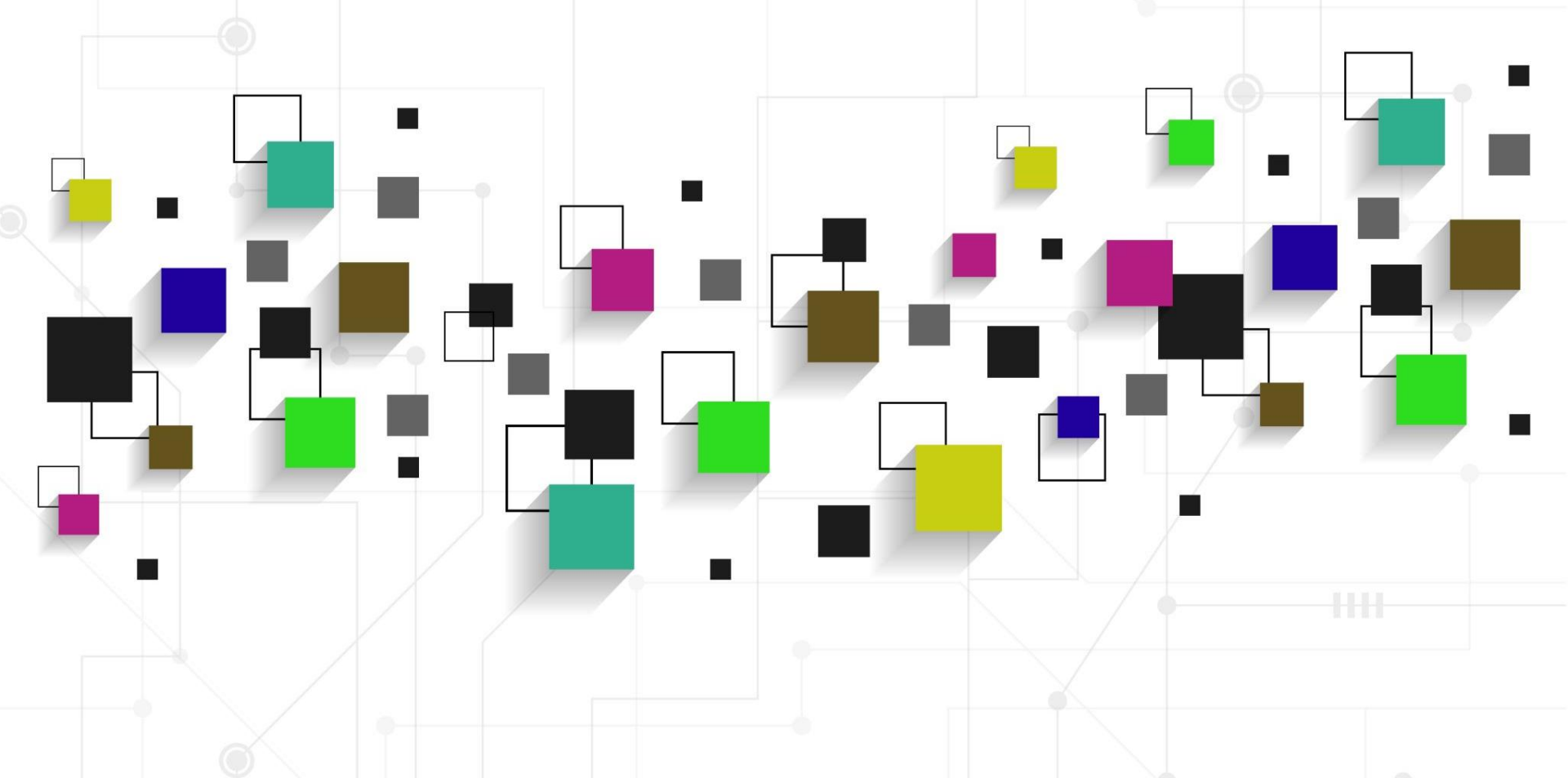




Juries and the Court - Jury decision making.

Part 1:



To consider factors
which may affect
jury decision
making including:

Social influence &
conformity.

Size of the jury &
consensus
required.

Individual factors
and characteristics
of jurors, victims,
experts, defendants
and all!

Aims of the lecture:

Juries

Juries have long been used to assist with the fair application of the law.

The system is generally regarded as democratic, held in high regard and frequently used by many countries who view themselves as a democracy.

Examples: England, Wales, Austria, New Zealand, Russia.

Singapore, South Africa, India- no jury.

France, Norway are more complex.

Juries – decision making



- Because of their importance in implementing justice, they are widely studied by social psychologists.
- Factors affecting the decisions they make and the processes by which they reach decisions are of paramount importance in operating a fair system of justice.
- What factors other than the evidence presented in court might influence them?

Researching juries

- The study of real jury deliberation is prohibited in the UK particularly.
- 2 methods of studying them are used:
- Mock jury: A group of PP's asked to consider a scenario and offer a verdict.
- Shadow jury: Selecting a group of pp's who would be eligible for jury service & asking them to sit in the public gallery to hear all evidence & deliberate.
- Problems?
- Use of students...
- Unrealistic scenario? (No, it is not: Bornstein, 1999).
- Ecologically valid? (Yes... Avilia-Mora & Sperry, 2010).





Selecting jurors

- Those called for jury service are not automatically chosen to serve on the jury.
- Challenging & vetting of jurors is now commonplace in many countries, including the USA.
- The degree to which prospective jurors are challenged in the UK is much less than in America.

Goleman (1994) once remarked that the difference between jury trials in England and America is that in England the trial begins when the jury is chosen, whilst in America it is over once the jury has been selected...

Selecting jurors

- Goleman`s quote summarises the concern regarding the extent to which jury choice should be permitted.
- The famous Rodney King case sparked riots when four white L.A. P.O`s were accused of beating the black motorist.
- [The Rodney King beating](#)
- Due to pre-trial publicity, the trial was moved from urban Los Angeles to Ventura county.
- The demographics of the jury pool here were greatly in favour of acquittal.
- One expert: “I think the case was lost when the change of venue was granted”.
- A year later, in a civil court case, two black jurors were on the jury. This time two of the four police officers were convicted.

Size of the jury

- In Britain a jury is comprised of 12 people.
- In America jury sizes tend to vary more in number.
- 6 people juries can be used except in cases where the death penalty is a possible outcome.
- There are however many variations (See article by Hans, 2008).



Size of the jury

Psychological research shows much difference in the way smaller and larger juries operate (Saks & Marti, 1997).

Most research has found larger juries to be preferable because they tend to:

- Be fairer
- Spend more time in deliberation
- Show more accurate recall
- Produce more consistent verdicts
- Have a greater chance of being representative
- Are more likely to contain more than one person in the minority view (social support means less pressure to conform).

However, research suggests that a larger jury is more likely to result in a hung jury. What do you think?



More on the jury (Saks & Marti, 1997)

- The larger the jury, the longer the deliberation.
- Guilty verdicts are **not** more common in larger juries.
- Hung juries focus **less** on the trial **evidence**.
- The **type of jury** is also important:
- A **majority** jury tends to begin with a **vote to establish a baseline overview of attitudes**, compared with an
- **Unanimous** jury, which tends to be **evidence-focused** from the outset. Both jury types approach the case from a different starting point.
- Six person juries are more likely to result in extreme verdicts compared to 12 (Horowitz & Bordens 2002).

