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## **Making a Biased Jury Decision: Using the Steven Avery Murder Case to Investigate Potential Influences in Jury Decision-Making**

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# Making a Biased Jury Decision: Using the Steven Avery Murder Case to Investigate Potential Influences in Jury Decision-Making

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The Netflix documentary *Making a Murderer* made national headlines by chronicling the conflict between Steven Avery and the Manitowoc County legal system. After spending 18 years in prison for a wrongful conviction, Avery was arrested again and found guilty of the murder of Teresa Halbach. Due to the controversial nature of the case, and the popularity associated with the documentary, this event was used to evaluate several variables that may influence judgment on decisions of a defendant's guilt or innocence. Participants ( $N = 905$ ) were recruited online via several social media platforms and included in the study if they acknowledged watching the documentary. They then completed an online survey containing questionnaires related to demographics (e.g., gender, ethnicity), perceptual (e.g., punitive attitudes), and psychosocial characteristics (e.g., posttraumatic stress symptom severity). The majority of participants rated both Avery and his nephew, Brendan Dassey, also convicted in association for the crime, as innocent. Female participants reported higher ratings of guilt than males. Lower ratings of guilt were associated with lower levels of socioeconomic status, greater religious involvement, higher posttraumatic stress symptoms, and greater negative attitudes toward the judicial system. Race and political beliefs were unrelated to ratings of guilt. These results support previous research suggesting psychological and demographic variables may influence jurors' judgments of guilt in murder trials. Implications concerning maintaining impartiality among jury peers and preventing implicit biases are discussed.

## ***Public Policy Relevance Statement***

Due to the controversial nature of the Steven Avery murder case, and the popularity associated with the *Making a Murderer* documentary, this event was used to evaluate several variables that may influence judgment on decisions of a defendant's guilt or innocence. The results support previous research suggesting psychological and demographic variables may influence jurors' judgments of guilt in murder trials. Implications concerning maintaining impartiality among jury peers and preventing implicit biases are discussed.

**Keywords:** murder trial, jury bias, Steven Avery, posttraumatic stress, guilt

Public engagement with high-profile cases has become more prevalent, mostly due to the role that social media has played facilitating both information and opinion globally. From

early cases such as O.J. Simpson to the recent rise in criminal media shows, a small batch of research has examined the opportunity media provides to provide insight into the legal system

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for the public, and in turn, create their own judgments of criminal proceedings (Chapdelaine & Griffin, 1997; Hawkins & Scherr, 2017). However, the extent that such portrayals affect public opinion—most especially when the justice system demonstrates fallibility, has been limited due to the rarity of such cases.

Previously unknown to the general public, Netflix released the 10-episode documentary, *Making a Murderer*, in December 2015, concerning a man convicted of murder 10 years prior. The documentary follows the story of Steven Avery—a resident of Manitowoc County, Wisconsin—who was convicted for the sexual assault, attempted murder, and false imprisonment of a local woman named Penny Beerntsen in 1985, and was sentenced to 32 years in prison (Ricciardi & Demos, 2015). After serving 18 years for this crime, Avery was exonerated by DNA evidence and was released from prison in 2003 with help from the *Innocence Project*. One year following his release, Avery filed a civil lawsuit against Manitowoc County, District Attorney Denis Vogel, and Sheriff Tom Kocourek for \$36 million for hostility, obstruction of justice, and punitive damages. While the lawsuit was being formed, Avery and his nephew Brendan Dassey became the main suspects in the murder of Teresa Halbach—a local photographer who was reportedly last seen alive on the Avery property around the same time Avery and Dassey were there as well. Although the evidence presented in their murder cases was contentious, both Avery and Dassey were ultimately found guilty of first-degree intentional homicide, among other charges, and sentenced to life in prison. The documentary walks its viewers through Avery's story, beginning with his release from prison after being exonerated of the 1985 charges. After his release, Avery began to build a life for himself again despite the time he spent away from his family and friends. The following episodes cover Teresa Halbach's disappearance and the evidence that led law officials to arrest and detain Avery. The documentary presents evidence from the murder case and trial against Avery and Dassey, ultimately concluding with their guilty verdicts and life sentences.

The handling of the case sparked controversial theories and beliefs around the area about what really happened, the guilt or innocence of Steven Avery, and fairness within the investigation, trial, and sentencing, prompting cover-

age as far as the New York Times and sparking a 10-year project for filmmakers Laura Ricciardi and Moira Demos due to its controversy (Hale, 2015). Within weeks of its release, the documentary became a hot topic on social media, where the public expressed their opinions toward Avery and his trial, as well as their beliefs about his guilt or innocence based on their own conclusions of the shared evidence. In particular, many called into question the legitimacy of the proceedings that took place, and the extent to which individual biases played a role in his guilty sentence.

