you. Read the following 3 items carefully. Please identify below exactly what the judge said to you after asking about your reading habits. (Circle ONLY one).

a. "It is possible that the media has released some information about this case, including information about the defendant's prior criminal record, none of which you should consider when reaching your verdict. Regardless of what you may know about this case, do you think you will be able to completely ignore everything you have heard about the case and only base your decision on the evidence presented in the courtroom and the law as I describe it to you?"

b. "It is possible that the media has released some information about this case, including information about the defendant's prior criminal record, none of which you should consider when reaching your verdict. It is important that you concentrate your attention on the evidence and the facts presented to you in court. Will you be able to base you verdict on the evidence and on the law as I describe it to you?"

c. "Thank you. You may return to the adjoining room."

Instructions: The following items refer to the voir dire portion of this research study, during which you received private questioning by the judge. For the following items, please read the statements and indicate your level of agreement.

1. I found it difficult to answer the judge's questions honestly.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

2. The judge was intimidating.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

3. I wanted the judge to find my responses to the questions acceptable.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

4. During private questioning, I felt pressure to answer the judge's questions in a certain way.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

5. I was motivated to follow the judge's instructions.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

Part III The following items refer to the trial video.

1. How strong was the evidence against the defendant? In other words, how strong was the prosecution's case?

0	1	2	3	4	5	6	7	8	9	10
Not strong at all										Extremely strong

Please indicate your level of agreement with the following statements on a scale of 1 to 7 with 1 indicating "Strongly Disagree" and 7 indicating "Strongly Agree".

1. Mr. Randall, the store manager, got a good look at the perpetrator of the robbery.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

2. The eyewitness identification of the defendant by Mr. Randall, the store manager, is a reliable identification.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

3. Mr. Washburn, the cashier, got a good look at the perpetrator of the robbery.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

4. The eyewitness identification of the defendant by Mr. Washburn, the cashier, is a reliable identification.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

5. The police used proper procedures when showing lineup photographs to Mr. Randall, the store manager.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

6. The police used proper procedures when showing lineup photographs to Mr. Washburn, the cashier.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

Instructions: For the following items, please read the statements and indicate your level of agreement.

7. While watching the trial, I tried to ignore the information I read online in the newspaper articles for part 1 of the study.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

8. I tried to concentrate only on the evidence while watching the trial.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

9. It was difficult for me to concentrate only on the evidence during the trial.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

10. I felt distracted during the trial.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

11. During the trial, I found it difficult to ignore the information I read in the newspaper articles prior to the study

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

12. During the trial, I caught myself thinking about the articles I read online for Part 1 of the study.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

13. While watching the trial video, I thought about things I would say to the other jurors to argue for my verdict opinion during deliberation.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

14. During deliberation with the other jurors, I felt tempted to mention things that I read online in the news articles in Part 1 of the study.

1	2	3	4	5	6	7
Strongly Disagree						Strongly Agree

15. During deliberation with the other jurors, did anyone mention the news articles that you read prior to coming to the study?

YES NO

References

Addison, S. J. & Thorpe, S. J. (2004). Factors involved in the formation of attitudes towards those who are mentally ill. *Social Psychiatry and Psychiatric Epidemiology, 39,* 228-234.

Altemeyer, B. (1988). *Enemies of freedom: Understanding right-wing authoritarianism.* San Francisco: Jossey-Bass.

Altemeyer, R. & Hunsberger, B. E. (1992). Authoritarianism, religious fundamentalism, quest, and prejudice. *International Journal for the Psychology of Religion, 2,* 113-133. doi:10.1207/s15327582ijpr0202_5.

Ajzen, I. & Fishbein, M. (2005). The influence of attitudes on behavior. In D. Albarracin, B. T. Johnson, & M. P. Zanna (Eds.), *The handbook of attitudes* (pp. 173-221). Mahwah, NJ: Erlbaum.