Voir Dire & Scientific jury by selection

Not everyone invited to the jury will be selected. The `voir dire` process will carefully select representative jurors. However, attempts have been made to select jurors scientifically as best suited to the defence case.

Find sample of people similar as possible to those on jury. The jury are group of people invited to court and from whom the jury will be chosen. They may be a random group with a certain age range.

From this `mock` panel find out what types of people are likely to be sympathetic to the case.

At the voir dire, the lawyer tries to steer the selection of jurors by objecting to those with the characteristics less sympathetic to your side.

Inform the lawyer/barrister of the characteristics of individuals sympathetic to your side.





Scientific jury selection

- According to Lieberman & Sales, most lawyers place great importance on the voir dire. Trial consultants are sometimes used to select appropriate members based on scientific selection.
- One study explored several factors related to jury selection; trust in Government, ages and activities of jurors' children, political, religions and organisational affiliations and spare time activities.
- They concluded that the 'best jurors' were **female**, with **no set religion**, **democratic**, **white collar** or blue collar skilled, **sympathetic** to the defendants' cause and tolerant of Government policies.
- However, Saks (1987) argues that the use of scientific selection is problematic, because the defendant is least likely to afford this service, 'experts' are not really any better at choosing/judging jurors and in many instances, scientific selection is not permitted.

Some... factors influencing decision making processes



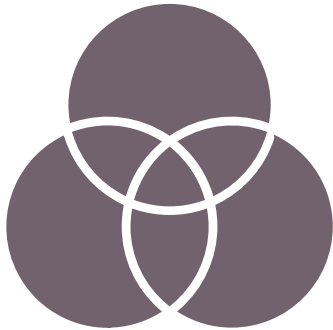
- Witness confidence
- Expert witness
- Order of presentation
- Characteristics of Defendant
- Ethnicity/Race
- Juror characteristics- attitudes, knowledge, etc.
- Social pressure/Group think
- Role of the Foreperson
- A fair Juror?

However:



-
- Most Jurors have decided on their verdict before deliberation.
 - The **pre-deliberation** of individual **jurors verdict preferences** are the best **indicator** of the final jury verdict.
 - What does this imply?

Pre-trial publicity and juror attitudes



- Schemas may affect subsequent perception of defendant.
- Steblay et al. (1999). Meta-analysis of 44 studies.
- E.g. OJ Simpson → perceived as a 'good guy' (high-profile personality).
- Prospective jurors had to respond to a 61-page questionnaire with 294 questions. (JBS).
- More commonly: the PJAQ (Lecci and Myers, 2008).
- These presume that jurors give honest answers...
- See paper by Gordon (2013) "Through the eyes of Jurors"

Pre-trial publicity...

- Studebaker et al., (2000) investigated a `hearing` associated with the Oklahoma City bombing.
- Firstly they performed **content analyses** of various local newspaper, followed by **questionnaires** with the population of the surrounding areas.
- They reported a **correlation** between the **attitudes** of the public and the version of the City bombings contained within the **publication** of their choice.

And...

- Seltzer et al., (1991) surveyed real jurors and found that 25-30% admitted concealing information about themselves.
- Are they then representative of their community?
- Each case is unique regarding the defendant, victim, barristers and their skills, strength, type of evidence, and the composition of the Jury!
- Also - key to these variables, is the way in which the arguments are **framed** (See later slides on `The Story Telling Model`.

Juror attitudes



- Beliefs that jurors hold before a trial **can and do** influence their decision.
- Therefore, we need jurors with similar characteristics and backgrounds as the defendant.
- Will they be less sympathetic if not?
- Gender also plays a role.
- Jurors who do not agree with the death penalty are discharged from trials in America.

Barristers should check jurors for signs of prejudiced attitudes- possible or not?

Why the Same Evidence Splits an Insanity-Defence Jury

The Clancy murder trial shows why the facts alone may not decide insanity cases.

- [Why the Same Evidence Splits an Insanity-Defence Jury | Psychology Today United Kingdom](#)
- Psychosis is a clinical diagnosis, while legal insanity is a judgment about criminal responsibility.
- Research shows jurors' attitudes can shape how they evaluate the same mental-health evidence.
- Insanity defences ask jurors to evaluate conduct from within the defendant's psychotic reality.
- A mistrial may reflect jurors' differing views of mental illness and blame, not disagreement on the facts.
- [Unanswered Questions in the Lindsay Clancy Case | Psychology Today United Kingdom](#)

Juror Attitudes: Individual Differences (Wood et al., 2017)

- Individual differences like need for cognition and legal authoritarianism directly shape support for the insanity and postpartum depression defences, with moral disengagement acting as a partial mediator.
- **Need for Cognition (NFC):** Positively relates to support for both the insanity defence and the postpartum depression defence (PPDD).
- **Legal Authoritarianism (LA):** Negatively relates to support for both defences, as individuals favouring strict punishment are less likely to support less punitive legal options.
- **Faith in Intuition (FI):** Positively relates to support for the insanity defence, but shows no significant relationship with PPDD.
- **Gender Differences:** Women show higher support for the postpartum depression defence than men, with no notable gender differences observed for the insanity defence.



The Role of Moral Disengagement (Wood et al., 2017)

- **Mediation:** Moral disengagement (the cognitive process of justifying harmful actions or reducing empathy) partially mediates the relationship between legal authoritarianism, need for cognition, and support for both legal defences.
- **Variance:** Personal traits and cognitive styles heavily influence public and juror perceptions of legally and medically complex criminal defences.

Nau et al. (2012)

The result is that jurors can agree completely on what a defendant did and still disagree on what it means.

- Nau and colleagues examined infanticide cases across jurisdictions using different legal standards. Insanity defences succeed in fewer than 0.1% of all criminal trials generally, but in infanticide cases, they succeed between 15 and 27% of the time.
- The legal architecture of the defence matters far less than the psychological makeup of the 12 people deciding it.
- Therefore, two jurors can listen to the same psychiatrist and assign different significance to the testimony.
- One may hear evidence of delusion as evidence that the defendant's capacity for rational judgment had collapsed.
- Another may hear the same testimony as an explanation for why the crime occurred while continuing to regard the defendant as legally responsible for it.



Previous convictions

- ❖ These are **not allowed** to be taken into account in a trial in the UK.
- ❖ However, what happens if the Jury find out?
- ❖ See paper by Schmittat (2022).



Stages in the jury process



From **CA** of videotapes of mock jury deliberations, conclusions were reached about the Stages in Jury Decision making (Hastie et al., 1983).



Orientation period

Relaxed and open discussion, setting the agenda, raising questions, explore facts, differing opinions arise.



Open Confrontation

Fierce debate, with focus on detail, exploring different interpretations and pressure on the minority to conform.



Reconciliation

Attempts to smooth over conflicts with tensions released through humour



The jury will be **either evidence or verdict focused** and this depends on the type of jury situation you have.