Indeed, criminal proceedings are meant to function on a foundation of truth and justice, held through trials with impartial juries (U.S. Const. amend. VI). However, harboring biased beliefs toward the defendant in a criminal trial is still possible. Research has demonstrated that the existence of personal, implicit, and prejudiced beliefs may alter the trial jury's judgments of guilt, harshness of punishment, and sentencing severity (Gleason & Harris, 1975; Kleider, Knuycky, & Cavrak, 2012). Such beliefs can stem from a variety of demographic and psychological factors, general beliefs and attitudes, and personal experiences that play a role in deciding whether an accused person is guilty or innocent. Due to the popularity and mass viewership of the documentary, the case serves as a unique opportunity to provide exploratory evidence about individual characteristics that can impact one's impartiality to a case—specifically, one's judgment of guilt or innocence. In particular, this study assessed a wide array of influential factors among viewers that influence decisions of guilt or innocence after watching the documentary.

### Demographic Influences

Though a number of studies have consistently identified demographic factors that influence jury decision, the research is mixed in terms of their effective influence (Lieberman & Sales, 2007). One prominent predictor tends to be socioeconomic status (SES), for both the juror and defendant. For instance, a study by Bornstein and Rajki (1994) reported that low-SES individuals were more likely to perceive the defendant of a criminal case as more responsible for the crime than individuals with a high SES; this notion was supported in later meta-

analyses by Devine and Caughlin (2014), which found across studies that low-SES defendants are more likely to be convicted than their high-SES counterparts. Age is another factor posited to play a role in juror decision-making, such that older jurors see accused persons as more responsible for the situation they are in than younger jurors (Higgins, Heath, & Grannemann, 2007). Juror race has a similar effect, such that White mock jurors believed Black defendants were more responsible for the crime, whereas Black jurors believed White jurors were more responsible for the crime (Ugwuegbu, 1979); meta-analytic findings maintain this trend, though effects are moderated by the type of case presented (Devine & Caughlin, 2014). Moreover, Sommers (2006) found that Whites participating in a jury that was more racially heterogeneous than homogeneous were more lenient toward Black defendants than White defendants. Finally, juror gender is believed to also play a role, such that female juror tends to be more sympathetic toward female plaintiffs (Elkins & Philips, 1999). This line of reason would suggest that female jurors would be less sympathetic to a male plaintiff or defendant. Given this effect in instances of citizens acting as both mock and acting jurors, it is reasonable to assume this evidence may also hold within the general public.

### Psychosocial Influences

Research has also demonstrated that psychosocial characteristics, such as personal beliefs and experience, may influence an individual's conviction (Miller, Maskaly, Green, & Peoples, 2011). Overall, trust in the justice system has remained a robust predictor of judgments of guilt among jurors (Devine & Caughlin, 2014), which may be supplemented by a number of other proposed psychosocial mechanisms regarding personal beliefs. For instance, in one study that used mock jurors, findings showed that greater involvement with the church was associated with greater punitive attitudes toward the accused, leading those with more involvement to judge the defendant as guilty rather than innocent. Further, greater identification of a juror's religion with the defendant was associated with less certainty of their guilt, and thus greater leniency with their verdict (Miller et al., 2011). Similarly, political ideology is

shown to affect the jury's sentencing; although there were no significant effects on guilt, individuals with more conservative stances handed down harsher punishments for the defendant than either moderates or liberals (Clark & Wink, 2012). Lastly, harboring a punitive (i.e., punishment inflicting) attitude toward the defendant can significantly influence an individual's conviction as in Fitzgerald and Ellsworth (1984) in which attitudes toward the death penalty and how those attitudes shaped verdict outcomes were examined. Findings showed that death-qualified respondents, or respondents who are willing to impose the death penalty, favored the prosecution's point of view in a criminal trial, leading them to decide on a guilty verdict. Further, these respondents also reported feeling mistrustful of the criminal defendant and his counsel.