Asch, S. E. (1956). Studies of independence and conformity: A minority of one against a unanimous majority. *Psychological Monographs, 70*, 416.

Barefoot v. State, 596 S.W.2d 875 (Tex. Crim. App., 1980)

Barnhill v. State, 834 So. 2d 836 (Fla., 2002)

Berman, G. L. & Cutler, B. L. (1996). Effects of inconsistencies in eyewitness testimony on mock-juror decision making. *Journal of Applied Psychology, 81,* 170-177. doi: 10.1037/0021-9010.81.2.170.

Boehm, V. R. (1968). Mr. Prejudice, Miss Sympathy, and the authoritarian personality: An application of psychological measuring techniques to the problem of jury bias. *Wisconsin Law Review,* 734-750.

Bornstein, B. H. (1999). The ecological validity of jury simulations: Is the jury still out? *Law and*

Human Behavior, 23, 75-91. doi: 10.1023/A:1022326807441.

Broeder, D. (1965). Voir dire examinations: An empirical study. *Southern California Law Review, 38,* 503-528.

Carlson, K. A. & Russo, J. E. (2001). Biased interpretation of evidence by mock jurors. *Journal of Experimental Psychology: Applied, 7,* 91-103. doi: 10.1037/1076-898X.7.2.91.

Christie, R. (1991). Authoritarianism and related constructs. In J. P. Robinson, P. R. Shaver, & L. S. Wrightsman (Eds.), *Measures of personality and social psychological attitudes* (pp. 501-571). San Diego, CA: Academic Press.

Chrzanowski, L. M. (2005). Rape? Truth? And the media: Laboratory and field assessments of pretrial publicity in a real case. Unpublished doctoral dissertation, City University of New York.

Cialdini, R. B. & Sagarin, B. J. (2005). Principles of interpersonal influence. In T. C. Brock & M. C. Green (Eds.), *Persuasion: Psychological insights and perspectives* (2nd ed., pp. 143-169). Thousand Oaks, CA: Sage Publications, Inc.

Clark v. State*,* 593 S.E.2d 28 (Ga. App., 2003)

Conde v. State, 860 So. 2d 930 (Fla., 2003)

Cosper, C. A. (2003). Rehabilitation of the juror rehabilitation doctrine. *Georgia Law Review*, *37*, 1471-1508.

Cowan, C. L., Thompson, W. C., & Ellsworth, P. C. (1984). The effects of death qualification on jurors' predisposition to convict and on the quality of deliberation. *Law and Human Behavior, 8,* 53-79. doi: 10.1007/BF01044351.

Crocker, C. B. & Kovera, M. B. (2010). The effects of rehabilitative voir dire on juror bias and

decision making. *Law and Human Behavior, 34,* 212-226. doi: 10.1007/s10979-009-9193-9.

Crocker, C. B., Levett, L., & Kovera, M. B. *The predictive validity of the Juvenile Waiver Scale and its generalizability across participant groups.* Poster presented at the American Psychology-Law Society Conference, March 2006.

Culhane, S. E., Hosch, H. M., & Weaver, W. G. (2004). Crime victims serving as juror: Is there bias present? *Law and Human Behavior, 28,* 649-659. doi: 10.1007/s10979-004-0792-1.

Cush, R. K. & Delahunty, J. G. (2006). The influence of limiting instructions on processing and judgments of emotionally evocative evidence. *Psychiatry, Psychology and Law, 13,* 110-123. doi: 10.1375/pplt.13.1.110.

Cortez v. HCCI-San Antonio, Inc. D/B/A Alta Vista Nursing Center, 159 S.W.3d 87 (2005 Tex. Sup. J.)

Daftary-Kapur, T., Dumas, R., & Penrod, S. D. (2010). Jury decision-making biases and methods to counter them. *Legal and Criminological Psychology, 15,* 133-154. doi: 10.1348/135532509X465624.