Order of presentation

-
- Pennington and Hastie also found that in interviews with 26 pp's, that individual jurors told very different 'stories' of the evidence.
 - How jurors make sense of the information given to them influences their decision:
 - Their '**story telling model**' shows that jurors **construct plausible** stories of what happened and **use their preferred story** to interpret the evidence.
 - Information presented **logically** and in order is most **influential**.
 - Pennington & Hastie (1998) varied the order of presentation of events: The **easier to follow** stories dominated the **decision** process.
 - They also found that more decisions were made in favour of **evidence organised by story** rather than by legal issues.

The influence of event order on Juror narratives (Harrison et al., 2024)

- In rape trials, the rate of conviction is disproportionately lower than in trials for other crimes (Cossins, 2020). One reason for this is that jurors' decisions in these cases can be influenced by extra-legal factors.
- One such factor is the story of event order. When victims describe the event in chronological order, jurors may frame the remaining testimony as a consensual encounter.
- When victims start by describing events consistent with a rape schema, jurors will be more likely to evaluate the event as rape and not consensual sex.

<https://doi.org/10.1080/1068316X.2022.2109633>



Therefore- Judicial instructions

- The Judges` instructions (Jury Charge) **have to be clear** and with the **emphasis on `Law`** in mind.
- Do Jurors understand the Judges` instructions?
- Ogloff and Rose (2005) propose that they think they do, but the reality is that they probably don`t!
- Daftary-Kapur, Dumas and Penrod (2010) suggest that jurors should be able to **make notes** and be provided with clear written instructions.
- Also, inadmissible evidence is difficult to ignore- therefore jurors should be provided with **decision trees** to foresee the consequences of certain decisions.
- In the UK, judges **CAN** provide “routes to a verdict” in difficult cases.

Eyewitness confidence

- Wells et al., (1979) witness confidence accounted for **half of the juror belief in the witness** itself.
- Penrod & Cutler (1987) jurors are most strongly influenced by more **confident** witnesses.
- Cutler et al., (1989) manipulated 10 witness factors; witness **confidence** was the **most significant** factor in influencing juries.
- Shaw (1996) found that **repeated questioning** leads to more confident testimonies!!!
- Ethnicity and age also influence jurors' confidence in the EWT.



Expert Witness



- Klaus & Sale (2001) investigated 208 mock jurors- more influenced by clinical experts or witness experts based on research.
- **Clinical expert** testimonies were the most influential.
- But... students as their pp's...
 - representative or not?

More recently, Cramer et al. (2009) explored expert witness confidence and credibility alongside juror personality characteristics (OCEAN). Confidence predicted credibility, and extroversion was linked to both confidence and credibility.

Flick, C., Smith, O. K. H., & Schweitzer, K. (2022). Influence of expert degree and scientific validity of testimony on mock Jurors' perceptions of credibility. *Applied Cognitive Psychology*, 36(3), 494–507. <https://doi.org/10.1002/acp.3935>



Attribution theories

- People do not always make sound decisions based on the facts but are influenced by **cognitive biases**, which are not totally logical...
- A large body of cognitive psychology focuses on attributions- the judgements we make about the causes of a particular behaviour.
- Distorted patterns of attribution (or biases) may have serious consequences for jurors making decisions about a suspect's responsibility and their guilt or innocence.

Fundamental attribution error (FAE)

- As a general rule when interpreting the behaviour of others we **overestimate** the role of **dispositional** factors.
- And **underestimate** the role of **situational** factors.
- Example –
 - *Woman caught stealing alcohol from the supermarket: we think that she is a bad person or has an addiction, rather than she might be selling to get money to pay a bill.*

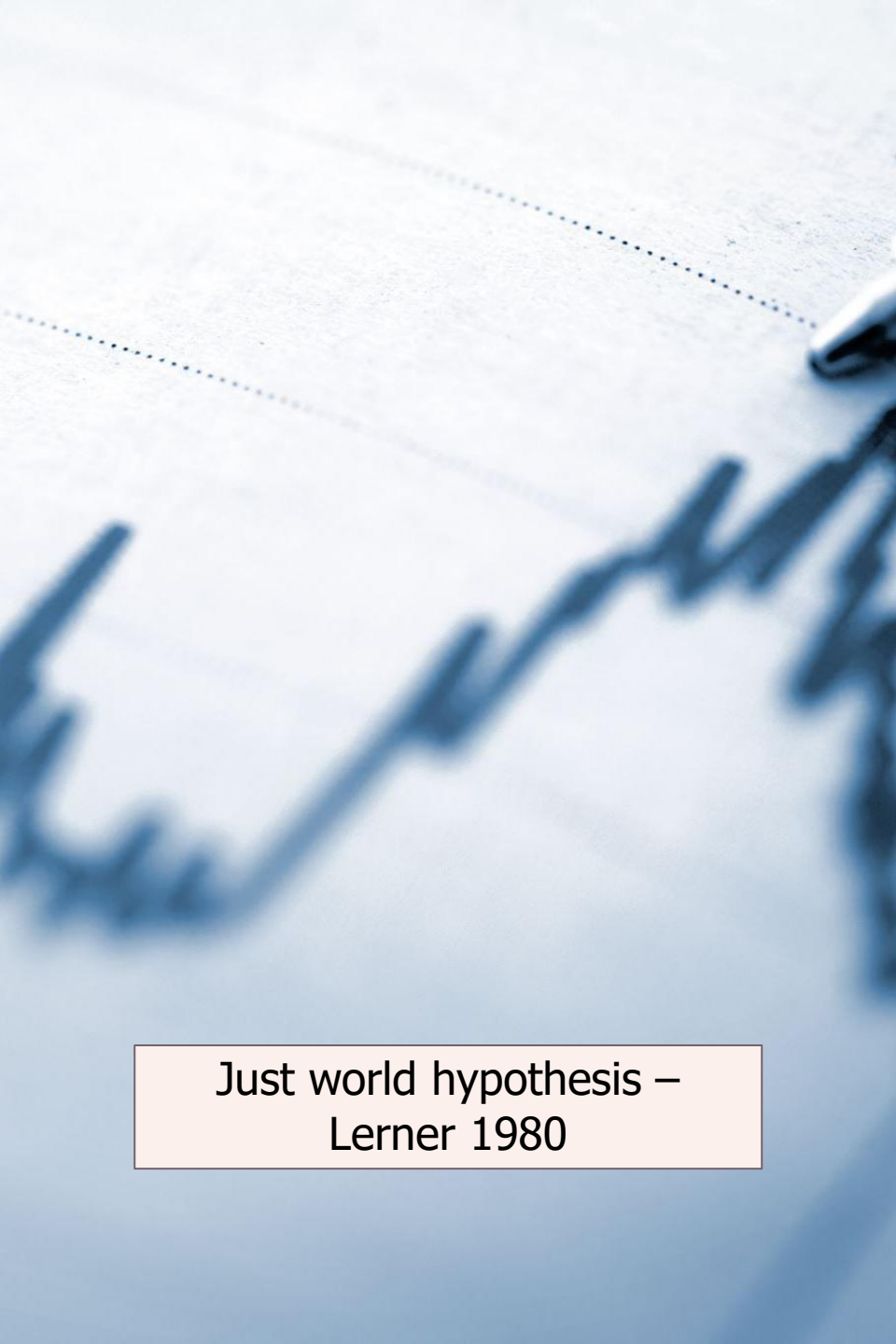


Attribution theories

Just world hypothesis – Lerner 1980

- People have a need to believe in a world that is `just and fair` and that people `get what they deserve`.
- In general, this works **in favour** of the effectiveness of the jury system.
- However, it could **also introduce a bias** whereby victims **may be blamed** for their own misfortune.
- This is in order to uphold the belief that they `get what they deserve`.
- Example overleaf...