Another factor that may influence public perception of high-profile cases and, subsequently, their verdict decisions are individual's personal traumatic experiences—particularly if their trauma is related to the defendant's crimes (e.g., sexual assault, physical assault, death of a loved one). More specifically, over the course of the trial, graphic images or other trauma-related stimuli (i.e., phrases, smells, objects) associated to their personal experience may trigger posttraumatic stress symptoms (PTSS; Ozer, Best, Lipsey, & Weiss, 2003), which may, in turn, influence their verdict decision via rushed or biased decision-making (Gray, 1999; Keinan, 1987; Starcke, Wolf, Markowitsch, & Brand, 2008). Further, extant neuropsychological work has found that individuals with elevated PTSS evidence dysfunction in brain regions associated with decision-making (e.g., thalamus and anterior cingulate gyrus), suggesting that disruptions in these regions may contribute to impulsivity and affect overall decision-making (Lanius et al., 2003). However, despite existing work highlighting (a) the influence of PTSS on decision-making and (b) high rates of posttraumatic stress disorder among jurors in trials similar to the Steven Avery case (i.e., murder; Bertrand, Paetsch, & Anand, 2008), no work has examined the direct influence of PTSS on verdict decision-making.

### Publicity-Related Variables

News and the media have grown and developed immensely in the past decade, which has

caused concern for the U.S. judicial system regarding the influence of trial publicity, especially for cases with high exposure (Daftary-Kapur, Dumas, & Penrod, 2010). Given the impact that the media has on individuals' perceptions, previous research has also tried to consider the influence that the media may have on the public's perception of the justice system. In particular, negative publicity from media sources toward any case awaiting trial may elicit biased perceptions about the defendant or the case itself (Kovera, 2002; Vidmar, 2002). A study by Ruva, McEvoy, and Bryant (2007) reported that mock jurors exposed to pretrial publicity (PTP) used information from the pre-trial news source to deliberate even when they believed they had only used information presented in the trial. Likewise, another study found that individuals exposed to information before the trial were also more likely to decide on a guilty verdict than those not exposed to PTP (Ruva & Guenther, 2015).

In a most recent study, Staggs and Landreville (2017) used the Colorado theater shooter case of James Holmes as a method to examine how individuals' exposure to PTP influences (a) their perceptions of a criminal offender as malicious and (b) whether or not the defendant is deserving of a harsher punishment, finding that both (a) and (b) are increased with exposure to PTP. Similarly, exposure to varying types of PTP, such as positive versus negative or a lack thereof, have been found to affect juror perceptions of the defendant (Ruva, Guenther, & Yarbrough, 2011), specifically showing that exposure to negative PTP resulted in bias toward the prosecution, and exposure to positive PTP resulted in bias toward the defense.

Although the American judicial system implores jurors to make their decisions based purely on information and evidence presented during the trial, research suggests that outside influences like PTP on the decision-making process are extremely difficult to stray from, especially while allowing the public to have access to information about criminal cases before their trials. This would especially be true for residents of Wisconsin who had previous knowledge of Steven Avery's rape case before the murder of Teresa Halbach. In the case of viewers of the *Making a Murderer* documentary, such as the participants in the current study, they are exposed to hours of preexisting knowl-

edge of the defendant (Steven Avery) and details of the events leading up to the murder. This preexisting knowledge has the potential to bias juror's decision-making, similar to that of PTP.

## Present Study

Overall, there is a wide array of implicit factors that have been implicated in affecting individuals' convictions of innocence or guilt. For high-profile cases, the role of publicity-related factors in addition to demographic and psychosocial influences is an important but understudied influence among individuals when deciding either innocence or guilt. Given the widespread viewership of the Netflix documentary *Making a Murderer*, and the manner in which the filmmakers detailed the proceedings of the trial (i.e., similar to that of a juror involved in the trial), surveying watchers of the film provides a unique opportunity to gauge factors that may influence perceptions of guilt. The current study aims to investigate a variety of pertinent demographic (i.e., SES, age, race, gender), perceptual (i.e., PTP, attitudes toward law enforcement, punitive attitudes), and psychosocial (i.e., religion, political affiliation, PTSS) variables that may influence prospective jurors' decisions (i.e., guilt or innocence).

## Hypotheses

### Demographic

Given evidenced effects of various demographic factors on juror perception, we believe that respondents with a lower SES and older age will view Avery as more guilty. Regarding race, individuals who differ from Steven Avery racially (non-White respondents) would be more likely to perceive him as guilty. Similarly, based off of gender-similarity bias, female respondents will be more likely to find Steven Avery as guilty.

### Psychosocial

Based on previous research indicating religious involvement influencing decisions of guilt, we hypothesized that greater religious involvement, stronger political conservatism, and greater punitive attitudes would be associated with higher ratings of guilt. Given the dearth of

research examining the influence of posttraumatic stress before participating in the jury on decision-making, we make no a priori hypothesis about the potential relationship between PTSS and ratings of guilt.