Davies, M. I. & Clark, D. M. (1998). Thought suppression produces a rebound effect with analogue post-traumatic intrusions. *Behaviour Research and Therapy, 36,* 571-582. doi: 10.1016/S0005-7967(98)00051-5.

Deutsch, M. & Gerard, H. B. (1955). A study of normative and informational social influences upon individual judgment. *The Journal of Abnormal and Social Psychology, 51,* 629-636. doi: 10.1037/h0046408.

Devine, D. J., Clayton, L. D., Dunford, B. B., Seying, R., Pryce, J. (2000). Jury decision making:

45 years of empirical research on deliberating groups. *Psychology, Public Policy, and Law, 7,* 622-727. doi: 10.1037/1076-8971.1.3.622.

Dexter, H. R., Cutler, B. L., & Moran, G. (1992). A test of voir dire as a remedy for the prejudicial effects of pretrial publicity. *Journal of Applied Social Psychology, 22,* 819-832. doi: 10.1111/j.1559-1816.1992.tb00926.x.

Dovidio, J. F., Smith, J. K., Donnella, A. G., Gaertner, S. L. (1997). Racial attitudes and the death penalty. *Journal of Applied Social Psychology, 27,* 1468-1487. doi: 10.1111/j.1559-1816.1997.tb01609.x.

Edwards, K. & Bryan, T. S. (1997). Judgmental biases produced by instructions to disregard: The (paradoxical) case of emotional information. *Personality and Social Psychology Bulletin, 23,* 849-864. doi: 10.1177/0146167297238006.

Ellsworth, P. C. & Reifman, A. (2000). Juror comprehension and public policy. *Psychology, Public Policy, and Law, 6,* 788-821. doi: 10.1037/1076-8971.6.3.788.

Fazio, R. H. & Zanna, M. P. (1978). On the predictive validity of attitudes: The roles of direct experience and confidence. *Journal of Experimental Social Psychology, 46,* 228-243. doi: 10.1016/0022-1031(78)90035-5.

Feather, N. T. & Souter, J. (2002). Reactions of mandatory sentences in relation to the ethnic identity and criminal history of the offender. *Law and Human Behavior, 26,* 417-438. doi: 10.1023/A:1016331221797.

Fein, S., Morgan, S. J., Norton, M. I., and Sommers, S. R. (1997). Hype and suspicion: The effects of pretrial publicity, race, and suspicion on jurors' verdicts. *Journal of Social Issues, 53,* 487-502. doi: 10.1111/j.1540-4560.1997.tb02124.x.

Fitzgerald, R. & Ellsworth, P. C. (1984). Due process vs. crime control: Death

qualification and jury attitudes. *Law and Human Behavior, 8,* 31-51. doi: 10.1007/BF01044350.

ForsterLee, L., Horowitz, I. A., & Bourgeois, M. J. (1993). Juror competence in civil trials: Effects of preinstruction and evidence technicality. *Journal of Applied Psychology, 78,* 14-21. doi: 10.1037/0021-9010.78.1.14.

Gaertner, S. L. & Dovidio, J. F. (1986). The aversive form of racism. In J. F. Dovidio & S. L. Gaertner (Eds.), *Prejudice, discrimination, and racism* (pp. 61-89). San Diego, CA: Academic Press.

Gall v. Parker, 231 F.3d 265, 308 (6th Cir. 2000)

Giewat, G. R. (2001). Juror honesty and candor during voir dire questioning: The influence of impression management. *Dissertation Abstracts International: Section B: The Sciences and Engineering, 62.*

Gilbert, D. T. & Hixon, J. G. (1991). The trouble of thinking: Activation and Application of stereotypic beliefs. *Journal of Personality and Social Psychology, 60,* 509-517. doi: 10.1037/0022-3514.60.4.509.

Gilbert, D. T. & Osborne, R. E. (1989). Thinking backward: Some curable and incurable consequences of cognitive busyness. *Journal of Personality and Social Psychology, 57,* 940-949. doi: 10.1037/0022-3514.57.6.940.