Attribution Theories

- One of the most disturbing aspects of this is the attitude sometimes expressed towards rape victims e.g. ‘[she led him on](#)’. ‘what does she expect dressed like that etc.

Bell et al., (1994).

- Using a mock jury method, they asked pp`s to consider 4 different rape cases (2 involved strangers, 2 involved date rape).
- Findings: Pp`s placed more responsibility for what happened [when the victim knew her assailant](#) than when he was a stranger.
- Conclusions: Juries may have preconceived ideas on the guilt or innocence of a suspect based on their perceptions of the victims responsibility, which may stem from a [cognitive bias](#).

Just world hypothesis –
Lerner 1980

How Attribution Theory works in Criminal Trials

- Attribution theory explains how jurors assign blame and responsibility in rape trials, often shifting focus from the defendant to the victim's behaviour due to deep-seated cognitive biases.
- **Internal vs. External Attribution:** Jurors look for the "cause" of an assault. Under attribution biases, they may make internal attributions toward the victim (e.g., claiming the victim's clothing, alcohol consumption, or behaviour "caused" the attack) rather than placing internal responsibility on the perpetrator's actions.
- **Just-World Fallacy:** People want to believe the world is fair. To maintain the illusion that bad things only happen to people who make poor choices, jurors subconsciously blame victims to reassure themselves that they are safe if they avoid similar behaviours.

Attribution of blame in rape cases: A review of the impact of rape myth acceptance, gender role conformity and substance use on victim blaming (Grubb & Turner, 2012)

- **Prejudicial Beliefs:** Research shows that Rape Myth Acceptance (RMA) directly influences juror decision-making. Beliefs that victims lie for revenge, or that intoxication equals shared fault, distort how evidence is evaluated.
- **Credibility Shifts:** High RMA scores correlate with increased belief in the defendant's testimony and decreased belief in the complainant's credibility.
- **Verdict Impact:** Studies on mock jurors demonstrate that acceptance of these myths strongly predicts higher rates of acquittal or lenient sentencing, overriding standard judicial instructions.

Overview:

Interpersonal influences on jury decisions

- Hastie and Pennington also report on various **social influences on jury decision-making**:
- Leadership
- Majority influence
- Minority influence





Interpersonal influences: Leadership

- Before any deliberations take place, the jury selects a foreman who is responsible for calling for votes, liaising between the judge and jurors and announcing the verdict to the court (Pruss, 2014).
- Due to this role, the foreperson holds significant influence over the direction of jury discussions and how deliberations ultimately conclude, which makes the selection of this role a key focus in both jury research and courtroom practice.
- As early as 1961, Strodbeck & Hook found that several factors influence who becomes the foreman:
 - People who have previously served on a jury.
 - Those of a high socioeconomic status.
 - Those who spoke first.
 - Those who sit at the head of the table.

Interpersonal influences: Leadership



- Ainsworth & Pease (1987) summarise...

'... the person most likely to be chosen as foreman is an upper class male who sits at the head of the table and opens the discussion. These findings are important as the person elected foreman may have more influence than any other juror'.

Foreperson demographics and characteristics

- Men are more likely than women to be chosen as a foreperson. This pattern appeared even in juries where women made up a larger portion of jurors. For example, Sommers (2006) found that although 61% of jurors in the sample were female, 52% of forepersons were male.
- Similarly, Lynch and Haney (2011) reported that White men represented 32% of jury participants but served as forepersons in 45% of mock juries.
- Finally, one study found that the overall race of the jury also had an influence on the gender of the foreperson selected.
- Alford (2006) found that juries with a majority of African American members had higher rates of female forepersons (60%) than juries with a Caucasian-majority (40%).
- Essentially, Alford found that it is more likely for a woman to be selected foreperson in a racially diverse jury group than in a White one (2006).



Gender & SES

- Each juror has a responsibility to contribute to the discussion and share their perspectives before a verdict is reached.
- However, there are evident sex differences in participation during jury discussions and deliberations.
- Overall, it was found that men were more participative than women and described as ‘hands-on’ (Pruss, 2014).
- The gender composition of juries may also influence their primary responsibility, which is reaching a verdict.
- Golding et al. (2007) reported that women were more likely than men to cast a vote to convict across criminal cases. This pattern became even more pronounced in sexual assault, rape, and child sexual abuse cases.
- Individually, female mock jurors were more likely to vote guilty than their male counterparts, with 64% of women voting guilty compared to 42% of men (Golding et al., 2007).
- To further demonstrate this trend, Klein and Yamamoto (2020) found that ten women voted guilty for every one man in cases involving sexual assault.

Location at the table



-
- People who **sit at the head** of a rectangular table are more likely to be chosen as foreman than those sitting at the sides (Strodtbeck et al.).
 - Jurors **seated at the ends and middle** of a rectangular table also participate at higher rates than jurors in other positions.
 - **Social Loafing** – 20% of Jurors never speak at all!
 - **Higher** SES jurors participate at a higher rate than lower SES jurors.

Interpersonal influences:

Leadership of discussion:

- Content analysis of videotapes of mock juries (in Hastie & Pennington study) showed that on average:
- 3 out of the 12 jurors produced more than half of all the spoken utterances in deliberation;
- More than 20% of mock jurors were entirely silent.