## Publicity

To investigate how possible exposure to the trial before the documentary's release influenced judgments of guilt, we hypothesized individuals within the Wisconsin area would have more pretrial exposure to the case than those outside of the state of Wisconsin. Thus, individuals residing in the state of Wisconsin would be more likely to perceive Steven Avery as guilty than individuals who do not reside in the state of Wisconsin.

## Method

### Participants

To assess a large, diverse sample, participants were recruited via convenience sampling methods through social media outlets (Reddit, Facebook, Twitter, and Yahoo News). Inclusion criteria included (a) being at least 18 years of age, and (b) having seen the Netflix documentary, *Making a Murderer*. Of the 940 participants who began the survey, a total of 449 (52%) completed the survey from Reddit, 388 (45%) completed the survey from Facebook, 18 (2%) completed the survey from Twitter, and 3 (<1%) completed the survey from Yahoo. A total of 35 participants did not pass the screen question "Have you seen the Netflix documentary 'Making a Murderer'?" and were subsequently excluded. Of the remaining 905 participants, 711 (79%) completed at least half of the survey and a total of 530 (59%) participants completed the entire survey; all were included in subsequent analyses when their data were available. No compensation was offered; thus, participation was completely voluntary.

A total of 852 participants completed the demographics section. The sample consisted of 587 (69%) males ranging in age from 18–100 years ( $M = 37.87$ ,  $SD = 11.50$ ). Participants were predominately Caucasian 776 (91%), with additional make-up including African American ( $n = 20$ ; 2%), Hispanic ( $n = 15$ ; 2%), Asian or Pacific Islander ( $n = 34$ ; 3%), and Native American ( $n = 7$ ; 1%) races. The majority of the sample lived in the United States (66%).

## Materials

**Guilt rating.** Participants were asked a single-item, face-valid question: "How innocent or guilty do you believe Steven Avery is for the murder of Teresa Halbach?" with scores ranked on a 7-point Likert scale, with 1 being *completely innocent* to 7 being *completely guilty*.

**Demographic variables.** Participants were asked to disclose their SES (i.e., ranging from 1 [*less than \$25,000*] to 4 [*\$75,000 or more*]), education (i.e., ranging from 1 [*no education*] to 9 [*doctoral degree*]), race (i.e., Asian American, African American/Black, European/White/Caucasian, Latino American/Hispanic, Native American/Alaskan Native, or other), age, biological sex, country and/or state of residence, political affiliation (Democrat, Republican, Independent, or other), and religious involvement. Religious involvement was assessed on a scale of 0% (i.e., no involvement) to 100% (i.e., completely involved), and political involvement was assessed by asking participants "How would you rank your political involvement on a scale of 0 to 100%?" with response choices of 0%, 25%, 50%, 75%, and 100%.

**Pretrial publicity.** A proxy measure was used to assess PTP via whether participants resided in the state of Wisconsin or not. The assumption is that residents of Wisconsin (i.e., the state in which the alleged crimes and trials were held) were more likely to be exposed to PTP of the Steven Avery case than those who reside outside of Wisconsin—an empirically based assumption derived from discrepancies in local and national news coverage (Innes, 1999; Oliver & Myers, 1999; Slater, Long, & Ford, 2006).

**Attitudes toward justice system.** Two, single-item, face valid questions asking "In general, how much do you trust law enforcement?" and "In general, how much do you trust the effectiveness of the judicial system?" were used. Scores were ranked on a 7-point Likert scale, with 1 being *don't trust at all* to 7 being *trust completely*.

**Punitive attitudes.** The Punitive Attitudes Scale (Sims, 1996) is an 11-item measure asking if participants were in favor of or opposed specific punitive actions (e.g., "Favor the death penalty," "Oppose parole," "Favor retribution as the most important sentencing objective for juveniles," etc.). Participants selected whether

they agreed (*yes*) or disagreed (*no*) with each punitive measure presented. In the current study, the internal reliability was  $\alpha = .72$ .

**Trauma history.** The Stressful Life Events Screening Questionnaire–Revised (Goodman, Corcoran, Turner, Yuan, & Green, 1998) is a 13-item self-report questionnaire that measures lifetime exposure of traumatic events. For each event, participants were asked to indicate whether the event occurred in a *yes* or *no* format. This measure was included to help participants identify their most traumatic event.

**Posttraumatic stress symptoms.** The Posttraumatic Stress Disorder Checklist is a 20-item self-report measure reflecting posttraumatic stress disorder criteria from the *Diagnostic and Statistical Manual for Mental Disorders–Fifth Edition–Text Revision* (DSM–V–TR; Weathers et al., 2013).