Gilbert, D. T., Pelham, B. W., & Krull, D. S. (1988). On cognitive busyness: When person perceivers meet persons perceived. *Journal of Personality and Social Psychology, 54,* 733-740. doi: 10.1037/0022-3514.54.5.733.

Gilbert, D. T., Pinel, E. C., Wilson, T. D., Blumberg, S. J., Wheatley, T. P. (1998). Immune

neglect: A source of durability bias in affective forecasting. *Journal of Personality and Social Psychology, 75,* 617-638. doi: 10.1037/0022-3514.75.3.617.

Glasman, L. R. & Albarracin, D. (2006). Forming attitudes that predict future behavior: A meta-analysis of the attitude-behavior relation. *Psychological Bulletin, 132,* 778-822. doi: 10.1037/0033-2909.132.5.778.

Greathouse, S. M., Sothmann, F. C., Levett, L. M., & Kovera, M. B. (under review). The effects of juvenile qualified voir dire on jurors' pretrial and posttrial decisions.

Gum and Gum v. Schaefer, 683 S.W.2d 803 (1984 Tex. App.)

Hart, A. J. (1995). Naturally occurring expectation effects. *Journal of Personality and Social Psychology, 68,* 109-115. doi: 10.1037/0022-3514.68.1.109.

Hart, C. L., Randell, J. A., & Griffith, J. D. (2007). Ironic effects of attempting to remember. *North American Journal of Psychology, 9,* 201-210.

Heuer, L. & Penrod, S. (1994). Trial complexity: A field investigation of its meaning and its effects. *Law and Human Behavior, 18,* 29-51. doi: 10.1007/BF01499142.

Hope, L., Memon, A. & McGeorge, P. (2004). Understanding pretrial publicity: Predecisional distortion of evidence by mock jurors. *Journal of Experimental Psychology: Applied, 10,* 111-119. doi: 10.1037/1076-898X.10.2.111.

Irvin v. Dowd, 366 U.S. 717, 723 (1961)

Isbell, L. M., Tyler, J. M., & DeLorenzo, A. (2007). Guilty or innocent? Women's reliance on inadmissible evidence in a simulated rape case. *Journal of Applied Social Psychology, 37,* 717-739. doi: 10.111/j.1559-1816.2007.00182.x.

Ivey v. State*,* 574 S.E.2d 663 (Ga. App., 2002)

Johnson, C. & Haney, C. (1994). Felony voir dire. *Law and Human Behavior, 18,* 487-

506. doi: 10.1007/BF01499170.

Jones, S. E. (1987). Judge- versus attorney-conducted voir dire: An empirical investigation of juror candor. *Law and Human Behavior*, 11*,* 131-146. doi: 10.1007/BF01040446.

Kassin, S. M. & Sommers, S. R. (1997). Inadmissible testimony, instructions to disregard, and the jury: Substantive versus procedural considerations. *Personality and Social Psychology Bulletin, 23,* 1046-1054. doi: 10.1177/01461672972310005.

Kassin, S. M. & Sukel, H. (1997). Coerced confessions and the jury: An experimental test of the "harmless error" rule. *Law and Human Behavior, 21,* 27-46. doi: 10.1023/A:1024814009769.

Kassin, S. M. & Wrightsman, L. S. (1983). The construction and validation of a juror bias scale. *Journal of Research in Personality, 17,* 423-442. doi: 10.1016/0092-6566(83)90070-3.

Kerr, N. L., Hymes, R. W., Anderson, A. B., & Weathers, J. E. (1995). Defendant-juror similarity and mock juror judgments. *Law and Human Behavior, 19,* 545-567. doi: 10.1007/BF01499374.

Kerr, N. L., Kramer, G. P., Carroll, J. S., & Alfini, J. J. (1991). On the effectiveness of voir dire in criminal cases with prejudicial pretrial publicity: An empirical study. *American University Law Review, 40,* 665-701.

