
Pretrial Publicity And It's Role In The Polarization Of Opinion During The Jury Decision Making Process

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ABSTRACT

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PRETRIAL PUBLICITY AND IT'S ROLE IN THE

POLARIZATION OF OPINION DURING

JURY DECISION MAKING

by Susan Bayles

This study explores the effects of pretrial publicity on the jury decision making process and the enhancement effect which occurs during jury deliberation. In Experiment 1, 104 undergraduates were subjected to either prejudicial or neutral pretrial publicity prior to trial. It was found that the pretrial publicity acted upon the formation of knowledge representations leading to a greater tendency of mock jurors in the prejudicial condition finding the defendant guilty. Experiment 2 went on to look at whether these knowledge representations would be affected by debate with other jurors who had, or had not, been exposed to the same pretrial publicity. Seventy-two mock jurors took part in a mock trial scenario which had two factors, publicity and discussion, each with two levels leading to four experimental conditions. Mock jurors were significantly more likely to convict the defendant if they had received pretrial publicity before receipt of trial information and had also taken part in group discussion at the end of the trial, $X^2 (3, N = 72) = 12.23, p < .05$. It was found that group discussion enforced the opinions held by jurors and gave them the confidence to express them leading to polarization of opinions. These findings are discussed in the context of theoretical explanations of group polarization.

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PREFACE

'Ordinary men and women they be from the very young to those who are half-way through their sixties, unlearned in the law save what 'Crown Court' and 'Rumpole' have taught them' Watkins Sir T (1983).

This is the modern day image of a jury, but how did the Jury originate? For the answer to this question we need to look back to Anglo-Saxon times. In those days the Jury was made up of a body of men used in an inquisition who were obliged to take an oath by the King, these oaths being used as a means of gathering information. At this time justice was not an issue.

King Henry II was responsible for changing the role of the Jury into a vehicle for justice. He declared that in a dispute over the title to land a Jury could be summoned to make a decision, with the dispute being settled once one of the parties had twelve jurors on his side. It was from this time that a Jury consisting of twelve men reaching a unanimous concensus was originated.

In 1267 neither women nor unlanded individuals were allowed on the Jury as participation relied on wealth and property. The Jury at this time was controlled by the government and Jurors could be punished if the decision they reached was not the required one. The Jury gradually undertook changes such that instead of acting upon their own knowledge of a situation they needed to receive information from other sources. At first this was presented to them quite haphazardly as a private aside to a few of the Jurors but nowadays the duty of the Jury is to listen to all the evidence presented to them and to reach a verdict.

Other changes include the question of eligibility. Since 1972 ownership of property has no longer been an issue, the present qualification being that anyone between the ages of 18-65 who is on the electoral register has equal chance of being selected. There are some exclusions to this rule however, eg. those who have criminal convictions or are involved in the administration of justice.

Nowadays the Jury in England is made up of twelve ordinary people who have no prior experience of the courts and who have been supposedly picked at random from the eligible population. The process is not as random as it may seem however, with the selection of Jurors being a three stage process. Firstly a court puts together a master list of citizens in the community who are eligible to serve. Secondly, a particular number of citizens are drawn from the list randomly in an attempt to gain a representative sample, and thirdly these citizens may be subjected to a challenge to determine if signs of bias are present.

The Defence has the right to challenge for cause but as they are not allowed to ask questions, and know little about the jurors save for their names and addresses they have little information on which a challenge can be based. The courts are anxious not to allow proceedings to become protracted as is the case with the jury examination procedure known as 'voir dire' in the United States. In order to ensure a fair mix for cases such as those regarding racial or gender issues the judge does sometimes allow questions or asks them himself enabling jurors to disqualify themselves if they have strong views against certain groups. Prosecution has the right to stand a juror by without giving cause, and some citizens may be rejected even though no signs of bias are apparent. Unlike the Defence, Prosecution have some access to information on jurors, ie. via the CID or Special Branch and there seems to be some inequality between defence and prosecution regarding their influence on the composition of the jury, (Lloyd-Bostock, 1996). In extreme cases the Judge may decide that whole communities should be rejected on the grounds of bias in which case the trial may be moved to a different part of the country. This bias often arises as a result of pretrial publicity.

Sometimes individuals are rejected when no obvious sign of bias is apparent. Why is this so? Trial Lawyers it seems are bringing to bear their own stereotypes about people and groups, and factors such as demographics, race or occupation are analysed because they believe that these are a good predictor of jury decision-making. Personality factors may not be consistent indicators of actions however and factors which are specific to an individual case may have greater importance.

Trial by Jury is an instrument of justice, the fusion of the legal mind and the lay. An unprejudiced random sample of the community come to the courtroom to hear testimony and are required to make a fair and just verdict. What goes on in the jury room is not allowed to be discussed, and therefore becomes a matter of curiosity. Does a straight-forward analysis of the facts take place or are there other variables at work?

'The Jury system remains the corner-stone of the criminal trial both in England and in the United States. It is the existence of the Jury which in large measure explains many of the procedures that fashion the trial process'. Baldwin & McConville (1979) Because the Jury system is seen as such a fundamental part of the judicial system it has become the focus of a great deal of research, most of which has been carried out in the United States due to the limitations on research in Britain imposed by the Contempt Act of 1981. This Act makes it an offence to publish, or to canvass for publication that which goes on in the jury room even if the case is not identified. A Royal Commission on Criminal Justice carried out in 1993 proposed that restrictions should be relaxed to allow for some research.

In the meantime it is only possible to research issues regarding jury decision making by means of a mock-trial paradigm. This involves an experimental study using a jury simulation which allows for systematic manipulation of variables. Researchers are able to assure that the only difference between two sets of jurors, or juries, is the nature and the extent to which they are exposed to a variable such as pretrial publicity.

The mock-trial scenario endeavours to resemble the trial experience for jurors in a controlled experimental environment and whilst there is some artificiality the control available over extraneous variables is able to shed some light upon behaviour in real trial settings and is relevant to 'real-world' courtroom settings. It should be noted that there are limitations imposed by this artificiality. Most notably with regard to the importance of any decisions made by mock-jurors. In a mock trial these jurors are aware of the unreality of the situation. The defendant's future is not really at stake, and no victim will be affected by the decisions reached. Justice does not need to be found.

INTRODUCTION

A great deal of research has been carried out on aspects of the judicial system, for example the implications of evidence, jury size, jury instructions and factors affecting jury decision making. This research project will use a mock-trial paradigm to assess the effect that pretrial publicity has on the jury decision making process and will aim to show how pretrial publicity affects the formation of knowledge representations of jurors at both the cognitive and social level.

Pretrial publicity whilst occasionally being in support of a defendant, as was the case with the recent trial of Louise Woodward, is more generally seen to be prejudicial in nature and it is this aspect which will be addressed in this research. The issue of pretrial publicity has become relevant in today's society because of the changes in recent years with regard to it's nature in Great Britain. Cases such as that of Rosemary West have seen information becoming sensationalised and saturating both the television and newspapers in much the same way as cases are publicised in the USA, where much of the current research has been carried out. In the USA for example the OJ Simpson trial was highly publicised both prior to and during the trial, (Kerr, 1994). Whilst many of the findings can be extrapolated, the two justice systems are different, ie. in the USA the televising of trials may exert additional social pressure on jurors to follow a majority opinion. Research to date has been somewhat limited in it's scope, as it has looked at the effects of pretrial publicity on the cognitions of individuals but has largely failed to address the impact of social interaction on this process. I propose to extend the ongoing research regarding pretrial publicity by looking at both the cognitive aspects involved and also the cumulative effect on a juror of social contact during the deliberation process, where the effects of pretrial publicity may be strengthened or decreased by the effects of group processes.

The central questions of this research are, firstly, what impact does pretrial publicity have on guilty verdicts?, and secondly, what are the cognitive processes underlying the processing of the

information provided? Experiment 1 will look at whether pretrial publicity is used as a building block of a story schema and therefore a knowledge representation and the effect this has on guilty verdicts. Our main expectation is that pretrial publicity will be influential in the formation of knowledge representations leading to a bias towards guilt. Experiment 2 will aim to determine whether knowledge representations are affected by debate with other individuals who have, or have not, been exposed to the same publicity, and whether this has any effect on guilty verdicts. Our main expectation is that debate will enhance the biasing effects of pretrial publicity and will polarise opinion.

Pretrial Publicity

'Modern conditions, which have allowed the rule on physical separation to be relaxed, have demanded stronger protection against indirect influence that may be brought to bear on the Jury, particularly by publications in the press'. Devlin, Sir P.A. Trial by Jury - London University Lectures (1956)

Pretrial Publicity gave some cause for concern back in the 1950's. Today it is an even greater problem. Constantini & King (1980) found that *'Public opinion surveys indicate that the more information people have about a case from the media the more likely they are to presume the defendant guilty'*. The public it seems is affected but what about Jurors? Should they be stopped from seeing the media before and during the trial? Padawer-Singer & Barton (1975) looked at the responses of ten mock juries. All were presented with a tape of a three hour trial. Half had previously read neutral media reports and the other half had read reports which were derogatory in nature in that they mentioned confessions and previous criminal records. The Judge then gave instructions that these reports should be ignored. The pretrial publicity had a powerful effect, 55% convicted when presented with neutral information as compared to 78% presented with prejudiced information.

Why does Pretrial Publicity have such an effect? Often the Jurors are receiving evidence which would be inadmissible in the courtroom, either because it is not relevant or because it is

prejudiced in some way. Secondly, they receive this information before the trial begins and any evidence heard in the courtroom is interpreted in light of this. The story construction will be formed from information as received even if this derives from unsubstantiated media evidence. If evidence heard in the courtroom is inadmissible the Judge will instruct the jury to disregard it, but can a jury really disregard something once heard? On this issue common sense and research seem to agree. Doob & Kirschenbaum (1972) found that once evidence regarding a prior criminal record was communicated to the courtroom guilt decisions by the jury were increased. Telling the jury to disregard this information did not lessen its effect but did in fact intensify it. From the jurors point of view it is hard to put aside information once heard, especially when pertinent to the trial. (Thompson et al, 1981) If this is the case what happens when Jurors are exposed to the media, especially to Pretrial Publicity?

Otto, Penrod & Dexter (1994) looked at the biasing impact of pretrial publicity on Jurors. They looked firstly at the way in which varying types of pretrial publicity affected jury decision making. Secondly, they examined the way in which the pretrial publicity set up biases which were then brought into play upon presentation of evidence in the courtroom, and finally they looked at the mechanisms which pretrial publicity bring into operation. Otto et al., found that certain types of prejudicial publicity, such as negative character information, knowledge of a prior record or other information which would be inadmissible in a courtroom affected the initial pretrial judgement by the juror of a defendant's guilt. The way in which the evidence was presented to the jurors also played an important role in whether or not the effects could be negated. This impression formed during these initial stages then went on to affect a juror's final post-trial verdict by both directly and indirectly influencing the way that evidence was assessed and blame assigned to either the defendant or to the victim.

This brings us to Experiment 1 which will aim to test how pretrial publicity influences the formation of knowledge representations.

EXPERIMENT 1

In complex decision making tasks such as that undertaken by a Jury in a murder trial, how is the evidence evaluated and what role does pretrial publicity play in this process? Pennington & Hastie (1986) argued that in order to understand complex decision making tasks it is necessary first to understand how evidence is represented cognitively. Their study went on to look at the role of the representation of evidence in the process of jury decision making. They proposed a three stage story model to show how evidence is evaluated.

The first stage of this model evaluates evidence through story construction and it is at this stage that a schema is formed which incorporates reasons for actions. The second stage, called the verdict category establishment stage, comes in the form of the instructions from the Judge as to the possible verdicts in the case and the final stage in the model is that of Story Classification whereby a best fit is made between the verdict category features and the story features. Pennington & Hastie believed that an episode Schema for the event would include those things that initiate a character's goals as well as their psychological state, these would in turn lead to the reasons for any resultant actions and consequences. Other theorists such as Mandler (1980) and Mandler & Johnson (1977) have also suggested that schemas are involved with the cognitive representations of evidence.