Participants were asked to recall the most stressful event they nominated in the Stressful Life Events Screening Questionnaire–Revised and indicated the extent they were bothered by 20 symptom-related items in the past month. Responses range from 0 being *not at all* to 5 being *extremely*. Scores range from 17 to 85; with higher scores indicating more severe symptoms. In the current study, the internal reliability was  $\alpha = .95$ .

**Qualtrics survey.** All measures were inserted into Qualtrics, an online survey system. Questions concerning the extent of the documentary watched, whether Avery and Dassey were innocent or guilty, demographics, trauma history, PTSS, attitude toward the law, and criminal history were included first. All other perceptual and psychosocial variables were randomly ordered for the remainder of the survey.

## Procedure

**Informed consent.** A standardized script was posted across a variety of social media outlets asking for opinions on the Netflix documentary, *Making a Murderer* (e.g., guilt or innocence of Steven Avery), as well as other personality and preference information, such as punitive attitudes, view of law enforcement justice system, and the extent to which participants rely on the Internet for information. At the bottom of the script was a hyperlink to the research survey on Qualtrics (i.e., researcher software), which (a) provided participants with

detailed information about the informed consent process for the study, (b) collected digital informed consent, and then (c) linked participants to the actual survey. All consent processes were approved by the institutional review board before launching.

**Recruitment.** Recruitment focused on three social media outlets for dissemination: Facebook, Twitter, and Reddit. On Twitter, messages were tweeted daily from the investigators' personal accounts, and shared through *Making a Murderer*-specific accounts (e.g., @MakingAMurderer). On Facebook, the standardized script was posted on investigators' personal accounts and on *Making a Murderer*-specific pages/groups (e.g., Making a Murderer Theories and Discussions). On Reddit, the standardized script was posted on Netflix- and *Making a Murderer*-specific Subreddit pages (i.e., topic-specific threads on Reddit; e.g., /r/HiveMindMaM). For both Facebook and Subreddit pages, admins (i.e., individuals who manage the page) were contacted to pin our post at the top of the page; researchers introduced themselves and their affiliation, explained the study, and requested permission for either the admin or the researcher to share the survey link on the page to increase its visibility and credibility.

The survey was made available between February and May, 2016. Researchers periodically monitored comments and responses to maintain communication and invite interest into the study. People who requested results of the study were told to e-mail the principal investigator of the study to share at a later date.

## Data Analytic Plan

Survey respondents were first screened to ascertain differences in sample make-up between those who finished the entire survey (i.e., completers) versus those who did not (i.e., non-completers). Remaining analyses were then performed on both survey completers and noncompleters. Differences in ratings of guilt were then examined within the overall sample, and then split by demographic variables, and by psychosocial factors. For continuous variables, ratings of guilt were assessed using bivariate correlations. For categorical variables, differences in ratings of guilt were examined using point-biserial correlations, *t* tests, and one-way anal-

yses of variance. Additional analyses were run to test for robust findings between completers and noncompleters in terms of ratings of guilt.

## Results

### Preliminary Analyses

Differences between all participants who initiated the survey were first examined. Completers ( $n = 530$ ) significantly differed from noncompleters ( $n = 410$ ) in four ways. First, completers gave lower ratings of guilt for Steven Avery, ( $M = 2.49$ ,  $SD = 1.58$ ) versus ( $M = 2.85$ ,  $SD = 1.77$ ),  $t(896) = 3.12$ ,  $p = .002$ ,  $d = .21$ . Second, completers were more likely to be male (64% of males completed survey vs. 57% of females),  $\chi^2(1, N = 853) = 3.86$ ,  $p = .049$ . Finally, completers were more likely to be White (63% of Whites completed survey vs. 27% for non-Whites),  $\chi^2(1, N = 935) = 69.57$ ,  $p < .001$ . There were no significant differences between completers and noncompleters for any other variable reported in this study. In addition, whether a participant was American or resided outside of the United States had no significant effects on any of the results reported in this article.