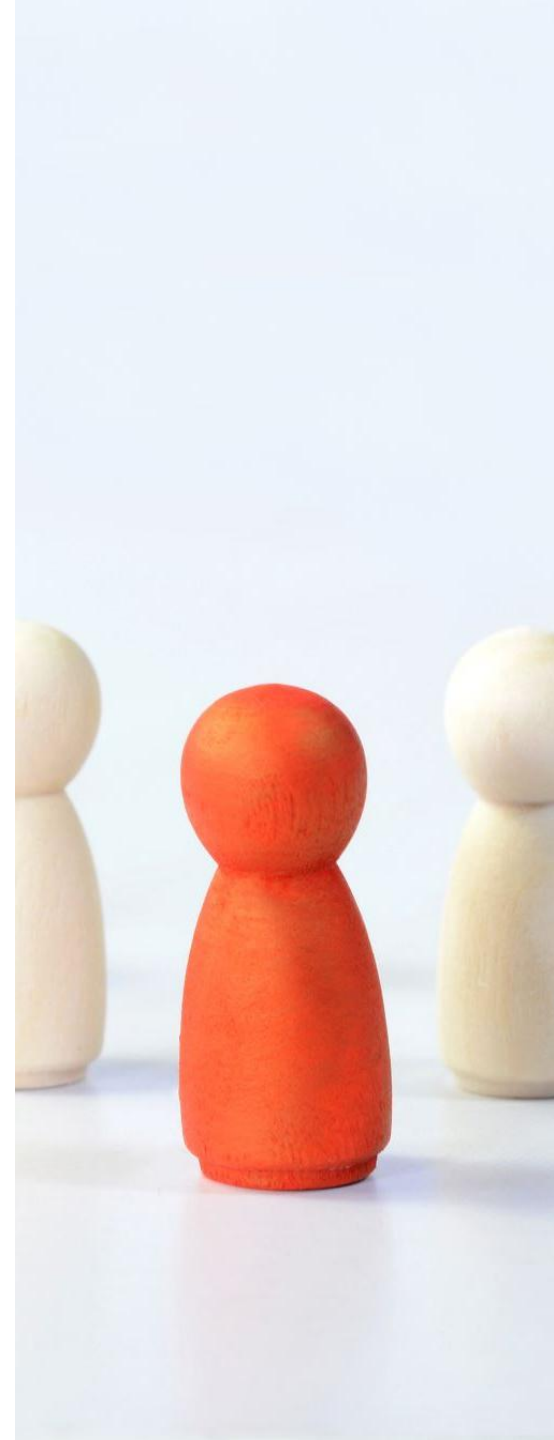
Interpersonal influences:

Majority influence

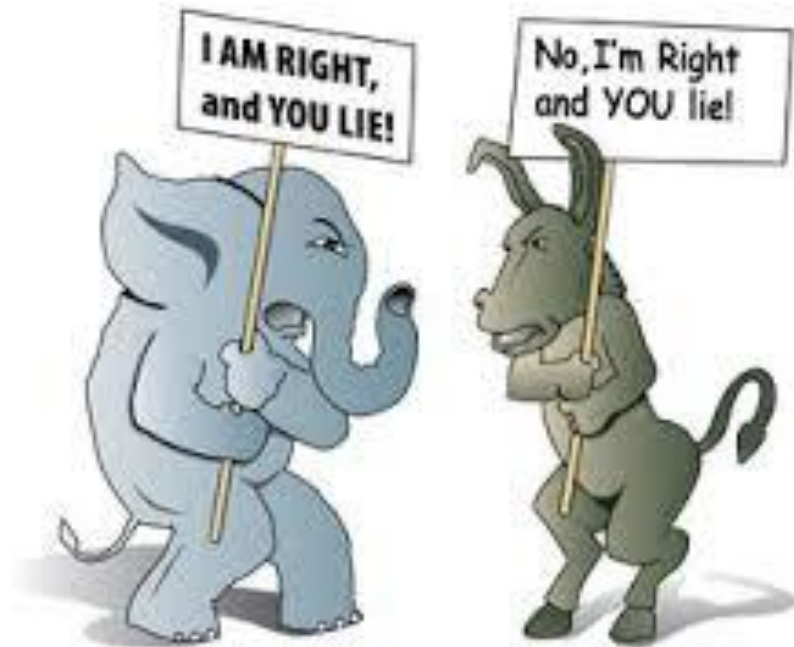
- A **post deliberation survey** (not allowed in UK) of jurors in 225 real criminal cases showed that in **roughly 9/10 cases** decided in the **direction of the initial majority**.

Hastie et al., again...

- If the original majority is not guilty, then the **final verdict is not guilty 86%** of the time.
- If the original majority is guilty, then the **final verdict is guilty 90%** of the time.
- More recently, in 2021, Garcia and colleagues explored normative and informational influence in group decision-making – here is the link to their study:
- <https://doi.org/10.1037/gdn0000145>



Majority influence



-
- Majority influence can work through group processes:
 - Risky shift or...
 - Group Polarisation
 - Conformity or...
 - Group Think
 - Hindsight bias

Juries and Social Influence

Part 2





Risky Shift OR Group polarisation?

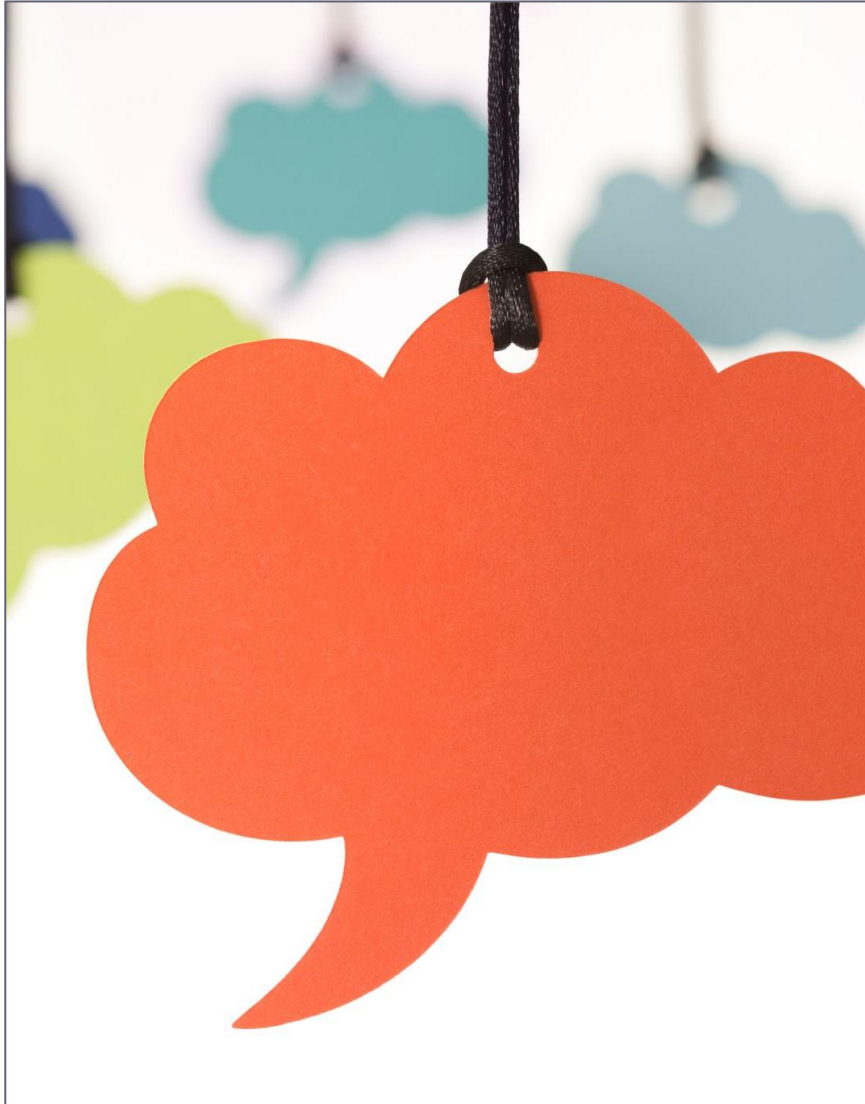
- Stoner (1961) decisions are **more daring when made as a group** (risky shift).
- The tendency for groups to move towards **even stronger positions/** opinions when the majority favour one side.
- However, the reality is much **more complex** in a jury situation.
- Discussion increases the strength of feeling in the original direction (Myers & Kaeplin 1976): group polarisation.
- In several studies using mock juries to decide on the sanctions issued towards individuals, group decisions moved towards the more severe end of the sentencing range (Schkade et al., 2000; Lempert, 1989).