The Nature and Function of Schemas

The notion of schemas was first introduced by Bartlett in 1932. He used them to explain how new information was not merely stored but interpreted. He explained how people's recollections of stories were adjusted to fit in with how they expected the stories to be. Details of the story may have been left out or may have undergone some reconstructions. Bartlett described this as a means of making sense of the story within a person's own pre-existing knowledge base. Schemas are knowledge structures which are transformed into memory representations, i.e., packets of stored knowledge. They provide a framework based on old information and upon which new information in the form of current input can be

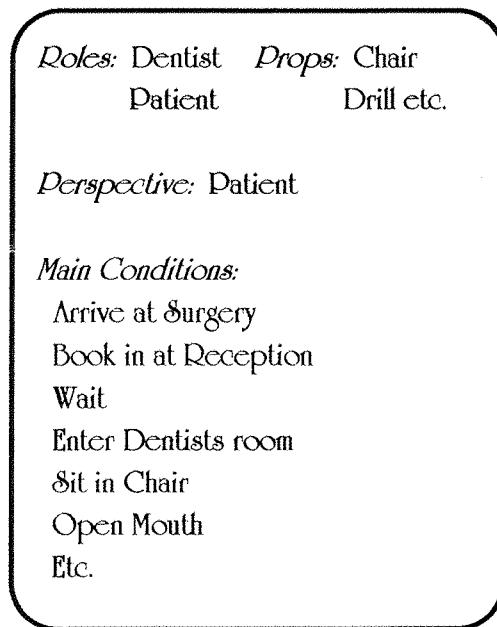
interpreted. Schemas work in a top-down direction enabling us to interpret the bottom-up input of information from the world. It is an interactive process. Using schemas enables us to abbreviate the information we store as we can map onto existing knowledge bases. New schemas can be stored but usually only when an existing schema is not available. Knowledge held within a schema can be complex or simple and is enhanced by novel experiences from episodic memory. Schemas can be linked to other schemas or can be isolated. Inferences can be made if information is missing, these inferences being based on personal experience or on learned facts. (Cohen, 1986, Greene, 1986, Rumelhart & Norman, 1983)

Bartlett's theories were criticised for being too vague. They seemed to overlook the situations where events which may be complex in nature are remembered, not in a general schematic way but in precise detail. However, modern versions of schema theory still incorporate many of the original ideas, (Cohen, 1986).

Marvin Minksy (1975) developed Bartlett's theories further. He wrote of knowledge schemas, or frames, which symbolize different situations for example a trip to the dentist. They were referred to as frames because he considered them to be frame-like networks which would enable categories of events or objects to be described. He treated inferences as default values, whereby if no information was available a default value would be inserted. Some slots would have values which were compulsory, such as 'dog is an animal', other slots may have optional values, i.e., the type of dog. Listeners acted as active interpreters of received communications. The information is processed by the listener drawing upon what is already known about the subject, anticipating what the punch line might be and taking into account the motives behind the speaker's revelations thereby making inferences. Clarke (1977) made the observation that in conversations the speaker will structure the flow of information so as to lead the listener into conclusions regarding new and old. The listener, understanding the given information then begins to infer what the new will contain and makes a bridging inference into which the new can fit. Frames can be used in knowledge schemas of expected occurrences, i.e. I will speak to the dental receptionist, wait a while, go in to see the dentist etc.

Schank & Abelson (1977) extended Minsky's idea of frames and described events by means of a script. These scripts listing the default values for actions which would be expected to occur in a given situation. (See Fig 1).

Fig. 1 Dentist Script (adapted from Bower Black & Turner 1979)



Rumelhart and Norman (1983) went on to describe schemas by five general characteristics. Firstly, that schemas represent knowledge, this knowledge being either simple or complex. Secondly, that schemas can be linked by being mapped onto each other in such a way that a schema may consist of a group of sub-schemas. Thirdly, that schemas have slots which may be filled by values which are either fixed or variable in nature, default values being used where no information is available. Fourthly, that knowledge within schemas is accumulated both from the facts that have been learnt through to knowledge derived from experience. Finally at the time when information is first received different schemas may be activated until a best fit is found and this becomes the dominant schema. These characteristics define a schema in general terms.

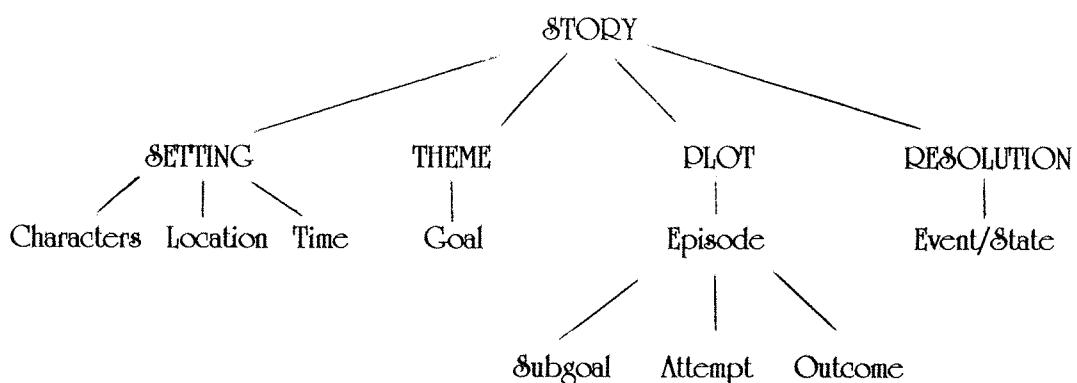
Why are schemas important when looking at how jurors reach decisions during a trial? Schemas are memory representations, and therefore the information on which a decision of innocence or guilt may be based is affected also. The dominant schema and the slots which then become available will affect which information is selected for encoding and storage. Information which is irrelevant to the active schema may be lost. The information once stored

may be subject to generality becoming less specific in nature. Although with regard to something unusual like a murder schema this is less likely to be the case. Integration and interpretation of both prior knowledge and the current experience enable inferences to be made. Finally, in order for current information to be consistent with both prior expectations and the schema, new information is converted towards that which is most probable, i.e. it is normalised. The more elaborate a schema has become the easier it is to map on to and retain new information.

Story Schemas & Story Grammars

Knowledge and experience then are cognitively represented and this enables us to bring understanding to conversations and texts. From our experiences of reading and hearing stories, we have learnt that they have an underlying structure or schema. According to Thorndyke (1977), this schema has been defined as a set of rules known as a story grammar, (see Figure 2).

Fig. 2 Thorndyke's Tree Structure



The rules for story grammar are referred to as rewrite rules because these rules allow the story to be rewritten into its component parts. Each rule breaking down the story into a subset. For example you can see by looking at Fig. 2 that for Rule 1 STORY can be subdivided into SETTING, THEME, PLOT & RESOLUTION. Rule 2 subdivides further and so on. A structure, or tree structure, for a story can be generated by story grammar rules. These tree structures are comprised of nodes all branching out from the original node, that of STORY.

The nodes keep being rewritten until the time when actual story events are filled in. These nodes are known as the terminal nodes, (Thorndyke, 1977), and in this experiment will be filled in by information gained from questioning the jurors.

It is often the case that goals and subgoals are inferred from the actions of the characters in the story because they have not been stated clearly. It is necessary for the understanding of a story that the goals and subgoals are understood and therefore information will be inferred if not available. Stories, and therefore events, become easier to understand if they conform to this ideal structure. In this experiment we will be using Thorndyke's Tree Structure as a means of examining the schemas used in the complex task of jury decision making.

It seems to be a very common sense view to postulate that Juror's would utilise a story structure in order to make sense of evidence but it should be pointed out that evidence is not actually presented in this way, rather it is presented in a very disjointed manner. If you can imagine the task of trying to make sense of a novel by flitting from one page to another in a random manner instead of starting from the front and working your way through to the end you may appreciate the complexity of the juror's task. People do not like stories to have gaps so they make inferences where necessary. They also like things to make sense and like pieces of evidence to show causal connections. The evidence heard is interpreted, modified and organised so that a story can emerge enabling a verdict to be chosen. Different stories and therefore conclusions may be reached by different Jurors due to the fact that they have different knowledge and experience about the world. The purpose of this experiment is to ascertain where the information for the terminal nodes of the Tree Structure Schema comes from. How many terminal nodes are filled in using information from pretrial publicity, particularly prejudicial, and therefore how much of the story is inferred rather than based on factual evidence.

The hypothesis being tested is that jury decision making will be affected by the impact of differential pretrial publicity on the formation of knowledge representations or schemas. In particular that jurors who receive prejudicial publicity will find the defendant guilty of the crime more often than will those participants who have received neutral publicity.

METHOD

Participants

A total of 104 undergraduate law students of the University of Southampton were recruited as participants in this experiment. Fifty-three participants received Condition 1, prejudicial publicity, and 51 participants received Condition 2, neutral publicity. There was an equal gender mix. As participants were required to fit eligibility criteria for jury service it was necessary for them to fall within the age range of 18-65. They did in fact range from 18-50 with an average age of 20.

Design

The experiment was a between-participants design. It was a mock-trial scenario and participants were randomly allocated to one of two conditions. Condition 1 participants acted as mock jurors and received prejudicial pretrial publicity (PPP) prior to receipt of trial information. Condition 2 participants acted as mock jurors and received neutral pretrial publicity (NPP) prior to receipt of trial information.

Procedure

In preparation for a pilot study a group of people were asked to look at a Dentist Script, (see Introduction - Fig 1) and invited to produce a similar format for a Murder Script. Participants showed high similarity in those issues which became their main categories, the most popular being Motive, Forensic Evidence, Witnesses to the crime, Opportunity, and the Physical and Psychological state of the defendant. The evidence contained in these Scripts formed the basis

of the Story Structure of this project. Materials were produced and a pilot study was run to establish whether the instructions were clear and the task practicable. Information from participants during this pilot study was used to incorporate improvements to the design.

The publicity was deemed to be prejudicial if it failed to meet the standards set out by the American Bar Association. Prejudicial information being that which is likely to prejudice a defendant's case, for example facts such as the prior criminal record of a defendant. (See discussion for further comments.)

Volunteer participants were randomly allocated to one of the two experimental groups, see Figure 1 for summary.

Figure 1 - Summary of Experimental Conditions

	CONDITION 1 Prejudicial Publicity	CONDITION 2 Neutral Publicity
DAY 1	Prejudicial Publicity + Questionnaire	Neutral Publicity + Questionnaire
DAY 2	Trial Summary + Questionnaire A + Questionnaire B	Trial Summary + Questionnaire A + Questionnaire B

On arrival on day 1 participants were told that they would be participating in a study on jury decision making. They were asked not to discuss the case with anyone else at the present time. Participants were then given a 'newspaper article', either prejudicial or neutral, which was said to have appeared in a local newspaper (see Figure 2). Participants were not informed

as to the name of the Newspaper in which the article appeared as we wished to exclude any erroneous variables. It is similar in nature to pretrial publicity used in other mock trial scenarios.

Figure 2 - Excerpt from Newspaper

Prejudicial Publicity - Condition 1

A man was arrested this morning for the murder of Mrs Betty Butler who was found shot dead in the outer suburbs of Southampton at 5pm on October 12th.

Police believe the motive for the crime to be that of monetary gain and they were particularly shocked at the aggressiveness of the crime as shots continued to be fired at Mrs Butler after her death.

Police would not confirm that the man arrested was her husband Mr Dennis Butler but eyewitnesses who saw the man resist arrest described someone who matched his description.

Police did confirm that a search of the Butler's home at Swinton Street had been made and that weapons had been recovered. Mrs Harriett Hilman, a neighbour of Mrs Butler, told our reporter that she had seen the police remove blood stained clothes from the house. Mrs Hilman said that the Butlers' two teenage children were deeply distressed at developments.

An anonymous source claims that the arrested man has this afternoon failed an identity parade and that a witness has come forward. Police refused to comment on this leak from their own ranks stating that any evidence would be presented at trial.

Neutral Publicity - Condition 2

A man was arrested this morning for the murder of Mrs Betty Butler who was found dead in the outer suburbs of Southampton at 5pm on October 12th.

Police are unsure of the motive for the crime and they were particularly shocked at the aggressiveness of the attack. Police did confirm that a search of the accused's home had been made.

Police would not confirm the identity of the man arrested. Eyewitnesses who saw the man resist arrest described someone of average build in their middle ages.

Mrs Harriett Hilman, a neighbour of Mrs Butler, told our reporter that she had been a neighbour and friend of the Butler's for many years and had always found them both to be polite and hardworking. Everyone in the area was very upset at the shocking murder.

Police were confident that the man they had arrested would be brought to trial.

After reading the article participants were then asked to complete a questionnaire⁽¹⁾ containing questions regarding both the defendant and the crime (see Figure 3 for examples and Appendix for copy questionnaires). These questions required the participant to state, in one or two words, their response to the given question. These responses were coded for source of information whereby '1' = publicity generated information, '2' = factual information, '3' = No response and '4' = Other. Participants were not required to state their verdict choice at this stage. The dependent variables for all questions being the participant responses.

Figure 3 - Example Questions

What do you recall of the Defendants Appearance including clothing? (1) _____

What do you recall as being the motive or goal for the crime? (5) _____

On day 2 participants in both conditions were given a copy of a trial summary of the case against Mr Butler (the defendant), see Figure 4. After reading the trial summary they were asked to complete two questionnaires, the first being in the same format as on day 1 and relating to information regarding both the defendant and the crime, the second questionnaire being used to assess verdict choice and the confidence felt by participants (see Figure 5).