Kovera, M. B. (2002). The effects of general pretrial publicity on juror decisions: An examination of moderators and mediating mechanisms. *Law and Human Behavior, 26,* 43-72. doi: 10.1023/A:1013829224920.

Kovera, M. B., Dickinson, J. J., & Cutler, B. L. (2003). Voir dire and jury selection. In *Handbook of psychology: Forensic psychology*, Vol. 11 (pp. 161-175). New York, NY, US: John Wiley & Sons, Inc, New York, NY, US.

Kovera, M. B. & Greathouse, S. M. (2007). Pretrial publicity: Effects, remedies and judicial knowledge (pp. 261-280). In E. Borgida and S. T. Fiske (Eds.), *Psychological science in court: Beyond common knowledge.* Blackwell Publishers.

Kramer, G. P., Kerr, N. L., & Carroll, J. S. (1990). Pretrial publicity, judicial remedies, and jury bias. *Law and Human Behavior, 14,* 409-438. doi: 10.1007/BF01044220.

Kravitz, D., Cutler, B., & Brock, K. (1993). Reliability and validity of the original and revised Legal Attitudes Questionnaire. *Law and Human Behavior, 17,* 661-677. doi: 10.1007/BF01044688.

Lecci, L. & Myers, B. (2002). Examining the construct validity of the original and revised JBS: A cross-validation of sample and method. *Law and Human Behavior, 26,* 455-463. doi: 10.1023/A:1016335422706.

Levett, L. M., Crocker, C. B., Kovera, M. B. (in preparation). The predictive validity of the juvenile waiver scale.

Levine, M., Williams, A., Sixt, A., & Valenti, R. (2001). Is it inherently prejudicial to try a juvenile as an adult? *Behavioral Sciences and the Law, 19,* 23-31. doi: 10.1002/bsl.428.

Lieberman, J. D., Arndt, J. (2000). Understanding the limits of limiting instructions: Social psychological explanations for the failures of instructions to disregard pretrial publicity and other inadmissible evidence. *Psychology, Public Policy, and Law, 6,* 677-711. doi: 10.1037/1076-8971.6.3.677.

Lieberman, J. D. & Sales, B. D. (2007) *Scientific Jury Selection*. Washington, DC: APA.

Living v. State*,* 796 So.2d 1121 (Ala.Crim.App., 2000).

London, K. & Nunez, N. (2000). The effect of deliberations on jurors' propensity to disregard inadmissible evidence. *Journal of Applied Psychology, 85,* 932-939. doi:

10.1037/0021-9010.85.6.932.

Louden, J. E. & Skeem, J. L. (2007). Constructing insanity: Jurors' prototypes, attitudes, and legal decision-making. *Behavioral Sciences and the Law, 25,* 449-470. doi: 10.1002/bsl.760.

MacCoun, R. J. & Kerr, Norbert, L. (1988). Asymmetric influence in mock jury deliberation: Jurors' bias for leniency. *Journal of Personality and Social Psychology, 54,* 21-33. doi: 10.1037/0022-3514.54.1.21.

Marques, J. M. & Yzerbyt, V. Y. (1988). The black sheep effect: Judgmental extremity towards ingroup members in inter- and intra-group situations. *European Journal of Social Psychology,* 18, 287-292. doi: 10.1002/ejsp.2420180308.

Marshall, L. L. & Smith, A. (1985). The effects of demand characteristics, evaluation anxiety, and expectancy on juror honesty during voir dire. *The Journal of Psychology*, *120*, 205-217.

Mitchell, T. L., Haw, R. M., Pfeifer, J. E., & Meissner, C. A. (2005). Racial bias in mock juror decision-making: A meta-analytic review of defendant treatment. *Law and Human Behavior, 29,* 621-637. doi: 10.1007/s10979-005-8122-9.

Moran, G. & Comfort, J. C. (1982). Scientific juror selection: Sex as a moderator of demographic and personality predictors of impaneled felony juror behavior. *Journal of Personality and Social Psychology, 43,* 1052-1063. doi: 10.1037/0022-3514.43.5.1052.