### Overall Conviction of Guilt

As can be seen in Figure 1, the vast majority of participants believed Steven Avery was in-

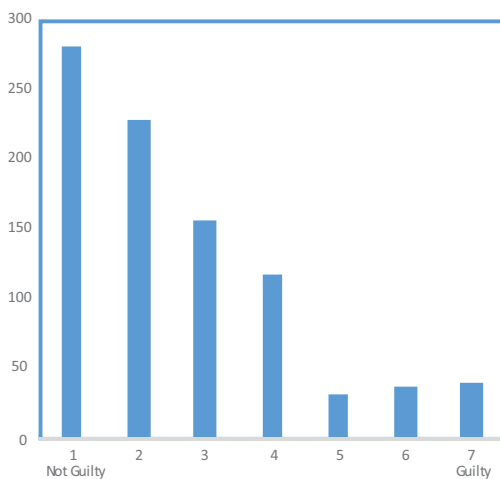


Figure 1. Frequency of ratings of guilt and innocence of Steven Avery ( $N = 530$ ). See the online article for the color version of this figure.

nocent, with only 9% of participants reporting a score above the midpoint of the scale (i.e., neutral) for guilt. Although Avery's guilt was rated on a Likert-type scale, in reference to Brendon Dassey we simply asked respondents if Dassey was involved in the murder, with two response options—yes or no. A similar trend was observed concerning respondents' beliefs—only 9% ( $n = 47$ ) of participants indicated yes, whereas 91% ( $n = 492$ ) indicated no. Participants' ratings of guilt/involvement in the murder between both Avery and Dassey were strongly related,  $r_{bi}(537) = .48$ ,  $p < .001$ . Lastly, the majority of participants rated the documentary's portrayal of the case as accurate, with 19% indicating "completely accurate," 65% indicating "somewhat accurate," 13% indicating "somewhat inaccurate," and only 4% indicating "completely inaccurate."

### Conviction of Guilt by Demographics

Associations between demographic variables and ratings of Avery's guilt were examined. As can be seen in Table 1, lower levels of SES were significantly associated with lower ratings of guilt,  $r(845) = .12$ ,  $p < .001$ . Younger age was significantly correlated with stronger ratings of guilt, although the size of this relationship was very small and benefitted from a large sample size,  $r(858) = -.07$ ,  $p < .05$ . Because only 78 participants (9%) indicated a race other than White, there was not enough statistical power to examine differences between race options included in the survey. Thus, all non-White participants were collapsed into a single category. There was no significant difference in ratings of Avery's guilt between White and non-White participants,  $t(896) = 0.59$ ,  $ns$ . Females ( $n = 261$ ;  $M = 2.43$ ,  $SD = 1.53$ ) reported higher ratings of guilt than did males ( $n = 591$ ;  $M = 3.03$ ,  $SD = 1.84$ ),  $t(850) = 4.95$ ,  $p < .0001$ ,  $d = .37$ . Lastly, there was no significant difference in ratings of guilt as a function of whether participants resided in the United States ( $m = 2.51$ ,  $SD = 1.60$ ) or outside of the United States, ( $m = 2.42$ ,  $SD = 1.51$ ),  $t < 1$ .

### Conviction of Guilt by Psychosocial Factors

Further analyses examined whether psychosocial variables were associated with ratings of Avery's guilt. As can be seen in Table 1, higher ratings of guilt were significantly associated

Table 1

*Range, Means, Standard Deviations, and Correlations With Ratings of Steven Avery's Guilt for All Continuous Variables*

| Variable                         | Range  | <i>M</i> ( <i>SD</i> ) | <i>N</i> | <i>r</i> with rating of Avery's guilt |
|----------------------------------|--------|------------------------|----------|---------------------------------------|
| Steven Avery is guilty           | 1–7    | 2.64 (1.67)            | 898      | —                                     |
| Socioeconomic status             | 1–4    | 2.84 (1.08)            | 846      | .12***                                |
| Educational level                | 1–9    | 6.13 (1.47)            | 855      | .13***                                |
| Age                              | 18–100 | 37.79 (11.56)          | 859      | -.07*                                 |
| Religious involvement            | 0–100  | 32.56 (31.87)          | 566      | -.15***                               |
| PTSD symptoms (PTSS)             | 0–80   | 16.43 (16.82)          | 695      | -.11***                               |
| Attitudes toward judicial system | 1–7    | 3.38 (1.46)            | 728      | .20***                                |
| Punitive Attitudes Scale         | 1–11   | 8.22 (2.32)            | 532      | -.03                                  |

*Note.* PTSD = posttraumatic stress disorder; PTSS = posttraumatic stress symptoms.

\*  $p < .05$ . \*\*\*  $p < .001$ .

with lower religious involvement,  $r(565) = -.15$ ,  $p < .001$ , and lower PTSS,  $r(694) = -.11$ ,  $p < .001$ . There were no significant differences in ratings of Avery's guilt as a function of political affiliation,  $F(4, 837) = 0.85$ , *ns*. Higher ratings of guilt were significantly associated with more negative attitudes toward the judicial system. However, scores on the Punitive Attitude Scale were not significantly associated with ratings of guilt,  $r(531) = -.03$ , *ns*.