⁽¹⁾Both the questionnaire on day 1 and the questionnaire A from day 2 were in fact scripts derived from Thorndyke's Story Grammar. The story being that of the murder of Mrs Butler. For the pilot run the questionnaire was presented in a tree structure format (see fig. 2 in introduction) but this proved to be too complicated for the participants. The format used in the main project is the same in essence and still includes the Setting, Theme (motive/goal), Plot (what actually happened) and the Resolution or outcome. When participants answered questions 1-11 they were in fact filling in the terminal nodes of a tree structure, albeit presented in a more uniform way.

Figure 4 - Trial InformationSummary of R.v. Butler

At 5.10 in the afternoon Steve Olin discovered Mrs Betty Butler's body on a graveled road in Outer Southampton. Mrs Butler had been shot in the head twice with a .22 caliber gun. Although the first shot killed her, a second contact shot was fired into Mrs Butler's temple. Missing was Mrs Butler's 700 pound diamond ring. Fingerprints of Mrs Butler and her husband Dennis Butler were found inside and outside the car. Also found on the trunk of the car were three unidentified fingerprints.

Mr Butler explained to the police that on the day of the death he had driven down the graveled road after completing some errands. Mr Butler stated that he wound up at Barclays Bank at 3.57pm and returned down the graveled road at about 5.00pm. The pathologist told the defense investigator Mrs Butler died between 3.40pm and 4.20pm but later testified that the time of death was 5.00pm.

Mr Butler also explained to the police that he owned several guns that were stolen from his home in Northam, Southampton. In his insurance claim, Mr Butler stated that except for a Ruger .22 automatic six shot, all the weapons had been recovered. However, Frank Arnold, a former boyfriend of Mrs Butler's daughter testified that when he had helped the Butlers move he had seen a Ruger .22 caliber weapon. Mr Butler consented to a police search of his home which turned up six guns and some .22 caliber shells, but no .22 caliber weapon.

At the time of her death, Mrs Butler had insurance polices with proceeds totalling nearly 90,000 pounds and a pension plan valued at about 70,000 pounds. Dennis Butler was the beneficiary named on the plans. A crown witness challenged Mr Butler's financial motives noting that some of the insurance polices were provided by Wilcox Electrical Company, where both the Butlers worked. Mrs Butler had increased the coverage on the polices only four months prior to her death.

Figure 5 - Example re Verdict Choice

If you were a Juror in Crown against Butler, with only a layperson's knowledge of the law, and had to make a decision of whether Mr Butler was guilty or not guilty of murder, based solely on the facts you have received, what decision would you reach?

Guilty Not Guilty

At the end of the day 2 session all participants were debriefed and thanked for their time.

RESULTS AND DISCUSSION

Participants had been randomly allocated to one of two conditions. No apparent differences were found in the make-up of these conditions as related to age, gender or occupation.

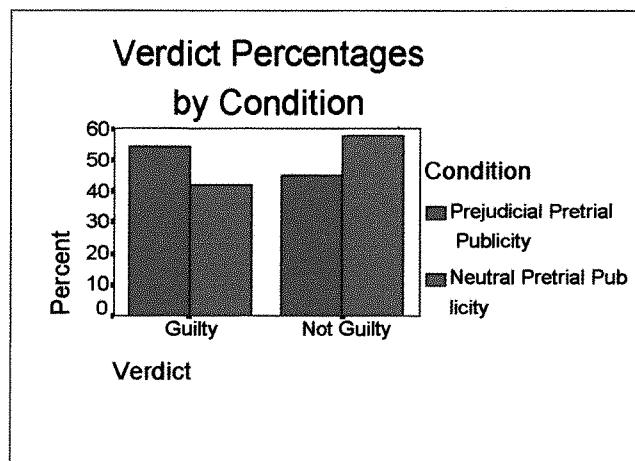
This experiment was based on the assumption that jury decision making would be affected by the impact of differential pretrial publicity on the formation of knowledge representations. In particular that jurors who received prejudicial publicity would find the defendant guilty of the crime more often than would those participants who had received neutral publicity.

The results from this experiment can be divided into two sections. Firstly, with regard to decision making and secondly with regard to the formation of knowledge representations.

Decision Making

The verdict outcomes, as per Table 1, were analysed using a chi square analysis. This failed to reach significance, $\chi^2 (1, N = 103) = 1.67 p > .05$.

Table 1



We can see from Table 1 that 55% of participants in the prejudicial condition gave a guilty verdict compared with only 42% in the neutral condition, and that 58% of participants in the neutral condition gave a not guilty verdict compared with only 45% in the prejudicial condition. It would be interesting to analyse the extent of guilt felt by jurors when reaching their verdict to assess whether there are any differences between conditions. This could be incorporated into a future stage of this research.

What then of confidence felt by participants? A 2 way anova on the effects of condition (prejudicial; neutral) and verdict (guilty; not guilty), on confidence was analysed. Results failed to reach significance for the main effects of condition, $F(1, 102) = .104, p = ns$, or verdict $F(1, 102) = .115, p = ns$.

Participants in the prejudicial condition showed more confidence in their 'guilty' verdicts than did the participants in the neutral condition, ($M = 61.4\%$) compared to ($M = 56.4\%$). Conversely, participants in the neutral condition showed more confidence in their 'not guilty' verdicts than did the participants in the prejudicial Condition, ($M = 61.3\%$) compared to ($M = 54.2\%$). A 2 way interaction between condition and verdict failed to reach significance $F(1, 102) = 2.283, p = ns$.

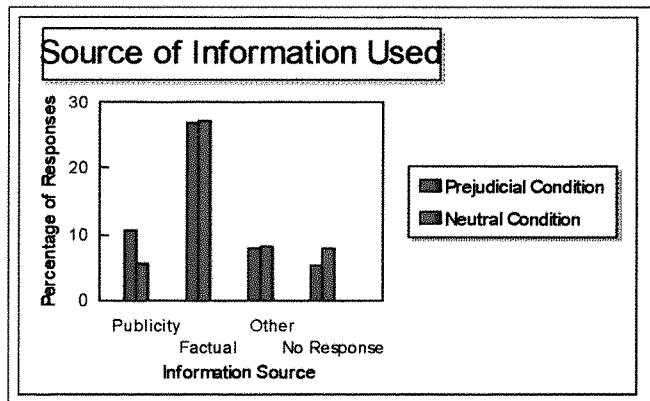
This experiment has failed to find any significant differences between conditions with regard to decision making.

Formation of Knowledge Representations

Data from this study then was analysed to look at the effects of differential pretrial publicity on jury decision making. The hypothesis stated that this would come about because the publicity would act as the building block of a story schema and that this would in turn affect how evidence was evaluated and stored in the cognitive representation of the juror.

Table 2 shows us the information source used by participants in the formation of their knowledge representations, there were a total of 22 possible responses for each of the 104 subjects making a total of 2288 responses in all. The source of information used was analysed using a chi square analysis. This indicated a significant effect, $\chi^2 (3, N = 2288) = 48.09, p < .001$.

Table 2



From the table it is apparent that factual information, i.e. that which is substantiated, is more frequently used by both conditions with a total of 54.3% of possible responses using factual information as the source compared to only 16.2% using publicity generated information. However, it is also evident that publicity generated information is used more frequently in the prejudicial condition with 65.8% of responses compared to 34.2% of responses in the neutral condition. The data was also analysed using a 2 way anova with no repeated measures and a significant main effect was found for condition, $F (1, 2289), 21.33, p < .001$. An anova was completed in order to clarify the differences in means between conditions, although this would not normally be used for frequency data.

It has been shown that some participants are prepared to use unsubstantiated publicity as an information source, but does this happen at a general level or do any issues emerge as having importance?

Motive intuitively seems to be of importance and as such was analysed. In the prejudicial condition participants were informed that 'police believed the motive for the crime to be that of monetary gain', whereas in the neutral condition participants were told that 'police were unsure of the motive for the crime'. Participants were asked about the motive both pre-trial and post-trial.

The pre-trial data was analysed using a chi square analysis and this indicated a significant effect $\chi^2 (3, N = 104) = 49.70 p < .001$. We can see from Table 3 that 77% of participants in the prejudicial condition used publicity generated information as a response when asked to recall the motive for the crime. We can also see that 62% of participants in the neutral condition failed to respond to this question.

Table 3

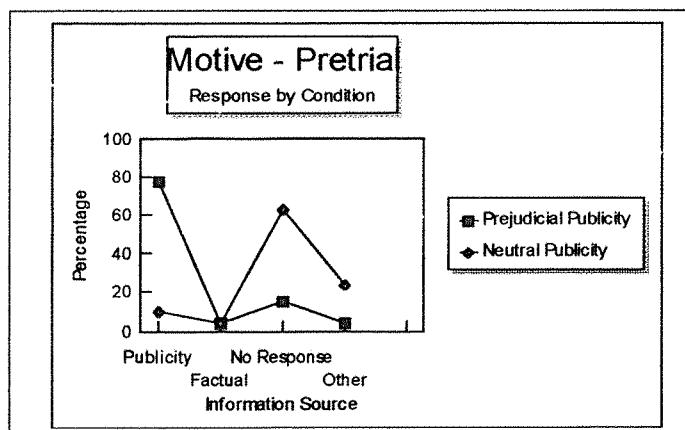
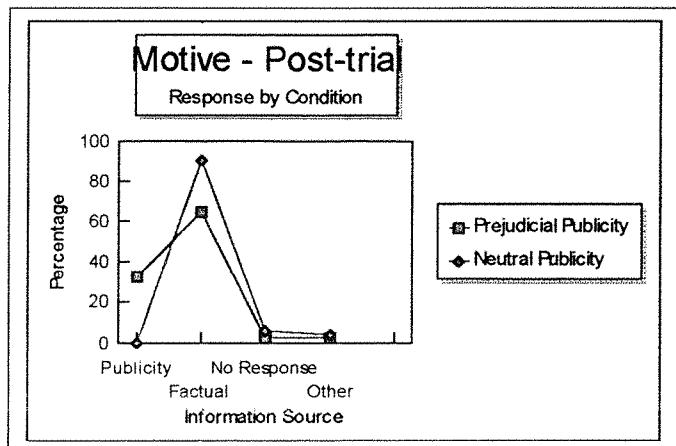


Table 4 shows that 32% of participants' in the prejudicial condition continued to be influenced by unsubstantiated prejudicial publicity using it as their information source regarding the issue of motive after the trial evidence had been heard, although 64% were now using factual information.

Table 4



If motive is of importance then why is this the case? In many TV court case dramas this issue is emphasised as being paramount to a case with the 'motive for the crime' being the central question, i.e. 'what did the accused stand to gain from the death'. As stated in the introduction, participants' formation of knowledge representations are affected by prior knowledge and experience of the world and inferences regarding the significance of motive may have been made. Weaver & Dickinson (1982) stated that "story understanding is guided solely by content-specific heuristics such as our knowledge of what various types of villains are apt to do."

The chi square analyses given in this results section are statistically limited in that they do not show which cells are significant. Standardized residual values would be able to give this information. What other improvements could be made to the design of this experiment to find significance in the apparent predilection of the participants resulting from publicity type?

Design Improvements

It is felt that the design for this experiment could be improved. In particular, the coding of both the Questionnaire on Day 1 and Questionnaire A on Day 2 requires some revision. This

experiment was based on Thorndyke's Tree Structure and the questions were to be the terminal nodes, or branches of the tree. It is now felt that a prescribed set of response categories is necessary in order that participants' knowledge is more accurately displayed. The current coding of Publicity Generated Information, Factual Information, No Response and Other is inadequate in that important details may have been missed. Many participants fell into the 'Other' category but no details are available about why this was the case. This also highlighted design faults regarding the publicity stories used in the prejudicial and neutral conditions of this experiment, with the two stories being too similar in nature.

This study compared two conditions, those participants who received prejudicial pretrial publicity and those who received neutral pretrial publicity. In retrospect it is felt that a third control condition should have been incorporated into the design. The reasons for this are three-fold. Firstly, a control condition would take account of those jurors who enter the courtroom having been unexposed to any publicity regarding the case they are about to try. Secondly, it allows for instances when both the prejudicial and neutral publicity have negative or positive effects on opinion. Finally a control condition will provide a baseline of opinion on which to assess the impact of pretrial publicity.

This study did not specifically address the question of participants' feelings of impartiality so analysis could not assess the extent to which participants felt biased. Further studies should incorporate this issue into their design.

Future research will need to take account of the design improvements mentioned above and it would also be useful to look at whether the social aspect of a jury influences these knowledge representations once formed. Will debate with others enhance the tendency found in this experiment?