Moran, G. & Cutler, B. L. (1991). The prejudicial impact of pretrial publicity. *Journal of Applied Social Psychology, 21,* 345-367. doi: 10.111/j.1559-1816.1991.tb00524.x.

Mu'min v. Virginia, 500 U.S. 415 (1991)

Murphy v. Florida*,* 421 U.S. 794 (1975)

Myers, B. & Lecci, L. (1998). Revising the factor structure of the juror bias scale: A method for the empirical validation of theoretical constructs. *Law and Human Behavior, 22,* 239-256. doi: 10.1023/A:1025798204956.

Najimi, S. & Wegner, D. M. (2008). The gravity of unwanted thoughts: Asymmetric priming effects in thought suppression. *Consciousness and Cognition, 17,* 114-124. doi: 10.1016/j.concog.2007.01.006.

Narby, D. J., Cutler, B. L., & Moran, G. (1993). A meta-analysis of the association between authoritarianism and jurors' perceptions of defendant culpability. *Journal of Applied Psychology, 78,* 34-42. doi: 10.1037/0021-9010.78.1.34.

Neises, M. L. & Dillehay, R. C. (1987). Death qualification and conviction proneness: Witt and Witherspoon compared. *Behavioral Sciences and the Law, 5,* 479-494. doi: 10.1002/bsl.2370050411.

Nemeth, C. J. & Goncalo, J. A. (2005). Influence and persuasion in small groups. In Brock, T. C. & Green, M. C. (Eds.), *Persuasion: Psychological insights and perspectives, 2nd ed.* Thousand Oaks, CA: Sage Publications, Inc.

Nietzel, M. T. & Dillehay, R. C. (1983). Psychologists as consultants for changes of venue: The use of public opinion surveys. *Law and Human Behavior, 7,* 309-335. doi: 10.1007/BF01044735.

Nietzel, M. T., Dillehay, R. C., & Himelein, M. J. (1987). Effects of voir dire variations in capital trials: A replication and extension. *Behavioral Sciences and the Law, 5,* 467-477. doi: 10.1002/bsl.2370050410.

Nisbett, R. & Wilson, T. (1977). Telling more than we can know: Verbal reports on mental processes. *Psychological Review, 84,* 231-259. doi: 10.1037/0033-295X.84.3.231.

O'Dell v. Miller, 565 S.E.2d 407 (W. Va. 2002)

Olczak, P. V., Kaplan, M. F., & Penrod, S. D. (1991). Attorneys' lay psychology and its effectiveness in selecting jurors: Three empirical studies. *Journal of Social Behavior and Personality, 6,* 431-452.

O'Neil, K. M., Patry, M. W., & Penrod, S. D. (2004). Exploring the effects of attitudes toward the death penalty on capital sentencing verdicts. *Psychology, Public Policy, and Law, 10,* 443-470. doi: 10.1037/1076-8971.10.4.443.

Otto, A. L., Penrod, S. D., & Dexter, H. R. (1994). The biasing impact of pretrial publicity on juror judgments. *Law and Human Behavior, 18,* 453-469. doi: 10.1007/BF01499050.

Page, A. C., Locke, V. & Trio, M. (2005). An online measure of thought suppression. *Journal of Personality and Social Psychology, 88,* 421-431. doi: 10.1037/0022-3514.88.3.421.

Patton v. Yount, 467 U.S. 1025 (1984).

Poulson, R. L., Wuensch, K. L., Brown, M. B., & Braithwaite, R. L. (1997). Mock jurors' evaluations of insanity defense verdict selection: The role of death penalty attitudes. *Journal of Social Behavior and Personality, 12,* 1065-1078.

R Development Core Team (2010). *R: A language and environment for statistical computing.* R Foundation for Statistical Computing, Vienna, Austria. ISBN 3-900051-07-0, URL http://www.R-project.org.