Remember, in real-life,
Juries do not determine
the severity of the sanction



Group Polarisation

- Two principal mechanisms underlie group polarisation.
- The first points to social influences on behaviour and to people's desire to **maintain their reputation and their self-concept**.
- The second emphasises the **limited "argument pools"** within any group, and the directions in which those limited pools lead group members.
- If deliberation predictably pushes groups toward a **more extreme** point in the direction of their original tendency, does that mean that deliberation leads to a fair decision?
- We must be aware of like-minded people in jury selection to avoid the exertion of pressure of other members to follow.



Conformity and Majority Influence

- Many people hold the view that if most people think something is correct then it probably is...
- (ask the audience lifeline!!)
- Recall Asch's 1955 research, which showed that majority influence can lead people to deny the evidence of their own eyes on a simple task through conformity.

Conformity – recap of key terms

Conformity:

- Behaving in a way that fits in with a particular group.

Group norms:

- A group's expectations about what behaviour is appropriate.
- These businessmen are conforming to group norms about appropriate dress.
- And so are these punks.

Group pressure:

- How a group influences its members to adhere to group norms.





Factors affecting conformity- relating to the court scenario

- Group size- *what do we know?*
- Group cohesion – *group polarisation?*
- Defectors/dissenters – *minority influence*
- Task importance- *severity of the crime/strength of the evidence*
- Diversity of backgrounds - *minority groups/SES*
- Experts versus novices – *Eyewitnesses, Medical, Psychological, Legal*
- Cultural influences- *race, ethnocentrism*

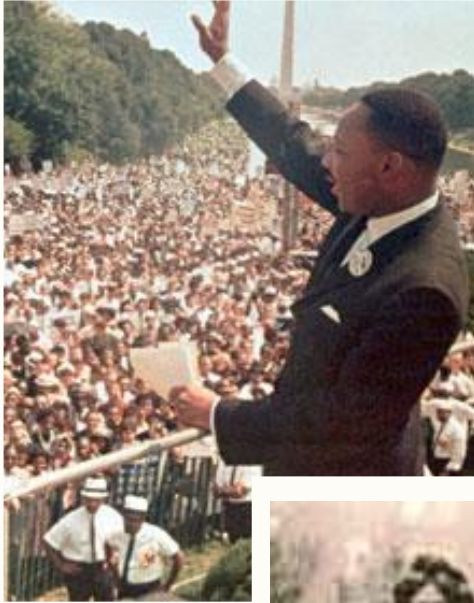
Conformity & juries

- However, juries operate quite differently than in Asch's study. They **deliberate and discuss** the evidence.
- Smith & Mackie (1995) suggest that in juries, majorities exert their influence through several factors –
- The majority view is more likely than the minority one to be accepted because:
 - 1. This view is **expressed more often** in a variety of ways and arguments.
 - 2. This view is **discussed more and in greater depth**.
 - 3. this view seems more compelling and is expressed more persuasively than the opinions of the minority.



Group think & Hindsight bias

- Groupthink is a psychological phenomenon that occurs within a group of people in which the **desire for harmony or conformity** in the group results in **an irrational or dysfunctional decision-making outcome**. Cohesiveness, or the desire for cohesiveness, in a group may produce a tendency among its members to agree at all costs.
- This causes the group to minimise conflict and reach a consensus decision **without critical evaluation**.
- Hindsight bias occurs when looking back on an uncertain event, with the clouded judgment that at the time, it would have been easily predictable.
- Also known as the 'knew-it-all-along-effect'; it focuses on the inherent human tendency to exaggerate in hindsight what was known in foresight.
- Fundamentally, the belief that one 'knew it all along' can be detrimental to decision-making, as this **bias distorts our view of our own judgement** and can therefore **prevent us from learning from experience**.



Interpersonal influence

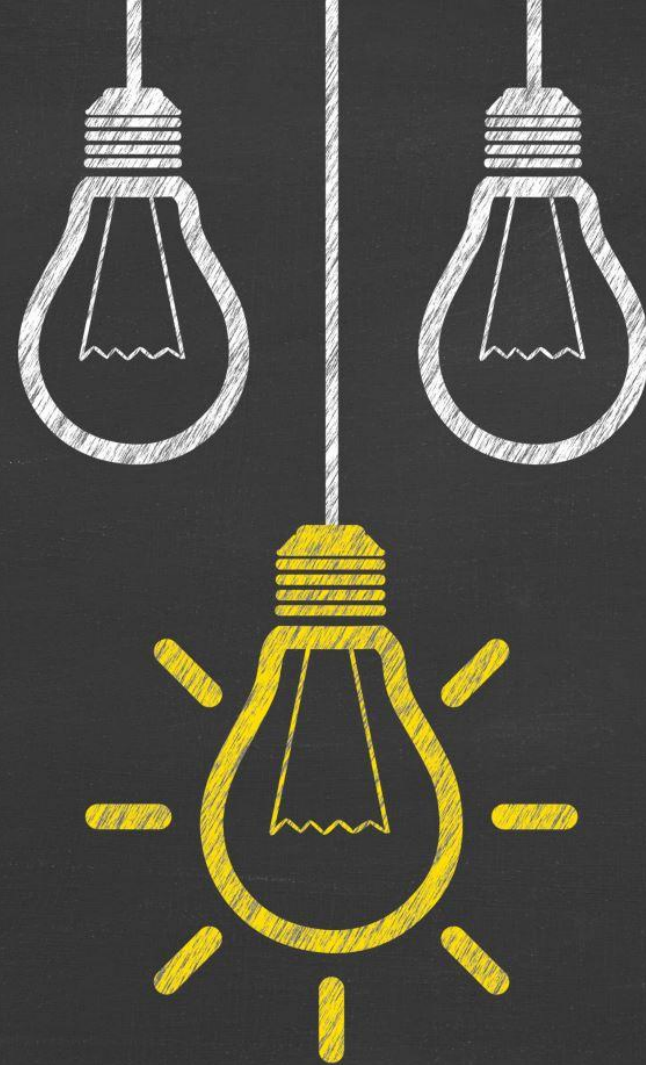
- Minority influence

- **Moscovici** argued that American research on conformity ignored the influence that minorities can have on society's attitudes.
- Studies such as Asch's reflect compliance.
- Minorities can effect real change: E.g. suffragettes changed attitudes to women's rights.
- Campaigners like Martin Luther King changed attitudes to racial discrimination.
- How does this apply to the judicial system?
- The film `12 Angry Men` demonstrates this nicely! Well worth a watch (on YouTube).

Moscovici's research

The influence of a minority depends on behavioural style of individuals involved. The minority which is:

- **Consistent** – most crucial. A consistent minority can make people rethink their views. An inconsistent minority has almost no influence
- **Flexible**
- **Has relevant arguments**
 - Will have most impact on the majority.