EXPERIMENT 2

Experiment 2 has two main functions. Firstly to improve upon the design of Experiment 1, in assessing the impact of pretrial publicity on the knowledge representations used in jury decision making most notable by revising the coding and design of the questionnaire to include a prescribed set of response categories and also to revise the publicity received by participants. Secondly, it was designed in order to determine whether these knowledge representations are affected by debate with other individuals who have, or have not, been exposed to the same publicity. In the main introduction to this research we saw how various factors may have an effect on the accuracy of evidence heard in the courtroom, and we then went on to explain how jurors knowledge representations are formed and the role that pretrial publicity plays in this process, but we did not take account of the collective processes involved in a jury. Experiment 2 therefore will address this issue and will look at how pretrial publicity is strengthened by group discussion. In particular we are going to look at how pretrial publicity affects or influences the outcomes of group discussion, namely verdict outcome.

Pretrial Publicity

Pretrial publicity may be influential on verdict outcome because of it's use in the formation of knowledge representations. The publicity often includes information which would be inadmissible in a court of law and which is prejudicial in it's nature, for example it may question the character of a witness or hint at a prior record. The pretrial publicity may be used as the building block of a schema upon which the subsequent information heard in the trial is assessed. It may lead to biases in the attitudes of the jurors, and the trial information may be interpreted and stored in light of how it fits in with the story and opinion already made. Pretrial publicity may affect the evaluation of the evidence and also the way in which

attributions are assigned regarding the defendant. As stories need to make sense inferences are made to fill in any gaps in the story. What effect will the jury deliberation process have and how will it shape perceptions leading to verdict outcome?

Jury Deliberation

There are two different viewpoints regarding the role of jury deliberation. Some say that the deliberation process is of little importance because decisions have already been made prior to this stage, '*the deliberation process might well be likened to what the developer does for an exposed film, it brings out the picture but the outcome is predetermined.*' (Kalven & Zeisel, 1966). However, others would say that Jury deliberation is an important aspect of the decision making process. It is felt that deliberation takes place in two stages. The first stage involves the discussion and interpretation of the evidence whereby jurors try to reach agreement on a plausible account of what actually took place. The second stage of deliberation involves the assessment of individual aspects of evidence in light of the preferred verdict outcome, and it is at this time that conflict may occur and social influence may come into play (Pennington & Hastie, 1986, Stasser et al, 1982). There is evidence in social psychology regarding the effects of social influence in groups and it is important to assess what these theories may say about jury outcome, namely that decisions become more extreme after group discussion.

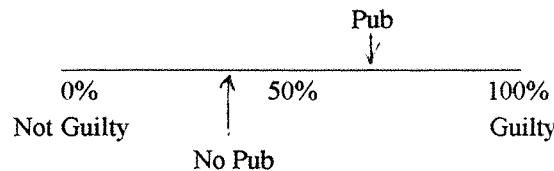
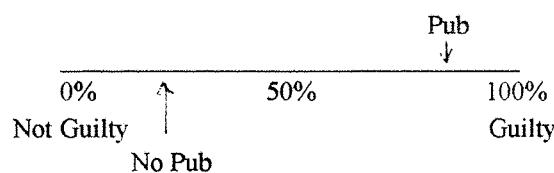
The deliberation process undertaken by a jury requires that choices are made and risks taken. Individuals have listened to the evidence presented to them and have made assessments as to which evidence is to be believed. In criminal case law this requires that a decision is based on 'proof beyond reasonable doubt', in civil case law however, a decision is based on 'proof beyond probability'. Any decisions made will have implications for both the defendant, his family and even for the juror themselves. The implications for the juror come about because at the end of the trial, after the defendant has been acquitted or convicted, the Judge is then able to inform the jurors regarding any prior record and it is at this stage that they may regret any decisions made. The British Justice system informs jurors that they must be certain beyond reasonable doubt and that it is better to let a guilty man go free than to convict an innocent

one. However, jurors who have acquitted a person charged with a brutal crime such as rape or murder who subsequently find out that they had previous similar convictions may feel conscience stricken that they have released him back into society where he may pose a future threat. The individual jurors must undertake an element of risk therefore when assessing the culpability of the defendant. What influence will group discussion have on these individual opinions and do decisions made following jury deliberation differ in any way?

Group Polarization

Research undertaken on social dilemmas found that groups more often than not chose riskier decisions than did individuals. It was found that when a group is asked to reach consensus through discussion, on dilemmas involving an element of risk, then the group decisions tended to hold more risk than the decisions taken by the individual, this phenomenon became known as the 'risky shift' (Stoner, 1961). These experiments were followed by a wave of others on group risk taking. Group risk taking came to be known as 'group polarisation', polarization being the tendency of group discussion to drive the whole group to an extreme position in the direction of the original consensus of the group, (Moscovici & Zavalloni, 1969).

Research on group polarization has found that group discussion to consensus results in a polarization of responses and this effect increases when the group is required to commit itself to a given position. It has also been found that individuals will adopt this group consensus as their own (Myers & Lamm 1976, Moscovici & Zavalloni, 1969). Group polarization would predict therefore that individual juror opinions would become more extreme after group discussion. Because juries that have been exposed to pretrial publicity prior to receiving trial information will have a tendency towards 'guilty' verdicts, we expect them to polarize towards the 'guilty' end of the scale after group discussion. Conversely, juries that have not been exposed to pretrial publicity prior to receiving trial information will have a tendency towards 'not guilty' verdicts and would be expected to polarize towards the 'not guilty' end of the scale after group discussion. See Figure 1.

Figure 1Before DiscussionAfter DiscussionTheoretical Explanations of Group Polarization

How can we account for the predicted polarization effects in juries that have been exposed to pretrial publicity? Explanations of polarization center around three main theories; a persuasive argument or informational influence model, group decision rule, and a social comparison account. A persuasive argument or informational influence model suggests that if individuals share a tendency towards an opinion any new and compelling evidence highlighted in a discussion may lean towards that existing tendency. Group decision rule proposes that it is possible to predict a group outcome by looking at the combination of initial individual preferences, and finally, a social comparison account states that decisions become more extreme because the self-esteem of individuals is tied up with supporting what appears to be the most socially desirable response. It is important for an understanding of group polarization to look at these theories in more detail in an attempt to understand the effect they may have on jurors during the decision making process.

Persuasive Arguments/Informational Influence

This proposes that arguments generate from discussion. During the deliberation stage of jury decision making jurors review all the evidence and arguments that they remember or that they feel is relevant to the issue and will make a decision based upon it. These arguments favour the initially preferred alternative but give information not previously thought of. It is felt that the arguments are partially diffused among the jury, whereby one juror may remember two or three elements of evidence in support of their opinion, another may provide different evidence forgotten by the first juror and so on. It is the combination of persuasive evidence provided by different jurors that comes together causing polarization as the members of the jury consider this new evidence which supports their previously held convictions, the opinion is reinforced by this 'message effect' and persuades them of the astuteness of endorsing that position. It is more likely that supporting evidence is provided by jurors in line with their existing opinion because these types of argument are more easily accessible to retrieve from memory.

(Burnstein & Vinokur, 1973 & 1977, Myers & Lamm, 1976).

In this experiment, it is anticipated that the existing opinion of juries who received pretrial publicity is more likely to be 'guilty' than 'not guilty', and this theory would propose that during discussion arguments will be made in support of this point of view. Information used in support is likely to be publicity generated, prejudicial and biased towards conviction leading to polarization towards a 'guilty' verdict. Participants who have not received pretrial publicity on the other hand are anticipated to be more predisposed towards a 'not guilty' verdict and during discussion arguments will be put forward which support this existing opinion. Information used in support is likely to come from trial information which is factual in nature and they will be expected to polarize towards a 'not guilty' verdict.

The persuasive arguments model is cognitive in its approach and sees the individual and the group operating as information-processing machines. Cognitive rehearsal is important as an individual must reformulate the information he has received in order for it to stimulate an internalization of attitude change.

Group Decision Rule

Group decision rule, or majority rule, predicts shifts by using statistical schemes for linking individual preference distributions into an expected group product. It is felt that a shift towards a dominant pole can be predicted when the majority favours that direction and when there is distortion in the division of individual choices. The more extreme a group's initial mean on an item the more likely it is that it will shift towards the dominant pole because there is an increased likelihood that the majority of the group favour that direction. (Myers & Lamm, 1976). For juries who received pretrial publicity in this experiment it is thought that the majority in the group is likely to favour the direction of guilt. The extent of this initial opinion can be used to predict the group's post-discussion shift towards the dominant pole. Conversely, it is thought that juries who did not receive pretrial publicity will be likely to have a majority favouring the opposite direction, ie. 'not guilty', and their shift towards the dominant pole can also be predicted.

Group decision rule implies that it is the group processes which are of importance and not the additional information which is discussed. This has implications for jury decision making because it implies that the availability of additional evidence is of little importance and will have little impact, rather it is the opportunity of the discussion itself which polarizes opinion.

Social Comparison

Social comparison theories revolve around self-presentation and desirability as perceived by the group. "Subjects desire to perceive & present themselves favourably, so exposure to other's positions may stimulate the subject to readjust his response in order to maintain his image of social desirability." (Myers & Lamm 1976: p.610). Social Comparison Theory was first proposed by Festinger in 1954, he argued that uniformity of the group is sought and that the majority in the group try to bring the minority back into line. The basic belief of Social Comparison Theory is that we have a desire to validate our opinions and abilities. We look to other people for comparison. 'An opinion, a belief, an attitude is "correct", "valid", and "proper" to the extent that it is anchored in a group of people with similar beliefs, opinions and

attitudes.' (Festinger et al , 1950). We become more confident in our opinions and attitudes if they are shared by others, and it is for this reason that we compare ourselves with others who are similar to us in relevant ways. What happens then when we find ourselves with others who are mostly similar to us but disagree with some of our opinions or attitudes, for example other members of a jury? There are two ways in which we can reduce the dissimilarity between ourselves and others. The first is to change our own opinions and become more similar to the others, the second is to try to persuade the others to change their opinions.

Why are individuals concerned about their self-presentation and desirability within a group to the extent that they will change their opinions leading to polarization? Two main explanations are proposed for this, firstly polarization of opinion occurs because individuals value extreme opinions and have discovered that their peers, in this case fellow jurors, are more extreme than themselves leading them to change in order to regain self-esteem. The second explanation being that extremity is associated with ability and members of the group compete with each other to take up the most extreme, and therefore desirable position. Within a group a person with a more extreme view is looked upon as being more sincere, competent & stronger than someone who holds a moderate view and groups are riskier because our culture rewards individuals who appear to be more daring than their peers. Social motivation encourages the person to express socially desirable arguments. Mere awareness of the preferences of others will produce shift. New information is not important, group polarization is a 'source effect' not a 'message effect', (Myers & Lamm, 1976). In this experiment it is anticipated that participants who received pretrial publicity are more likely to express the opinion that the defendant is guilty of the crime of which he is accused. This theory would propose that comparison of the opinions of other jurors in the group will lead to the finding that they are in the same direction but are more extreme than their own. This leads to a reassessment and polarization of opinion in order to regain self-esteem. The same process is at work for participants in juries who did not receive pretrial publicity but who have an opposing viewpoint, and they too are expected to reassess their opinion.

One problem for social comparison theory is to explain why some kinds of extremity are seen as more desirable, it implies that there is a social or cultural opinion outside of the group. This can indeed be the case when related to jury decision making. When related to the question of

'rape' for example, most women would be of the opinion that punishment should be as extreme as possible and that no leniency should be shown. Women jurors acting on a rape trial may therefore feel outside pressures during deliberation as well as from the group. There has also been research to suggest that current local or world events can influence the outcome of trials, (Greene & Loftus, 1984). It was found that general pretrial publicity, which refers to general information that is unrelated to a particular case, but related to the general area and is prominent in the news, or even a case of fiction, may affect juror behaviour. The general publicity acts as an additional source of information which can be called upon during the formation of knowledge representations. It can act upon and enforce the effects of specific pretrial publicity by providing support for issues raised.

As we have seen, research on group polarization has provided important information about the outcome of group discussion and has enhanced our understanding of changes in attitude in social situations. In this experiment we aim to show that group polarization will occur during the jury decision making process.

The main experimental hypothesis being tested is that there will be a interaction effect of pretrial publicity and group discussion such that individual opinion will polarise towards an extreme after deliberation. It is expected that participants in Group 2 (pub/disc) who received pretrial publicity will polarise towards an extreme opinion and will be more likely to use a 'guilty' verdict, whereas, participants in Group 4 (no pub/disc) who did not receive pretrial publicity will be expected to polarise towards a conservative opinion and will therefore be more likely to use a 'not guilty' verdict.