Regan, D. T. & Fazio, R. H. (1977). On the consistency of attitudes and behavior: Look to the method of attitude formation. *Journal of Experimental and Social Psychology, 13,* 28-45. doi: 10.1016/0022-1031(77)9011-7.

Reich, D. A. & Mather, R. D. (2008). Busy perceivers and ineffective suppression goals:

A critical role for distracter thoughts. *Personality and Social Psychology Bulletin, 34,* 706-718. doi: 10.1177/0146167207313732.

Rose, V. G. & Ogloff, J. R. (2001). Evaluating the comprehensibility of jury instructions: A method and an example. *Law and Human Behavior, 25,* 409-431. doi: 10.1023/A:1010659703309.

Rosenthal, R. (2002). Covert communication in classrooms, clinics, courtrooms, and cubicles. *American Psychologist, 57,* 839-849. doi:10.1037/0003-066X.57.11.839.

Ruva, C. L. & McEvoy, C. (2008). Negative and positive pretrial publicity affect juror memory and decision making. *Journal of Experimental Psychology: Applied, 14,* 226-235. doi: 10.1037/1076-898X.14.3.226.

Ruva, C., McEvoy, C., & Bryant, J. B. (2007). Effects of pre-trial publicity and jury deliberation on juror bias and source memory errors. *Applied Cognitive Psychology, 21,* 45-67. doi: 10.1002/acp.1254.

Schuller, R. A., Kazoleas, V., & Kawakami, K. (2009). The impact of prejudice screening procedures on racial bias in the courtroom. *Law and Human Behavior, 33,* 320-328. doi: 10.1007/s10979-008-9153-9.

Seltzer, R., Venuti, M. A. & Lopes, G. M. (1991). Juror honesty during voir dire. *Journal of Criminal Justice, 19,* 451-462. doi:10.1016/0047-2352(91)90019-R.

Shaked-Schroer, N., Costanzo, M., & Marcus-Newhall, A. (2008). Reducing racial bias in the penalty phase of capital trials. *Behavioral Sciences and the Law, 26,* 603-617.

Sommers, S. R. & Ellsworth, P. C. (2001). White juror bias: An investigation of prejudice against black defendant in the American courtroom. *Psychology, Public Policy, and Law, 7,* 201-229. doi:10.1037/1076-8971.7.1.201.

Sommers, S. R. & Ellsworth, P. C. (2000). Race in the courtroom: Perceptions of guilt and dispositional attributions. *Personality and Social Psychology Bulletin, 26,* 1367-1379. doi:10.1177/0146167200263005.

Sommers, S. R. & Kassin, S. M. (2001). On the many impacts of inadmissible testimony: Selective compliance, need for cognition, and the overcorrection bias. *Personality and Social Psychology Bulletin, 27,* 1368-1377. doi:10.1177/01461672012710012.

Shuy, R. W. (1995). How a judge's voir dire can teach a jury what to say. *Discourse and Society, 6, 207*-222. doi:10.1177/0957926595006002004.

Skeem, J. L., Louden, J. E., & Eno, J. (2004). Venireperson's attitudes toward the insanity defense: Developing, refining, and validating a scale. *Law and Human Behavior, 28,* 623-648. doi:10.1007/s10979-004-0487-7.

Smith, V. L. (1991). Impact of pretrial instruction on jurors' information processing and decision making. *Journal of Applied Psychology, 76,* 220-228. doi:10.1037/0021-9010.76.2.220.

State v. Walden, 183 Ariz. 595, 905 P.2d 974 (Ariz., 1995).

Steblay, N. M., Besirevic, J., Fulero, S. M., & Jimenez-Lorente, B. (1999). The effects of pretrial publicity on juror verdicts: A meta-analytic review. *Law and Human Behavior, 23,* 219-235. doi:10.1023/A:1022325019080.