Severity of the Crime and the Verdict Requirement

- Pressure to conform **increases with the severity** of crime.
- The more **serious; the less** likely a conviction.
- Secondly, where there is a need for a **majority as opposed to a unanimous**, the jury **deliberate less, and resort to pressure**.
(But remember Risky Shift/Group Polarisation).
- So... whether a unanimous or majority verdict is required will determine which psychological processes are at work.



Recall: Unanimous or majority verdict?

- Researchers have also explored whether a unanimous or majority verdict is likely to make any difference to proceedings.
- In Britain a majority of 10 to 12 is enough to secure a conviction
- In America few states allow a less than unanimous verdict for criminal trials.
- What are the implications for the interaction of the jury?

Findings from mock jury studies:

Some required to reach a unanimous decision.

Others allowed to reach a decision with a 2/3 majority.

Findings:

Those required to reach a unanimous decision debated for longer, were more likely to take account of minority views and were more confident in their decision. They were also more likely to change from their original verdict.



Length of Deliberation

- Baldwin (1980) argues that the chances of **acquittal doubles** if deliberation is longer than three hours.
- There is **no legal minimum length** of time that a UK jury must spend deliberating before reaching a verdict.
- **Unanimous Verdicts:** A jury can return a unanimous verdict as soon as they have finished discussing the case, which can occasionally happen in just a few minutes if the evidence is straightforward.
- **Majority Verdicts:** A judge cannot accept a majority verdict (such as 10-2) until the jury has deliberated for **at least 2 hours** (and the judge is satisfied that further time won't lead to a unanimous agreement).
- **Maximum Time:** There is no fixed maximum limit; deliberations can last for hours, days, or—in rare, complex fraud or murder trials—several weeks.



Effectiveness of juries

- Social psychologists generally agree that a majority verdict reduces the effectiveness of juries.

Brehm & Kassim (1996)

- *‘it is clear that this procedure (majority verdict rather than unanimous) weakens the minority, breeds closed-mindedness, inhibits discussion and leaves many jurors uncertain about decisions.’*
- Do you agree?
- Excellent paper:
- Diamond, S. S., & Hans, V. P. (2023). Fair juries. *University of Illinois Law Review*, 879.
- [Fair-Juries.pdf](#)



Characteristics of the defendant and interactions with the victim

- Attractiveness
- Identification
- Ethnicity/Race
- Age





Attractiveness

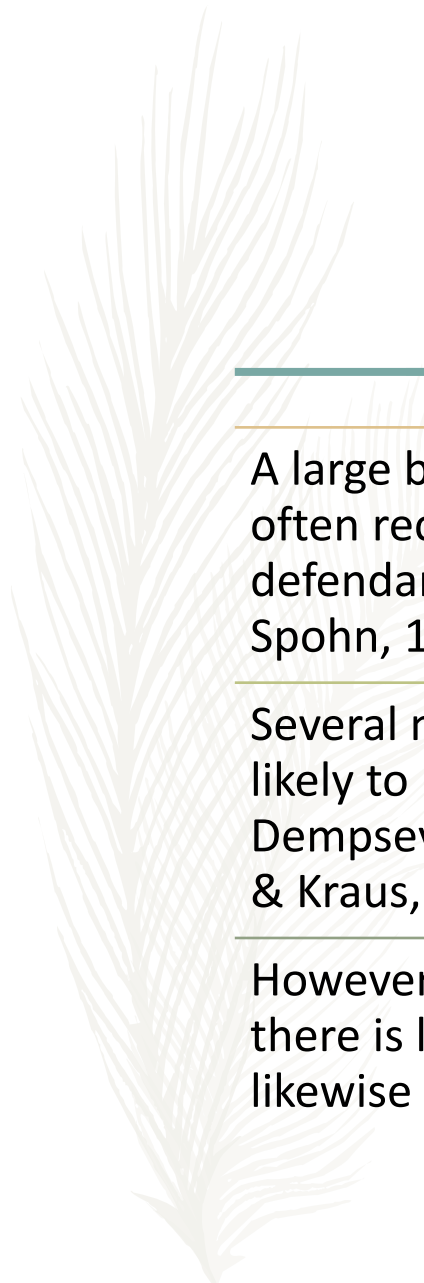
More attractive defendants will receive less harsh sentences (**DeSantis and Kayson, 1997**)

- **Effect of Attractiveness + Trustworthiness** (Sun et al., 2019)
Two experiments asked people to judge **male defendants** in different “**swindle**” scenarios. They manipulated attractiveness *and* perceived trustworthiness. They found:
- In one scenario (“blind-date swindle”), for female participants, more attractive but *untrustworthy* male defendants got *more* guilty verdicts. The “beauty penalty” effect.
- In another scenario, trustworthiness rather than attractiveness was a stronger predictor of how harsh the sentence would be.

<https://doi.org/10.3389/fpsyg.2019.02160>

Remember, in real-life,
Juries do not determine
the severity of the sanction

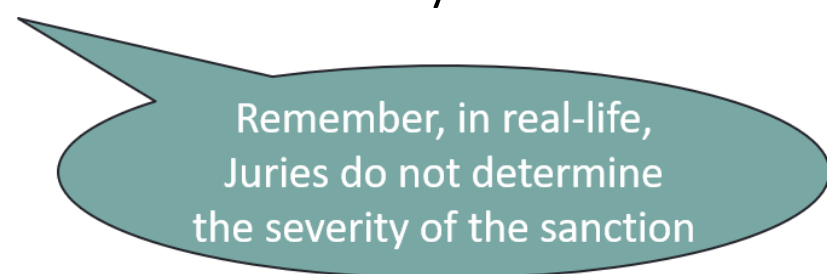
Gender



A large body of research has shown that overall, female defendants often receive more lenient criminal justice outcomes than male defendants (Auerhahn, 2007; Daly, Bordt, 1995; Henning & Feder, 2005; Spohn, 1999; Steffensmeier, Painter-Davis, & Ulmer 2016).

Several mock juror studies have also shown that women were more likely to be seen as less culpable when compared to men (Pozzulo, Dempsey, Maeder, & Allen, 2010; Rogers & Davies, 2007; Russell, Ragatz, & Kraus, 2012).

However, many of these studies focused on Caucasian women, and there is little research on whether racial or ethnic minority women will likewise receive lighter sentences.



Remember, in real-life,
Juries do not determine
the severity of the sanction

Identification

- Jurors will be more sympathetic towards people with whom they can identify.
- E.g. ethnic background (Own-Race Bias).
- E.g. Gender Bias
- People do take ethnicity into consideration when returning a guilty verdict.
- Some crimes are associated with different races. Examples of this?...
- Kerr et al. (1995) termed this the similarity-lenency hypothesis.