The second hypothesis looks at the question of how these opinions become more extreme and what underlying mechanisms are at work to account for this interaction. It predicts that group discussion strengthens the prejudicial effects of pretrial publicity because publicity generated information will be used more frequently in the formation of knowledge representations and therefore attitudes regarding the crime.

METHOD

Participants

A total of 72 participants, 18 in each condition, took part in this experiment. Ninety-four percent of these participants were from the student population of the University of Southampton, 6 percent of participants were in full-time employment. There was a gender mix of 68 percent female to 32 percent male and these were equally sorted to the four conditions. As participants were required to fit eligibility criteria for jury service they needed to be within the age range 18-65. Three age groups were noted. 76 percent were in the 18-35 age range, 18 percent in the 36-50 age range, and 6 percent in the 51-65 age range.

Design

The experiment was a 2 x 2 between-subjects design. It was a mock-trial scenario with two factors, publicity and discussion, each with two levels leading to four experimental conditions. Participants were randomly allocated to one of the conditions, with each condition containing three groups of 6 participants. Condition 1 participants acted as mock jurors and received pretrial publicity prior to trial but no post-trial discussion (PP). Condition 2 participants acted as mock jurors and received pretrial publicity prior to trial as well as a post-trial discussion (PPD). Condition 3 participants acted as mock jurors and received neither publicity prior to trial nor post-trial discussion and are the control (NP). Condition 4 participants acted as mock jurors and received no publicity prior to trial but did have a post-trial discussion (NPD).

Procedure

Volunteer participants were randomly allocated to one of four conditions, see Figure 1 for summary.

Figure 1 - Summary of Experimental Conditions

	CONDITION 1 Pub/No Disc	CONDITION 2 Pub/Disc	CONDITION 3 No Pub/No Disc	CONDITION 4 No Pub/Disc
DAY 1	Publicity + Questionnaire	Publicity + Questionnaire		
DAY 2	Trial Summary + Questionnaire	Trial Summary + Discussion + Questionnaire	Trial Summary + Questionnaire	Trial Summary + Discussion + Questionnaire

The participants in Conditions 1 & 2 were asked to attend the laboratory on day 1. Upon arrival they were told that they would be participating in a study on jury decision making. They were asked not to discuss the case with anyone else at the present time. Participants were then given the following 'newspaper article' which was said to have appeared in a local newspaper. Participants were not informed as to the name of the Newspaper in which the article appeared as we wished to exclude any extraneous variables. It is similar in nature to pretrial publicity used in other mock trial scenarios.

Figure 2 - Excerpt from newspaper - December 15th

Violent Scuffle as Husband is Arrested for Southampton Shooting

A man was arrested this morning for the murder of Mrs Betty Butler who was found shot dead on a dirt track in the outer suburbs of Southampton at 5.00 pm on October 12th. Although police would not confirm that the man arrested was the deceased's husband Mr Dennis Butler, eyewitnesses who saw the man resist arrest described someone who matched his description.

Police believe the motive for the crime to be that of a crime of passion as sources suggest that Mr Butler was known to be having an affair, and witnesses have seen Mr and Mrs Butler having heated arguments on a number of occasions recently.

The Police were particularly shocked at the aggressiveness in which the crime had been carried out as shots had continued to be fired at Mrs Butler after her death. A witness informed this newspaper that the body had been found tied and gagged, but police refuse to confirm this.

Police had been looking for someone who matched the description of a man seen at the crime scene. A witness had described someone who was about 6ft tall with brown mid-length hair.

Police did confirm that a search of the Butler's home at Swinton Street had been made and that six guns had been seized. Mrs Harriett Hilman, a neighbour of Mrs Butler, told our reporter that she thought she had seen the police remove what looked like blood stained clothes from the house.

Mrs Hilman said that the Butlers' two teenage children were deeply distressed at developments.

Mr Butler had attended a press conference a few days after the attack asking people to come forward with information to help the police. When questioned he stated that he had been at a DIY store from 3.00pm to 4.15pm on the day in question but could not recall his movements after that time.

An anonymous source claims that the arrested man has this afternoon failed an identity parade. Police refused to comment on this leak from their own ranks stating that any evidence would be presented at trial.

After reading the article participants were asked to complete a questionnaire containing questions regarding both the defendant and the crime (see Figure 3 for examples and Appendix for copy questionnaires). Some questions were factual in nature, for example question 1 and these questions were coded for source of information whereby '1' = trial

information, '-1' = publicity generated information and '0' = other responses. Other questions were in the form of a Likert attitude scale, for example question 17 and these were coded accordingly on a 7 point scale. The dependant variables for all questions being the participant responses.

Figure 3 - Example questions

1. To your knowledge, how tall is the defendant? Please tick one box only.

5 ft	5 ft 11	5ft 2	Not Known	5ft 9	6 ft	5ft 5
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17. To what extent do you agree with the statement: "The motive for the crime was thought to be a crime of passion."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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At this time participants were also asked to indicate their verdict choice, see Figure 4. This was coded as '1' for 'not guilty' verdicts and '-1' for 'guilty' verdicts. The dependant variable being the participants response. At the completion of the questionnaire participants were given a time slot to attend on day 2. A one day delay was incorporated into the design to allow for the time delay which would usually occur between exposure to pretrial publicity and attending a trial. Unfortunately, due to the practicalities of participants attending for the second part of the experiment this time delay could not be as long as would be wished.

Figure 4 - Excerpt from questionnaire re verdict choice

22. If you were a Juror in Crown against Butler and had to make a decision of whether Mr Butler was guilty or not guilty of the murder of Mrs Betty Butler, based solely on the facts you have received, what decision would you reach?

GUILTY **NOT GUILTY**

On day 2 all individuals were given a copy of a trial summary of the case against Mr Butler (the defendant) see Figure 5. After reading the trial summary they were asked to complete a questionnaire which included their verdict choice. This questionnaire being the same format as used on day 1 (see Figures 3 & 4 above for example questions). The dependant variables were participant responses.

Figure 5 - Trial Information

TRIAL SUMMARY
OF THE CASE AGAINST
MR D. BUTLER

The trial was informed that at 5.00pm on October 12th a local man, Mr Steve Olin, discovered Mrs Betty Butler's body on a graveled road near her home in Outer Southampton. Mrs Butler had been shot in the head twice with a .22 caliber gun. Although the first shot killed her, a second contact shot had been fired into Mrs Butler's temple. Missing was Mrs Butler's 700 pound diamond ring. Fingerprints of Mrs Butler and her husband Dennis Butler were found inside and outside the car. Also found on the trunk of the car were three unidentified fingerprints.

Mr Butler had provided an alibi for his movements between the times of 3.00pm and 4.15pm. The pathologist informed the court that the time of death was approximately 4.30 pm and confirmed that the deceased had died when the first shot had been fired.

Mr Butler explained to the police that he owned several guns that had been stolen from his home. In his insurance claim, Mr Butler stated that except for a Ruger .22 automatic six shot, all the weapons had been recovered. However, Frank Arnold, a former boyfriend of the Butler's daughter testified that when he had helped the Butlers move he had seen a Ruger .22

caliber weapon. Mr Butler consented to a police search of his home which turned up six guns but the murder weapon had not been found.

The prosecution suggested that the motive for the crime was monetary gain as, at the time of her death, Mrs Butler had insurance policies with proceeds totalling nearly 90,000 pounds and a pension plan valued at about 70,000 pounds. Dennis Butler was the beneficiary named on the plans.

Participants who were in Conditions 2 & 4 received a twenty minute group discussion before the completion of their questionnaires whereby they were given instructions to act as a jury in the case against Mr Butler. Participants were not asked to indicate their verdict choice before discussion because it was felt that with such a short time delay between finishing the trial summary and the end of the discussion participants may simply recall their pre-discussion verdict choice. If a longer time delay was possible it would be more informative to give questionnaires both pre-discussion and post-discussion in order to establish the influence of the discussion phase of the experiment. These participants received additional questions in relation to this group discussion, see Figure 6 for example question. These were coded on a 7 point Likert scale.

Figure 6 - Example of question re group processes

30. To what extent do you agree with the statement: "I believe my verdict choice has changed as a result of group discussion."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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At the end of the day 2 sessions all subjects were debriefed and thanked for their time.

RESULTS AND DISCUSSION

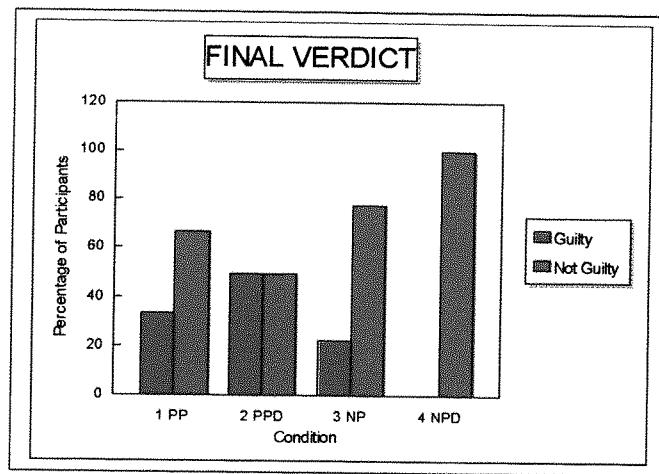
Participants had been randomly allocated to one of the four conditions. No apparent differences were found in the composition of these conditions as related to age, gender or occupation.

Final Verdict

The main purpose of this experiment was to test the assumption that final verdict outcomes of a mock trial would be affected by the inclusion of pretrial publicity and group discussion. In particular that those participants who received pretrial publicity and group discussion would find the defendant guilty of the crime more often than would those subjects who had not received pretrial publicity or group discussion.

We can see from Table 1 regarding final verdict that in the publicity/discussion condition 50% of participants found the defendant guilty compared to 33% of guilty verdicts in the publicity/no discussion condition, 22% of guilty verdicts in the no publicity/no discussion condition and 0% of guilty verdicts in the no publicity/discussion condition.

Table 1 - Final Verdict Post-trial



Verdict Data

The Final Verdict data were analysed using a chi square analysis. This indicated a significant interaction, $\chi^2 (3 N = 72) = 12.23, p < .05$. Thus the hypothesis that there would be an interaction effect of pretrial publicity and group discussion such that individual opinion would polarise towards an extreme after deliberation appears to receive some support. In the no pretrial publicity conditions polarisation did occur. However, for the pretrial publicity groups no polarisation was apparent. Analysis of the data using a 2 way anova with no repeated measures indicated a significant main effect for publicity $F(1,71) = 9.842, p < .01$ and a marginal 2 way interaction between publicity and discussion, $F (1,71) = 3.986, p = .05$.

Pretrial publicity and group discussion may then affect verdict outcome but do these results follow through to the extent to which the defendant is found guilty? Participants were asked to rate the extent to which they find the defendant guilty of the crime of which he is accused. They were asked to give a percentage with 0% indicating 'not at all guilty' to 100% indicating 'definitely guilty'. In the no publicity conditions means for the discussion group were ($M = 54\%$) compared to ($M = 38\%$) in the no discussion group. However, in the publicity conditions means were virtually similar for the discussion group were ($M = 56\%$) compared to ($M = 46\%$) in the no discussion group. The data was analysed using a 2 way anova with no repeated measures and results show a significant main effect for discussion $F (1,71) = 6.995, p < .01$.

It should be noted however that the actual verdict is a more reliable indicator as it is a definite output. The extent of guilt percentage however is open to interpretation and is subjective, ie. some participants who gave the extent of guilt as 50% then chose 'guilty' whilst others choosing 50% then chose 'not guilty'. In a real trial a juror does not need to put a figure on the extent to which a defendant is guilty, they must just be sure beyond reasonable doubt. It is the final verdict which convicts or releases the defendant.

Bias/Impartiality of Jurors

Are jurors aware of any bias they may have when reaching a verdict? Question 20 asked participants to state the extent to which they agreed with the statement that "I feel that I am

unbiased and able to make an impartial decision". No significant differences were found between conditions. Main effects for publicity being $F(1,71) = 2.872$, $p = ns$, and discussion $F(1,71) = <1$. No 2 way interaction was found $F(1,71) = 1.790$, $p = ns$. The fact that participants who had received pretrial publicity felt no more biased than those who did not is in line with other findings.

Research has found that jurors are unaware of their biases and believe themselves to be still capable of impartiality. (Simon & Eimerman 1971). Survey research conducted for pretrial publicity motions consistently find that participants make highly prejudicial remarks about a defendant and then state that they feel they would be a fair and impartial juror. (Vidmar & Judson 1981, Vidmar & Melnitzer 1984) There seems to be a disconnection between the attitudes and opinions which are expressed. One explanation for this may be pressures of conformity in the courtroom setting where impartiality is seen as being desirable. Another explanation being that jurors are unaware of the process by which the publicity has affected their ability to make judgements, (Ogloff & Vidmar 1994). If this is the case should jurors be made aware of the fact during voir dire?