### Conviction of Guilt by Publicity Factors

Analyses testing whether previous exposure to publicity would impact ratings of guilt found that residents of the state of Wisconsin gave higher ratings of Avery's guilt ( $n = 51$ ,  $M = 3.31$ ,  $SD = 2.20$ ) than did nonresidents of Wisconsin ( $n = 530$ ,  $M = 2.58$ ,  $SD = 1.59$ ),  $t(579) = 3.04$ ,  $p = .003$ ,  $d = .45$ . The relationship between being a resident of Wisconsin and ratings of guilt could not be accounted for by other demographic variables in the survey, as residents of Wisconsin did not significantly differ from nonresidents on the variables of political affiliation, religious involvement, being wrongfully convicted, and SES (all  $ps > .10$ ).

### Notable Differences Between Completers and Noncompleters

Due to the earlier noted finding that completers differed from noncompleters on numerous variables, including the primary variable of ratings of Steven Avery's guilt, preliminary analyses were reassessed with all noncompleters removed from the analyses. There was only one

instance in which the pattern of results changed—the correlation between ratings of Avery's guilt and PTSS went from significant,  $r = -.11$ ,  $p < .001$ , to nonsignificant,  $r = -.08$ ,  $p = .058$ .

## Discussion

The Steven Avery case, as portrayed in the Netflix documentary *Making a Murderer*, was used in the present study as a means to examine factors that play a role in deciding whether an accused person is guilty or innocent. The researchers' aim was to examine whether demographic, perceptual, and/or psychosocial factors have the potential to influence impartiality in decision-making. The researchers' hypotheses were based on each of the types of variables of interest.

Generally, the results of the study helped identify individual differences that could play a role in judgment formation. In regard to our hypotheses concerning demographic variables, some demographic variables were associated with a decision of "guilt" in a manner consistent with our hypotheses. Specifically, younger age and female gender predicted higher ratings of guilt. Interestingly, race was not significantly associated with ratings of guilt; however, 91% of the sample indicated their race as White, leaving very few non-White participants and greatly limiting our ability to detect racial differences. Further, individuals of lower SES were more likely to give Steven Avery a verdict of "innocent." Of note, there was a clear pattern in which greater demographic similarity to Steven Avery resulted in greater belief that he was inno-

cent. For instance, males, respondents with lower SES, and lower education levels were significantly related to lower ratings of guilt.

Similar to demographic variables, some psychosocial variables were associated with ratings of guilt in the sample, whereas others did not. Contrary to our hypothesis, greater religious involvement was related to higher ratings of innocence. Surprisingly, political beliefs were not significantly associated with ratings of guilt; however, more positive attitudes toward the judicial system was significantly associated with higher ratings of guilt. Having a positive attitude toward the judicial system may increase one's trust in its process, particularly in cases such as the Steven Avery case in which judicial processes that took place are controversial. These findings may potentially be the result of participants' trust that the judicial system was correct in having charged Steven Avery with murder in this case.

A noteworthy finding was that the severity of PTSS among respondents was significantly associated with greater ratings of innocence. This finding may have been the result of a higher level of empathy toward Steven Avery from a respondent who has also experienced a traumatic event. The documentary focuses on how difficult life has been for Avery, including his previous wrongful conviction, and segments on his family's poor economic background and negative reputation. In this case, individuals who have lived through a traumatic event and show higher levels of PTSS likely relate to Avery and his situation, leading them to empathize with him and judge him as "innocent."

As expected, the given publicity factor may have also played a role in judging innocence or guilt. The results supported the hypothesis that residents of the state of Wisconsin were more likely to judge Avery as guilty than non-Wisconsin residents. There are multiple possible reasons for this finding. One possible reason is that a portion of the Wisconsin-resident respondents had a personal connection to the event in some way and may have harbored a more negative attitude from the start and before watching the documentary. The reason we find most compelling, however, is the possibility that residents of Wisconsin were exposed to a greater percentage of PTP than participants who live in other parts of the world. Before the *Making a Murderer* documentary, very few people outside of

Wisconsin had any knowledge of this case. However, the case was frequently covered by local news channels in Wisconsin. Past literature shows that being more exposed to a case (i.e., having local sources of information available) can significantly bias an individual's decision about the guilt or innocence of the defendant, and that individuals who are exposed to *negative* PTP, more specifically, are more likely to judge a defendant guilty than if they were not exposed to those news sources (Clow, Lant, & Cutler, 2013). In this case, residents who were physically closer to where the crime and subsequent trial took place were likely influenced by their possibly higher level of exposure to the case and the trial as it unfolded within their community.