The similarity-lenieny hypothesis

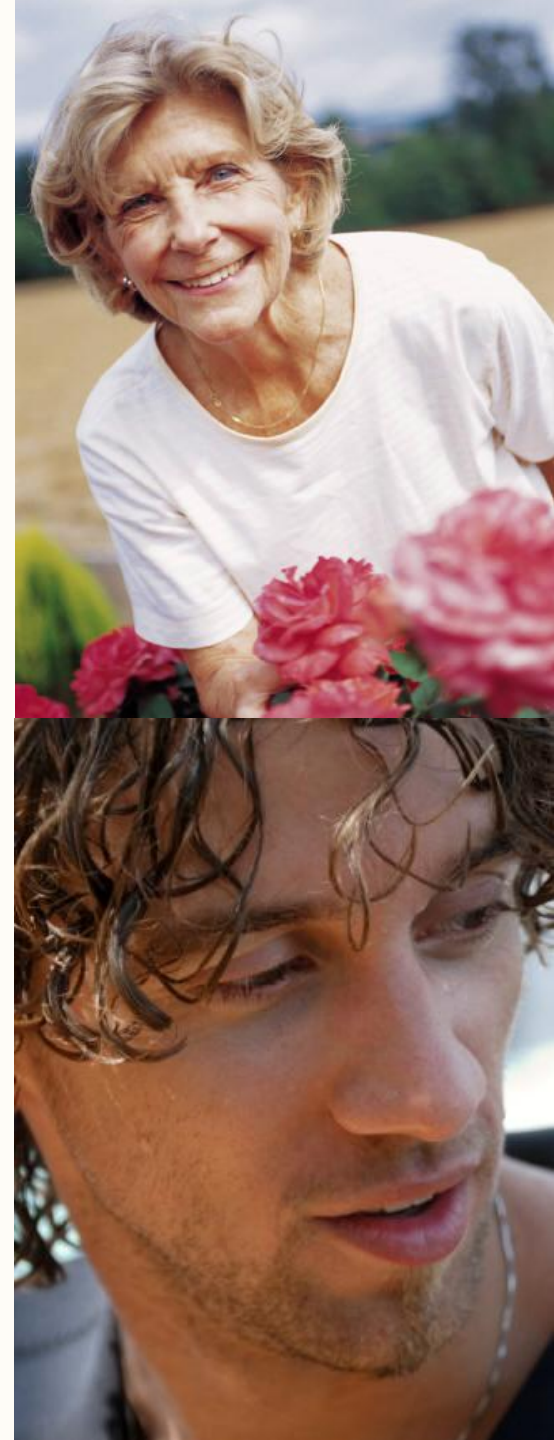
There may be a potential bias for jurors to favour defendants who are similar to them on some salient characteristic, such as race (Devine et al., 2001). The similarity-lenieny hypothesis is derived from the Social Identity Theory (SIT).

SIT proposed that individuals categorize those with whom they interact as either their in-group or out-group, and that in general people are motivated to be seen positively by others (Tajfel & Turner, 2004).

In order to be seen positively, people may tend to act more favourably towards members of their in-group. Thus, people tend to show favouritism towards the group to which they belong, known as the in-group bias (Greenwald & Krieger, 2006; Tajfel & Turner, 2004).

Age

- The age of the defendant can affect jury decision-making, based on the crime.
 - E.g. a teenager vs. a pensioner in an act of vandalism.
- **U.S. Sentencing Commission (2020 Report)**
- Data on federal sentencing shows a **U-shaped relationship**:
 - Defendants under 25 often receive **reduced sentences**, especially under youth sentencing guidelines.
 - Sentences increase through the 30s and 40s.
 - Defendants over 60 often receive **substantially shorter sentences** or are more likely to get non-custodial outcomes (home confinement, probation).

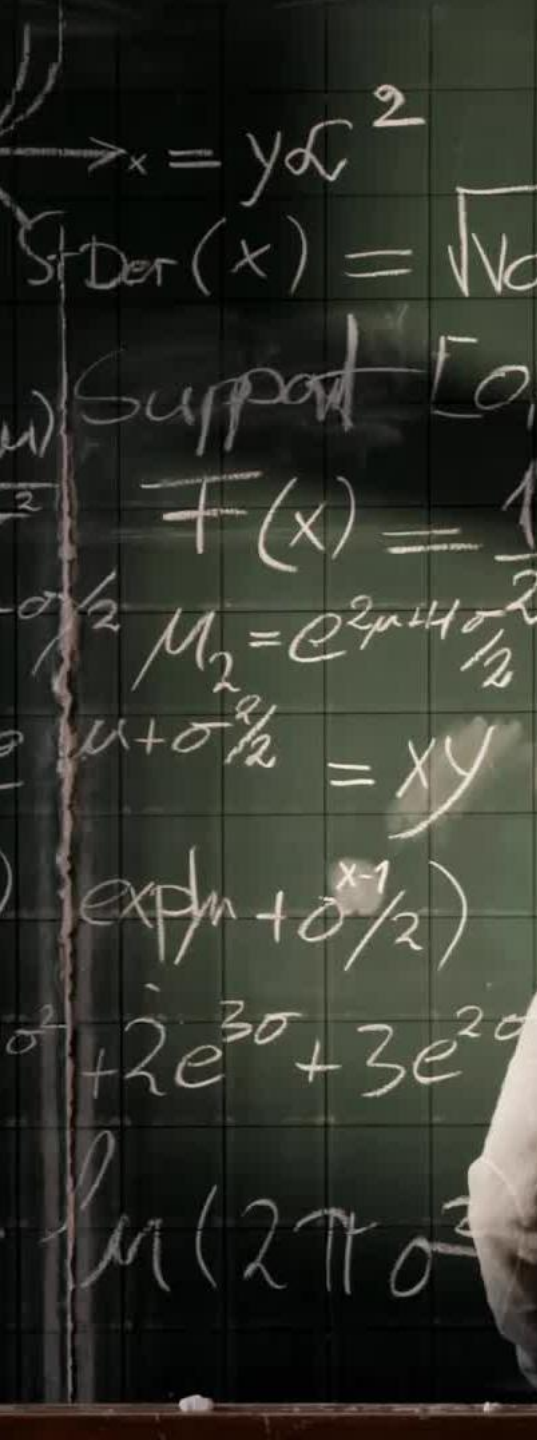




Other considerations...

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- Implicit attitudes / implicit bias...
 - implicit biases have been shown to affect processes such as perception, forming opinions, processing of information, use of information, and retrieval of information, all of which are processes typically used by jurors during a trial (Roberts, 2011).
 - A juror's implicit biases may therefore have an effect on their verdict before the trial even begins. Some of these implicit biases may be towards a defendant's ethnicity or gender.
 - Curley, L. J., Munro, J., & Dror, I. E. (2022). Cognitive and human factors in legal layperson decision making: Sources of bias in juror decision making. *Medicine, science, and the law*, 62(3), 206–215.
<https://doi.org/10.1177/00258024221080655>

Excellent
article:



In conclusion-

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- Juries are complex and difficult to study.
 - The system largely ignores many factors such as Victim, Judge and Lawyer characteristics.
 - You have to consider the influence of the jury upon one another, attitudes, biases, social influence and individual differences.
 - Many difficulties with studying accurately.
 - Much criticism around the use of mock juries and students as participants.
 - Difficult (not possible in the UK) to obtain insight into the real mechanisms at work.
 - Many jurors do not know what to expect or do (Thomas, 2010).