When participants in the publicity conditions were asked to rate the extent to which they agreed with the statement 'I think that the publicity was influential in my decision making' it was expected that participants would 'disagree somewhat' with the statement in line with findings regarding impartiality. Using a 2 way anova with no repeated measures results for a main effect for discussion failed to reach significance $F(1,71) = < 1$. These figures are in agreement with those of confidence whereby the polarisation effects of discussion are seen to enforce the opinions held by participants.

Confidence in Verdict

What then of the confidence felt by participants in their chosen verdict. Is there any difference in confidence ratings between those choosing guilty or not guilty verdicts? Results marginally failed to reach significance using a 2 way anova with no repeated measures for the main effect of publicity $F(1,71) = 3.020$, $p = ns$. and for a 2 way interaction $F(1,71) = 3.631$, $p = ns$.

The means however do look interesting. In the no publicity conditions means for the discussion group were ($M = 48\%$) compared to ($M = 45\%$) for the no discussion group. In the publicity conditions means were more disparate with means for the discussion group at ($M = 66\%$) compared to ($M = 47\%$) in the no discussion group. It seems that group discussion enforced the opinions felt by participants and gave them more confidence to express them.

In relation to the final verdict we have seen that participants who receive pretrial publicity and group discussion find the defendant guilty of the crime more often than participants who have not received pretrial publicity or group discussion. In line with current research we found no significance with regard to the bias or impartiality felt by participants. We also found that the polarisation effects of discussion enforced the opinions held by participants with those in the publicity/discussion condition being most confident of their verdict choices.

What then are the underlying processes at work which bring about these differences? As mentioned in the methods section above the questions used fell into four main categories: firstly questions which directly related to the final verdict, as discussed above, secondly questions which referred to the direct use of pretrial publicity in the formation of knowledge representations, thirdly questions which looked at the attitudes and use of the knowledge representations and finally for the discussion conditions questions directly related to group processes.

Factual Questions

As mentioned in the methods section of this report the questions at the beginning of the questionnaire are not based on an attitude scale but rather on factual choices. For example question 1 asks the participants 'To your knowledge, how tall is the defendant? Please tick one box only.' The answers are then coded as to whether the participants have used factual information, information derived from pretrial publicity or neither. Information derived from pretrial publicity is coded as '-1', information derived from trial information is coded as '1' and any other responses are coded as '0'. See Tables 2 & 3 for a summary of participant responses.

Table 2 - Percentage of participants in each condition using trial generated information as a response post-trial

Question No.	Pub/ No disc	Pub/ disc	No Pub/ No disc	No Pub/ disc
1 - 'To your knowledge how tall is the defendant'	56%	44%	94%	100%
2 - 'To your knowledge, which of the following hair types best matches that of the defendant? Please tick one box only'	50%	39%	100%	100%
3 - 'How would you describe the defendant's personality? Please tick one box only.'	72%	56%	67%	94%
4 - 'Which of the following characteristics best matches your recollection of the scene of the crime? Please tick one box only.'	61%	78%	61%	72%
5 - 'Please indicate the time at which you believe the crime took place. Please tick one box only.'	78%	67%	78%	94%
6 - 'What do you believe the motive for the crime to be? Please tick one box only.'	78%	28%	78%	61%

Table 3 - Percentage of participants in each condition using publicity generated information as a response post-trial.

Question No.	Pub/ No disc	Pub/ disc	No Pub/ No disc	No Pub/ disc
1 - 'To your knowledge how tall is the defendant'	44%	50%	-	-
2 - 'To your knowledge, which of the following hair types best matches that of the defendant? Please tick one box only'	44%	39%	-	-
3 - 'How would you describe the defendant's personality? Please tick one box only.'	22%	44%	-	-
4 - 'Which of the following characteristics best matches your recollection of the scene of the crime? Please tick one box only.'	28%	11%	-	-
5 - 'Please indicate the time at which you believe the crime took place. Please tick one box only.'	17%	28%	-	-
6 - 'What do you believe the motive for the crime to be? Please tick one box only.'	6%	17%	-	-

Appearance/Personality of Defendant

Question 1 regarding the height of the defendant was analysed using a chi square analysis and this indicated a significant interaction $X^2 (6, N = 72) = 24.76, p < .001$. We can see from Table 2 that 94% of participants in the no publicity/no discussion condition used trial information as a response, with the inclusion of publicity in the publicity/no discussion condition this figure drops to 56% and in the publicity/discussion condition the interaction produces a response as low as 44%. We can see from Table 3 that the number of participants using publicity generated information as a response increased from 44% in the publicity/no discussion condition to 50% in the publicity/discussion condition indicating a strengthening of opinion regarding the unsubstantiated pretrial publicity.

A similar result was found in relation to question 2 which asked about the hair type of the defendant. A chi square analysis indicated a significant interaction $X^2 (6, N = 72) = 31.58, p < .001$. We can see from Table 2 that 100% of participants in the no publicity/no discussion condition used trial information as a response, with the inclusion of publicity in the publicity/no discussion condition this figure drops to 50% and in the publicity/discussion condition the interaction produces a response as low as 39%.

A chi square analysis attained a significant result in relation to question 3 regarding the nature of the defendant's personality $X^2 (6, N = 72) = 27.67, p < .001$, with the no publicity/discussion condition using trial information most frequently with 94% of responses using trial generated information compared to 56% of participants in the publicity/discussion condition. Table 3 shows that the number of participants using publicity generated information as a response increased from 22% in the publicity/no discussion condition to 44% in the publicity/discussion condition suggesting a polarization of opinion by participants post discussion.

Crime Scene

Question 4 regarding the characteristics of the crime scene produced a significant result using a chi square analysis $X^2 (6, N = 72) = 14.62, p < .05$. No significance was found in relation to

question 5 regarding the time of the alleged crime χ^2 (6, $N = 72$) = 6.70, $p = ns$, however, we can see from Table 3 that opinion was polarized with 28% of participants in the publicity/discussion condition using publicity generated information compared to only 17% in the publicity/no discussion condition.

Motive

Participants were asked what they believed the motive for the crime to be. Participants in the publicity conditions had been told that the motive was a 'crime of passion' whereas during the trial jurors had been informed that the motive had been 'monetary gain'. Would participants in the publicity conditions continue to use publicity generated information for their responses post-trial? Using a chi square analysis a significant interaction was found χ^2 (6, $N = 72$) = 15.90, $p < .02$. We can see from Table 2 that 78% of participants in the no publicity/no discussion condition used trial information as a response but this figure dropped to 61% with the inclusion of group discussion and 28% when both publicity and discussion interact. We can see from Table 3 that the number of participants still using the publicity generated information as a response after receipt of trial information was 6% for participants in the publicity/no discussion condition rising to 17% in the publicity/discussion condition indicating a polarization effect.

As multiple chi square tests have been carried out regarding these factual questions it is acknowledged that the Bonferroni correction method should have been used in order to avoid the effects of multiple testing.

We have seen how knowledge representations are affected by pretrial publicity and that participants will directly use information derived from pretrial publicity, even when unsubstantiated, in responding to questions regarding the crime, for example regarding the issue of motive, this seems particularly true for participants in the discussion groups. This raises the question as to whether these facts are just being stored and recapitulated or whether participants will use them in the formation of attitudes and opinions regarding both the defendant and the crime.

Attitude Questions

The next set of questions looked at the attitudes and use of knowledge representations when related to the evidence, (see Table 4 for summary of means). Mock jurors were required to rate on a 7-point scale the extent to which they agreed with the statements given. It is acknowledged that this data could have been analysed on a multi-variate level using a Manova.

Table 4 - Mean Responses of trial questions regarding Attitude by levels of publicity and discussion

Question No.	Pub/ no disc	Pub/ disc	Mean of Publicity Conditions	No pub /no disc	No pub /disc	Mean of No Publicity Conditions
7 - 'Mrs Butler's body was found gagged'	4.8	4.4	4.6	5.9	5.9	5.9
8 - 'Mrs Butler had been shot'	1.2	1.3	1.3	1.2	1.2	1.2
9 - 'Mrs Butler's body was found tied'	4.4	4.3	4.3	5.7	5.7	5.7
10 - 'The defendant did not have a valid alibi'	3.5	3.5	3.5	4.2	4.1	4.1
11 - 'Hair Strands were found at the crime scene'	2.9	2.7	2.8	2.3	2.8	2.6
12 - 'Blood Stained clothes were found at the defendant's home and removed for forensic testing'	4.8	4.3	4.6	6.1	5.2	5.7
13 - 'Finger-prints were found at the crime scene'	6.2	5.1	5.6	6.6	5.8	6.2
14 - 'The murder weapon was found at the home of the defendant'	6.1	5.4	5.7	6.3	6.1	6.2
15 - 'There is a witness to the crime'	5.4	5.2	5.3	6	5.5	5.8
16 - 'The defendant can be aggressive at times'	4.1	3.7	3.9	4.7	4.3	4.5
17 - 'The motive for the crime was thought to be a crime of passion'	5.5	4.3	4.9	6.1	5.2	5.7

Note: The responses for question numbers 7, 8, 9, 10, 12, 14, 15, 16 & 17 are coded as '1' for 'Very Strongly Agree' to '7' for 'Very Strongly Disagree'. The responses for question numbers 11 & 13 are coded as '7' for 'Very Strongly Agree' to '1' for 'Very Strongly Disagree'.

Forensic Evidence

Question 7 asked the participants 'To what extent do you agree with the statement: "Mrs Butler's body was found gagged"? Participants in the publicity condition had been told that the newspaper had been informed that the body had been found tied and gagged, although this had not been confirmed by the police. It is expected therefore that participants in the publicity conditions would more strongly agree with the statement. This proved to be the case with means of ($M = 4.6$) indicating that participants 'neither agree nor disagree' in the publicity conditions compared to ($M = 5.9$) where participants 'strongly disagree' in the no publicity conditions. A 2 way anova showed a significant main effect for publicity $F(1,71) = 14.575$, $p < .001$. No significance was found regarding a main effect for discussion or a 2 way interaction $F < 1$.

Results for question 9 regarding whether the victim had been tied up should be similar to that of question 7 and this proved to be the case (see Table 4 for summary). Significant results for a main effect for publicity were found $F(1,71) = 15.168$, $p < .001$. and means for the publicity conditions were ($M = 4.3$) compared to ($M = 5.7$) for the no publicity conditions. As expected from question 7 no significant differences were found regarding a main effect for discussion F 's < 1 .

Some questions were not expected to show a difference between conditions, ie. question 8 regarding whether the defendant had been shot. All participants had been told this was the case and results were as expected with no significant differences between conditions. This acted as a check for random variation between conditions.

Question 12 involved a piece of false information given to participants in the publicity condition regarding the existence of blood stained clothing removed from the defendants home. It was expected that significant differences would be found as participants in the no publicity conditions had not been told of the existence of this clothing. significant differences were found using a 2 way anova with no repeated measures. There was a significant main effect for publicity $F(1,71) = 12.032$, $p < .002$, and a main effect for discussion $F(1,71) = 4.944$, $p < .05$. We can see from Table 4 that participants in the no publicity conditions

disagreed more than the participants in the publicity conditions with means of ($M = 5.7$) and ($M = 4.6$) respectively. There was not a significant result regarding a 2 way interaction $F < 1$.

All conditions received the same information regarding the existence of fingerprints, with the trial summary stating that "three unidentified fingerprints were found on the car". It was therefore expected that all participants would strongly agree with the statement in question 13 that "fingerprints were found at the crime scene". No difference was expected between conditions but a significant difference for main effect did occur for discussion $F (1,71) = 8.301, p < .05$. The issue of fingerprints was mentioned in all discussion groups and statements such as "they don't mean anything", or "anyone could have touched it as they walked past", were widely used. Participants in the no discussion conditions agreed more strongly with the statement than participants in the discussion conditions with means of ($M = 6.4$) and ($M = 5.4$) respectively. It seems that discussion made participants unsure of the information they had received. They were only asked whether fingerprints had been found at the crime scene but they had inferred that the relevance of the fingerprints as forensic evidence was at issue.

Other inferences were made regarding forensic evidence in relation to the murder weapon. In the pretrial publicity it was stated that "weapons had been removed from the defendant's home". When participants were asked in question 14 whether they agreed with the statement that "the murder weapon was found at the home of the defendant" it was expected that participants in the publicity conditions would be likely to agree with the statement. Whilst the results were not significant for a main effect for publicity using a 2 way anova with no repeated measures $F (1,71) = 2.368, p = ns$, the means do show a tendency towards the expected result with a mean for the publicity conditions of ($M = 5.7$) compared to a mean of ($M = 6.2$) in the no publicity condition, (see Table 4). No interaction effect was found $F (1,71) = 2.263, p = ns$.