Steblay, N., Hosch, H. M, Culhane, S. E., & McWethy, A. (2006). The impact on juror verdicts of judicial instruction to disregard inadmissible evidence: A meta-analysis. *Law and Human Behavior, 30,* 469-492. doi:10.1007/s10979-006-9039-7.

Steele, W. W. & Thornburg, E. G. (1988). Jury instructions: A persistent failure to communicate. *North Carolina Law Review, 67,* 77-119.

Studebaker, C. A. & Penrod, S. D. (2005). Pretrial publicity and its influence on juror

decision making. In N. Brewer & K. D. Williams, *Psychology and Law: An Empirical Perspective.* New York: Guilford.

Suggs, D. & Sales, B. D. (1981). Juror self-disclosure in the voir dire: A social science analysis. *Indiana Law Journal*, *56*, 245-271.

Tang, C. M. & Nunez, N. (2003). Effects of defendant age and juror bias on judgment of culpability: What happens when a juvenile is tried as an adult? *American Journal of Criminal Justice, 28,* 37-52. doi:10.1007/BF02885751.

Thompson, W. C., Cowan, C. L., Ellsworth, P. C., & Harrington, J. C. (1984). Death penalty attitudes and conviction proneness: The translation of attitudes into verdicts. *Law and Human Behavior, 8,* 95-113. doi:10.1007/BF01044353.

Thompson, W. C., Fong, G. T. & Rosenhan, D. L. (1981). Inadmissible evidence and juror verdicts. *Journal of Personality and Social Psychology, 40,* 453-463. doi:10.1037/0022-3514.40.3.453.

Thompson v. State*,* 894 P.2d 375 (Nev., 1995).

United States v. Burr, 25 F. Cas. 49, 50 (1807).

Wainwright v. Witt, 469 U.S. 412 (1985).

Walls v. Kim, 549 S.E.2d 797, 799 (Ga. Ct. App. 2001).

Wegener, D. T., Kerr, N. L., Fleming, M. A., & Petty, R. E. (2000). Flexible corrections of juror judgments: Implications for jury instructions. *Psychology, Public Policy, and Law, 6,* 629-654. doi:10.1037/1076-8971.6.3.629.

Wegner, D. M. (1994). Ironic processes of mental control. *Psychological Review, 101,* 34-52. doi:10.1037/0033-295X.101.1.34.

Wenzlaff, R. M. & Bates, D. E. (2000). The relative efficacy of concentration and

suppression strategies of mental control. *Personality and Social Psychology Bulletin, 26,* 1200-1212. doi:10.1177/0146167200262003.

Wenzlaff, R. M. & Wegner, D. M. (1998). The role of mental processes in the failure of inhibition. *Psychological Inquirer, 9,* 231-233.

Wenzlaff, R. M. & Wegner, D. M. (2000). Thought suppression. Annual *Review of Psychology, 51,* 59-91.

Wiener, R. L., Wiener, A. T. F., Grisso, T. (1989). Empathy and biased assimilation of testimonies in cases of alleged rape. *Law and Human Behavior, 13,* 343-355. doi:10.1007/BF01056407.

Wilson, T. D. & Brekke, N. (1994). Mental contamination and mental correction: Unwanted influences on judgments and evaluations. *Psychological Bulletin, 116,* 117-142. doi:10.1037/0033-2909.116.1.117.

Wright, D. B. & London, K. (2009). Multilevel modeling: Beyond the basic applications. *British Journal of Mathematical and Statistical Psychology, 62,* 439-456. doi: 10.1348/000711008X327632.

Wright, K. (2001). Friends and foes in the jury box: Walls v. Kim and the mission to stop improper juror rehabilitation. *Mercer Law Review, 53,* 929-943.

Wu, C. & Shaffer, D. R. (1987). Susceptibility to persuasive appeals as a function of source credibility and prior experience with the attitude object. *Journal of Personality and Social Psychology, 52,* 677-688. doi:10.1037/0022-3514.52.4.677.