In trials that are highly publicized, it becomes increasingly difficult for judges and attorneys to select jurors that do not have any knowledge about the case in advance. Evidence shows that respondents who resided closer to the event were more likely to believe Steven Avery is guilty, possibly as a result of being more informed about the case or having more sources of information on the event than participants who do not reside in the state of Wisconsin. This speaks to a lack of impartiality in that individuals who were exposed to information about the Steven Avery murder case that was not presented in the documentary itself had potentially already formed decisions about Avery's innocence or guilt.

There were several noteworthy strengths of the current study. One is the large size and international diversity of the sample. In keeping with the online notoriety of the documentary, recruitment methods opted to disseminate the survey through popular social websites, especially targeting large, online interest groups that yielded most of the survey's responses. This was supplemented by the timing of the survey's dissemination, released less than 2 months after the documentary premiered. This speaks to the utility of social media as a viable recruitment strategy when large international populations are required; in addition, it presses upon the extent to which individuals base their own convictions solely upon online information.

There were also several limitations that should be noted. The majority of the documentary was created using interviews and information taken from individuals who believed Avery

was innocent (i.e., members of his family, his previous lawyer). Therefore, the point of view of the documentary is strongly sympathetic toward him and may have very well played a role in the formation of participants' decisions of Avery's guilt. Further, these findings are derived from a cross-sectional study, limiting study findings to imply associations between variables rather than evidence for causality. The survey was also self-report and retrospective in nature, introducing the opportunity for report bias among individual responses. In addition, despite the innovative online recruitment methodology, convenience sampling drawn primarily from social media forums may have allowed for self-selection bias; indeed, the high response rate from such social media groups may be attributed to individuals who were still "obsessed" with the trial and/or documentary and were high social media consumers already. This may limit the generalizability of the findings to other populations with varying media consumption patterns. More work is needed to better understand factors that may influence juror bias in broader samples with varying media consumption habits. Further, because of the vast differences in the demographics of this sample and of those who qualify to serve as jurors in the American jury system, it is difficult to generalize the results obtained in this study to the potential biases in an actual jury panel. One specific difference is the sample's breakdown of race (91% White). Another is 34% of our participants were from countries outside of the United States, meaning they are not representative of potential jury members in a United States court of law. Thus, the study's findings may be best suited to remain describing the potential effects of media on citizens who may potentially be involved in the jury process. Lastly, the assumption that participants who live in or near Manitowoc County where the crime and Avery's trial took place may not be the strongest method to measure PTP; however, it was the one that made the most sense considering that an event like this is more publicized where it took place geographically. Thus, the PTP model provided a look into the differences between participants living in or around Manitowoc County versus those who do not. Notably, we did not evaluate for whether participants were living in Wisconsin at the time of the trial proceeding. Although unlikely that a substan-

tive proportion of the respondents had moved to Wisconsin between the time of the trial and the time of the survey, the results regarding PTP should consider this methodological limitation.

Regarding the design of the study itself, the majority of the effect sizes reported in this study are considered small. Lastly, the study examined the effects of only viewing the documentary without having compared results with a control group or a group that was exposed to a different case or different information. This makes it more difficult to generalize the effects of watching a similar film to the judgment of an accused person's guilt or innocence.

## General Conclusion

Overall, the results of the study provide insight into multiple factors that could potentially influence perceptions and decisions of an accused person's guilt or innocence. Given the wide viewership of the *Making a Murderer* documentary and the controversial and equivocal evidence presented in the case, the Steven Avery case also offered a unique opportunity to capture the potential effects of media on citizens who may potentially be involved in the jury process.

The consequences of an individual's lack of impartiality can be far-reaching. Only due to the widespread dissemination of the case—and subsequent public outcry—was Brendan Dassey's original conviction overturned by a federal judge in August of 2016, only 8 months after the documentary's release. William E. Duffin, the magistrate judge who overturned the conviction, cited the "indefensible misconduct" from Dassey's attorney and the "malfunctioning" of the Wisconsin legal system during a trial that was watched and commented on by many in the Wisconsin area (Kreps, 2016). Such an impact is a reflection of media's influence on the public at large—and subsequently factors associated with decisions of guilt or innocence with high-profile cases. The results of this study help identify specific factors that pose such risk.

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