Personality of Defendant

The use of inferences was also apparent regarding question 16. Participants were asked to what extent they agreed with the statement that "the defendant can be aggressive at times".

The only time that aggression was mentioned was during pretrial publicity and it stated that: "police were particularly shocked at the aggressiveness in which the crime had been carried out", and also "that the defendant had resisted arrest". Using a 2 way anova with no repeated measures a significant main effect for publicity was found $F(1,71) = 4.116, p < .05$. Means indicated that the no publicity conditions felt less certain regarding the statement with a 'neither agree nor disagree', ($M = 4.5$), than did the publicity conditions who 'agreed somewhat' ($M = 3.9$). There were no further significant effects.

Attitude re. Motive

An issue which emerged as having great importance with jurors when trying to reach a verdict was the issue of motive. Question 17 required the defendant to state the extent to which they agree with the statement that "the motive for the crime was thought to be a crime of passion". The publicity had stated that police believed the motive for the crime to be a crime of passion whereas the trial summary had stated that the motive for the crime was monetary gain. Would participants still be influenced by the knowledge representations formed using pretrial publicity by agreeing with the statement? This was found to be the case with a significant main effect for publicity found using a 2 way anova with no repeated measures $F(1,71) = 5.600, p < .05$. From Table 4 we can see that the means indicate that participants in the no publicity conditions disagreed more strongly with the statement than did participants in the publicity conditions with means of ($M = 5.7$) and ($M = 4.9$). A significant main effect was also found for discussion $F(1,71) = 11.684, p < .002$, with means showing polarisation in both conditions, the no discussion condition had means of ($M = 5.8$) compared to ($M = 4.7$) for the discussion condition. No 2 way interaction was found $F(1,71) = .376, p = ns$.

We have seen how participants in the no publicity conditions used information derived from the trial summary more often than participants in the publicity condition. This is of importance because the attitude questions have shown that not only does pretrial publicity produce a knowledge representation of facts but also that participants are using these knowledge representations in the formation of their attitudes and opinions regarding both the defendant and the crime. Participants were influenced by unsubstantiated pretrial publicity, in particular with regard to motive and forensic evidence, ie. the existence of blood stained clothing.

Support was found for hypothesis 2 which predicted that group discussion would strengthen the prejudicial effects of pretrial publicity because publicity generated information would be used more frequently in the formation of knowledge representations and therefore attitudes regarding the crime. Discussion was seen to affect the use of this publicity derived information by enforcing the opinions of the group, but what group processes bring this about?

Group Processes

All participants in the discussion conditions were given additional questions related to group processes, whereby they were required to rate the extent to which they agree with the given statement. Analysis of these questions provides some useful information (see Table 5 for means). It is acknowledged that this data could have been analysed on a multi-variate level using a Manova.

*Table 5 - Mean of Trial questions regarding Group Processes
by levels of publicity and discussion*

Question No.	Publicity/ Discussion	No Publicity /Discussion
23 - 'I was very influenced by other group members'	4.1	3.9
24 - 'I think my opinion was weakened by group discussion'	3.7	3.8
25 - 'Group discussion was valuable in that other people reminded me of facts relevant to the case'	5.5	5.5
26 - 'I found myself conforming to the majority opinion'	3.4	3.9
27 - 'I felt my opinion was strengthened by group discussion'	4.3	4.6
28 - 'I felt my opinion was that of the minority'	2.9	3.6
29 - 'I do not think that a longer discussion time was necessary'	4.3	4.4
30 - 'I believe my verdict choice has changed as a result of group discussion'	2.8	3.1

Note: The responses for question numbers 23-30 are coded as '7' for 'Very Strongly Agree' to '1' for 'Very Strongly Disagree'.

We can see from Table 5 that significant results were not obtained using a 2 way anova with no repeated measures regarding the statement 'I was very influenced by other group members' $F(1,71) = < 1$.

All participants 'disagreed somewhat' ($M = 3.7$) with the statement that 'I think my opinion was weakened by group discussion' and as expected from these results no significance was found $F(1,71) = .121$, $p = ns$. The statement that 'Group discussion was valuable in that other people reminded me of facts relevant to the case' had all participants 'agreeing somewhat' ($M = 5.5$). Whilst all participants 'disagreed somewhat' with the statement that they had 'found themselves conforming to the majority opinion.

Some differences of opinion were apparent with regards to the statement that 'I felt my opinion was that of the minority' (see Table 5). Participants in the no publicity condition 'disagreed somewhat' with the statement ($M = 3.6$), whilst participants in the publicity condition 'strongly disagreed' ($M = 2.9$). Results just failed to reach significance however $F(1,71) = 1.883$, $p = ns$. A small difference also emerged with regard to the statement that 'my verdict choice has changed as a result of group discussion' with means of ($M = 3.1$) for the no publicity condition and ($M = 2.8$) in the publicity condition. A 2 way anova for repeated measures was not significant $F(1,71) = .246$, $p = ns$.

Discussion influenced participants by reminding them of facts which were relevant to the case. Participants did not feel that their opinion had been weakened or that they had conformed to the majority opinion. Discussion did polarise opinions but it seems that participants were unaware of the changes taking place.

In conclusion then, we found that a combination of pretrial publicity and group discussion had an impact on the number of guilty verdicts and the results indicate that this can be attributed to the knowledge representations formed.

DISCUSSION

The purpose of this research was to explore the role of pretrial publicity in the jury decision making process. Pretrial publicity has become an area of debate because of its changing nature in Britain today. Jurors are supposed to rely solely on evidence heard in the courtroom but if they have constructed knowledge representations based on pretrial publicity before entering the trial what effect will this have on subsequent decision making? The purpose of this research was to discover what effect pretrial publicity would have on knowledge representations, and therefore on verdict outcome, and whether debate with others during the deliberation stage of the trial would polarise the opinions of individuals.

The results of experiment 1 indicated that pretrial publicity may be of importance in the formation of knowledge representations. Experiment 2 went on to show that group polarisation took place during decision making and that participants who received both publicity and discussion were more likely to convict the defendant than were others.

Before discussing the data further it is important to acknowledge that there are some statistical limitations with the tests completed. The multiple chi square tests could have been replaced with a log-linear regression analysis which would have allowed us to look at both the main effects and the interaction effects of the non-parametric data in a more powerful manner.

The Effects of Pretrial Publicity

Both experiments 1 and 2 have shown how pretrial publicity can influence jury decision making, and in particular verdict outcome, by acting upon the formation of knowledge representations prior to receipt of trial information. This supports the hypothesis stated that the publicity would act as a building block of a story schema and that this would in turn affect how evidence was subsequently evaluated and stored in the cognitive representation of the

juror. This has important implications for justice as the pretrial publicity frequently includes information which is prejudicial and which would be inadmissible in a court of law. In 1983 the American Bar Association was concerned enough about this problem to produce the "Model rules of Professional Conduct" which imposed restraints on lawyers not to disclose facts which were likely to prejudice a defendant's case. Such prejudicial facts include such things as (a) the prior criminal record of the accused (b) the defendant's performance of tests, such as the results of a lie detector test, and (c) opinions as to the guilt of the defendant. Also stated were facts which were thought to not be prejudicial such as (a) circumstance of arrest (b) description of evidence seized and (c) the charge made against the defendant.

Although guidelines exist regarding the content of pretrial publicity these are often overlooked. Unfortunately, sensationalism is what sells newspapers and journalists seek new and exciting angles from which to report a story. Experiment 2 of this study found that mock jurors were influenced by sensational statements in the pretrial publicity, for example a significant effect for publicity was found regarding the question of whether or not the victim had been found 'tied and gagged'. Pretrial publicity often includes prejudicial information, as was the case in both experiments 1 & 2 of this experiment where statements which would be classed as prejudicial in the eyes of the ABA were used, for example 'that the arrested man has this afternoon failed an identity parade'. Imrich Mullin & Linz (1995) conducted a study to measure the extent to which these prejudicial statements appeared in American newspapers. They found that over a quarter of suspects outlined in reports of crime were identified in a way that the ABA felt would be problematic. They found support for the findings of the American Bar Association that the most usual source for this information was from the police and the prosecution charges making the publicity reports prosecution focused rather than being unbiased or favourable to the defendant. It was also found that as a case came closer to trial the publicity became more prejudicial as the media tried to find new angles from which to report the case. Content analyses of newspaper coverage has shown that serious crimes dominate the news and that the more shocking the crime the more likely this is to be the case, (Autunes & Hurley, 1978). Simon & Eimermann (1971) conducted a telephone survey of potential jurors one week prior to a trial. They found that of all those exposed to pretrial publicity, about 60%, none of them thought the defendants to be innocent. Of those who

could not remember details of the crime there was indifference as to the guilt or innocence of the accused.

In this study the publicity in the prejudicial condition contained such statements as "police..... were particularly shocked at the aggressiveness of the crime", "the Butler's two teenage children were deeply distressed at developments" and "she had seen the police remove blood stained clothes from the house" all of which should evoke emotional responses. In previous research two types of pretrial prejudice have been differentiated, namely emotional and factual. Emotional prejudice involves those things that have no evidentiary value but affect juror's judgements and their ultimate verdict choice, for example graphic details of injuries or sexual violation. (Kerr Kramer Carroll & Alfini 1991, Hoiberg & Shires 1973). Factual prejudice on the other hand involves that information that would not have been given to a juror because of its irrelevance to the matter at hand, e.g. details of prior record. Brown & Kulik (1977) and Clark & Fiske (1982) found that occurrences which bring about a strong emotional response are more memorable and less likely to be changed than those which evoke less emotions. Kramer et al (1990) compared the effects of factually biasing pretrial publicity with emotionally biasing and found the latter to generally have a stronger effect. One explanation given by Kramer for this result was that the emotionally biasing pretrial publicity produced a more coherent story structure. Prejudicial publicity is more likely to evoke mental pictures of events and is therefore more likely to be compared to a story line in a TV crime, which forms part of our prior knowledge and experience of the world. We saw in both experiments 1 & 2 that the issue of motive seemed to have importance because its significance had been learnt through previous exposure and that the pretrial publicity regarding this matter had a lasting impact. We found that participants continued to be influenced by this pretrial information even after the trial evidence had been heard. Thus it is important for the media to take care in pretrial publicity when relating either emotionally charged information or specific information regarding such issues as motive which seem to provoke heightened knowledge representations least they arouse unnecessary bias.

The pretrial publicity is incorporated into knowledge representations upon which the subsequent trial information is assessed. Biases are formed in the attitudes of the jurors and the trial information is construed by taking account of how it fits in with the story and opinion

which has already been made. As mentioned in the results section of experiment 2, it was found that jurors were unaware of their biases even though other results such as differences in verdict outcome indicate that biases do exist. As some participants are using unsubstantiated publicity generated information in the formation of their knowledge representations these biases are being built into the schema upon which evidence is interpreted, what happens if there are gaps in the story?

We have already described in the introduction how people like to think of information in relation to a story and how when gaps occur in their story they use default values in the completion of these stories or schemas. To reiterate, if information is missing it is inferred, with inferences being built on personal experience or on learned facts regarding what is expected, in this case of a murderer. Minsky treated these inferences as defaults with the integration and interpretation of both prior knowledge and current experience. New information becoming normalised towards that which is most probable. According to Thorndyke's tree structure, which we utilised in this study, it is important for the understanding of the story that no information is missing. Goals and subgoals need to be completed, by inferences if necessary, because people like stories to flow and to make sense showing causal connections. During the discussion sessions of Experiment 2 a great many inferences were made and discussed: "was Mr Butler having an affair with his daughter's boyfriend?", "it can't have been a contract killing because the weapon would have been cleaned and left at the crime scene like in X Files", "it must have been someone that Mrs Butler knew". Graesser & Clark (1985) have proposed that the function of scripts is to put in place the background knowledge that is relevant for generating these inferences.

The prejudicial publicity used in this study stated that during "a search of the Butler's home..... weapons had been recovered". Subjects inferred from this that the murder weapon had been found which was not actually the case as the weapons were in fact totally unconnected to the crime. Subjects have however applied deductive reasoning to these facts, i.e. 'if x then y '.

$$\begin{array}{lcl}
 \text{weapons recovered} & = & \text{murder weapon found} \\
 \text{murder weapon found} & = & \text{defendant is guilty of murder}
 \end{array}$$

When subjects were presented with a disjointed description of a situation they have used knowledge about what is 'typical' and have jumped to conclusions that are not justifiable as logical deductions. Bower Black & Turner (1979) found that subjects used underlying scripts to fill in information that was missing in a short passage and that the result of this was that they recalled relevant information that was not actually present. This has serious implications when related to information presented during a trial. It was been advocated in a book entitled "She Must Have Known: The Trial of Rosemary West" (Brian Masters, 1996), that a great many inferences were made during her trial leading to the conviction of the defendant. These inferences were based on partial fact, for example because it was a fact that Rosemary West had been in the car with her husband when he picked up and assaulted a girl who was known to them it was inferred that Rosemary must have also been in the car with her husband when the deceased women were taken. Brian Masters states that "Justice demands that even the wicked must be treated fairly and not be condemned by mere suspicion." Pennington & Hastie's 1986 study found that subjects make inferences about events not actually stated in the testimony from previous knowledge in order to make complete episodes which become embedded to make the story. These inferences are also evaluated by assessing one's own reactions or behaviour in similar situations. They found that 55% of references were to events testified to and 45% to inferred actions, goals etc. They also found that evidence that did not fit into 'the story' was dismissed. In 1992, Holst & Pezdek went on to look at the question of scripts for typical crimes and the effect that this has on memory processes. They found that a script was used for the comprehension and storage of trial evidence and that these memories can unconsciously include scripted information that was not actually presented at trial. Events may be re-ordered so that they conform to the script. Jurors may also be confused between that which is actually stated by a witness and that which is implied by an attorney. This is thought to occur more frequently if information is complex in nature.

Publicity generated information at the pretrial stages of experiments 1 & 2 are wholly unsubstantiated and therefore inferred and it is striking that participants were prepared to use this information in the formation of their schemas/story structure, and therefore their representation of knowledge.

We have seen then that pretrial publicity holds implications for jury decision making because of its impact on the formation of knowledge representations. It leads to biases in the attitudes of the jurors and causes inferences to be made. Experiment 2 went on to look at how these knowledge representations were affected by debate with others who had, or had not been exposed to the same publicity.

Jury Deliberation

Due to the practicalities of this research project it was necessary to have mock juries of only six participants. Although it has been the norm for a jury to be made up of twelve people research has shown that reducing the number to six does not affect the balance between informational and normative influences, indeed, following the case of *Williams v Florida* (1970) American Courts have allowed a jury to be made up of six or more people. Kerr & MacCoun (1985) used Social Decision Scheme and Social Transition Scheme analyses to compare the decision-making processes of mock juries that varied in size. They found that when changing from twelve to six jurors group size did not affect how long the deliberation process took, nor did it affect the likelihood of the accused being acquitted or convicted. However changes were found when looking at a jury consisting of three people. In this case the majority seemed more able to coerce the minority. This finding is in line with the work of Asch (1951) who found that a minority was more successful at resisting a conformity situation when social support from others was present. Indeed Gerard et al.(1968) found that '*As the size of a unanimous majority increases the likelihood of a minority of one yielding increases*'. Usually within group dynamics it would be important to discuss issues such as the effect of leadership on the group but during the short discussion times allowed in this study this issue was not apparent. The issue that was apparent, as predicted by our hypothesis, was that of the group polarization of opinions within groups which was seen to occur.

Group Polarization

Experiment 2 was designed to test the hypothesis that there would be an interaction effect of pretrial publicity and group discussion such that individual opinion would polarise towards an

extreme after deliberation. The results of experiment 2 support this hypothesis and found that participants in the publicity/discussion condition polarised towards an extreme position in the direction of the original consensus of the group, namely towards a 'guilty' verdict with 50% of participants finding the defendant guilty after deliberation. Whereas participants in the no publicity/discussion condition polarised towards a conservative position, namely a 'not guilty' verdict which was in the direction of the original consensus of the group. After deliberation 0% of participants in this condition found the defendant guilty of the crime. Although the group polarisation effect has been seen in other areas of group decision making the findings of this research are important for showing that not only does polarisation take place within jury decision making, but also that this polarisation effect incorporates and enhances the biasing effect of pretrial publicity. We found that group discussion enforced the opinions felt by participants and gave them confidence in expressing them with participants in the publicity/discussion condition being most confident of their choices regarding verdict.

The factual questions used in experiment 2 highlighted the use of pretrial publicity in the formation of knowledge representations and found that unsubstantiated information derived from pretrial publicity was used by participants in direct response to questions regarding the crime and that this was particularly true for those participants in the publicity/discussion condition. The attitude questions aimed to find out whether these facts would also be used to form attitudes and opinions regarding both the crime and the defendant. Responses on a 7 point Likert scale indicated that mock jurors were influenced by pretrial publicity when asked about their opinions regarding such things as forensic evidence, the personality of the defendant and the motive for the crime. The influence of the prejudicial publicity generated information was strengthened by group discussion such that those participants in the publicity/discussion condition used this information more frequently in the formation of their knowledge representations and attitudes regarding the crime. Questions regarding the participant's attitudes regarding group processes indicated that they were largely unaware of any influence brought about by the group. However, observation of the discussion groups suggests that there are two likely explanations, firstly, a persuasive argument or informational model and secondly, a social comparison model.

Persuasive Arguments/Informational Influence

We saw in the introduction to experiment 2 that a persuasive argument or informational influence model suggested that if jurors already share a tendency towards an opinion of guilt or innocence that any evidence highlighted in jury deliberation would lean towards that existing tendency. Here the observed response change is attributed to cognitive learning brought about through argument and discussion, with discussion following the lines of the already preferred verdict and new persuasive arguments evolving. It is the combination of evidence provided by individual jurors which leads to the polarization of opinion of the jury towards the pre-existing opinion. (Burnstein & Vinokur, 1973 & 1977, Myers & Lamm, 1976).

It was anticipated that juries who had received pretrial publicity prior to trial would hold an existing opinion of guilt and that discussion would be focused on issues supporting this opinion. This indeed seemed to be the case with statements starting in such ways as "he must have done it because...". As previously mentioned, the results of experiment 2 indicated that participants who had received pretrial publicity would be prepared to use this unsubstantiated information as part of their knowledge base and therefore information used in support of their opinion during discussion was often publicity generated and therefore prejudicial in nature. Discussion led to a polarization of opinion towards a guilty verdict. On the other hand those juries who had not received pretrial publicity prior to trial were anticipated to hold the opinion that the defendant was 'not guilty' of the crime of which he was accused and that discussion would focus on issues related to his innocence. The information used during the discussion was trial generated and was preceded by such statements as "if he had done it there would be evidence to show....", "he can't have done it because...". These juries polarized towards an opinion that the defendant was 'not guilty' as expected by the model. The existence of pretrial publicity then has serious implications for jury decision making in that it can act upon knowledge representations affecting both the evaluation and storage of trial information as well as going on to bias the whole process of deliberation.

Persuasive arguments do not always centre around knowledge specific to the case in hand. For example one of the groups who had received pretrial publicity had starting lacking

confidence in their opinion of guilt when one participant put forward the idea that it was better to convict an innocent man than to release a guilty one. The reasoning for his statement being that an innocent man who had been convicted had the right of appeal and that if he was really innocent would be released whereas releasing a guilty man meant he had escaped punishment completely as he could not be recharged for the offence. An interesting thought and one which helped to convince the other members of the group to convict.

It should be noted that the knowledge representations of participants may not be affected by pretrial publicity at all, but rather that they are affected by memory factors. The possibility exists that participants are getting confused by receiving more than one version of events leading to them recalling the version which is either the most recent, i.e., the trial information, or the most memorable, i.e., in this case possibly the publicity. Source Monitoring Confusion (Johnson, Hashtroudi and Lindsay, 1993) looks at the inability of identifying the source of information received, i.e., did a particular piece of information come from the pretrial publicity or from the trial information. Schacter, Harbluk & McLachlan (1984) referred to this as 'source forgetting'. Participants are able to recall that information has been learned during a stage of the experiment but they are unable to recall the exact source, or stage at which the learning took place.

Social Comparison

Social comparison models suggest that decisions become more extreme because the self-esteem of jurors is tied up with giving support to what seems to be the most socially desirable response. We compare our responses with those of other members of the group, in this case other jurors, and adjust our opinion accordingly. The first explanation for this being that extreme opinions are highly valued leading to adjustment towards an extreme after comparison with others. The second explanation being that extremity is associated with ability leading to members of the group competing to have the most extreme position. (Festinger et al, 1950, Myers & Lamm, 1976).

Social comparison theory relies on the premise that participants desire to perceive and present themselves favourably and this was evident by the number of agreement statements which

were made, for example, "I totally agree with you", and "I thought exactly the same thing myself". The juror finds, from initial voting, that the group norm is actually more in the preferred direction than previously imagined or they feel more able to express their opinion strongly after seeing someone else display it more intensely still. It was expected that jurors who had received pretrial publicity would express the opinion that the defendant was guilty of the crime and that after comparison with others in their group they would reassess this opinion making it more extreme. The same process was expected for those jurors who had not received pretrial publicity with their opposing viewpoint also becoming more extreme. These predictions were apparent in the groups with individual jurors seeming to compete to have the most extreme opinion.

Jury deliberation then can produce group polarization and this was found to be the case in experiment 2 of this research. This finding has important implications for an area such as jury decision making as there are no right or wrong answers and the truth may not be readily ascertained. Decisions made in the courtroom will have important consequences not just for the defendant but for the whole community.

The design of this study did not allow for a proper analysis of the third possible explanation of group polarization mentioned in the introduction. We will look at it again here briefly.

Group Decision Rule

Group decision rule proposed that it would be possible to predict the juries outcome by looking at the combination of initial individual preferences (Myers & Lamm, 1976). When the majority of a jury favour a decision it is likely that this opinion will be polarized after discussion. In this experiment it was expected that on a jury who had been exposed to pretrial publicity prior to the trial, the majority of jurors would favour an opinion of guilt and that the post-discussion shift could be predicted. The opposite should also be true for those juries where pretrial publicity had not been received. The findings of the experiment were in the line with the predictions made. Group decision rule proposes that it is the group processes which are of importance and not the addition of new or revised evidence.

Implications

What are the implications of this research? If deliberation enhances the effects of pretrial publicity should jurors have such a stage in their decision making process, or would the length of a real trial deliberation cancel out any negative effects? It is important to remember also that a great deal of research uses students for subjects and that whilst research has suggested that no differences are apparent in the appraisal of eyewitness testimony between students and jurors (Hosch, Beck & McIntyre 1980) these studies do not cover the wide age range found in a typical Jury. It is also important to take account of the effects of experimentation. Any mock jury study is just that, it is not an analysis of a real jury. Erickson (1968) stated that '*...man(sic), the subject of psychosocial science, will not hold still enough to be divided into categories both measurable and relevant.*' Whilst the control of the laboratory is essential if we want to make causal statements about the links between two factors we cannot extrapolate the findings directly to the real world.

One of the questions asked in the introduction of this research was whether it was possible to generalise across cultures? Much of the research carried out on jury decision making has been done in America and as there are cultural differences between the two countries caution should be taken when looking at the results obtained from their research. It has been suggested that story schemas are themselves culturally specific. Kintsch & Greene (1978) found that American college students were more accurate in recalling a Grimm fairytale than they were at recalling an Apache Indian story. However, it was felt that familiarity of material may have had more to do with recall than the issue of culture. The material for this study was adapted from an American study with the aid of a Lecturer in Law at the University of Southampton in order that it was culturally suited to the participants. Wording of publicity was also prepared in order that it matched the appearance of a typical British news story in language style and format. Future research could include comparisons between different sources of publicity, for example a magazine article compared to a newspaper report, or between different types of newspaper reports, making comparisons of an article in say The Telegraph with one in The Sun which would be expected to be more sensationalised in nature.

A study in America by Ogloff & Vidmar (1994) did just this, they compared the relative effects of television and print media in a child sex abuse case. The rationale behind the study came from the fact that we are now exposed to compelling and graphic images of crime on the television and they wanted to assess whether potential jurors would be more influenced by this media, including news reports and televised hearings, or by print media including both newspaper and magazine articles. The study used an actual dispute, namely The Mount Cashel Orphanage Cases whereby a number of members and former members of a congregation in Canada were being charged with physically and sexually abusing young boys some 20 years previously. A large amount of publicity ensued with approximately 150 days of a live televised commission being shown as well as programs such as The Oprah Winfrey Show, and 800 articles appearing in local & national newspapers, together with two books about the incident. Both kinds of media reported highly detailed accounts of specific incidents. A telephone survey of the local area found that 91% of respondents had seen the televised broadcasts, 79% had read about the case and 80% had discussed the matter with family and friends. Most notably 95% thought the defendants guilty emphasising the extent of the prejudice brought about from the media coverage. The study presented subjects with various types of media and results indicated that television exposure and television plus print articles biased jurors significantly more than exposure to print media alone.

It will be important therefore that improvements are made in the methodology of further stages of this research in order that the effects of television as well as print media are provided to give a more complete picture of the realistic influence that pretrial publicity has on the public, and therefore on potential jurors. There is also an ethical dilemma to take account of namely between the rights of a free press vs the rights to a fair trial. Does the media provide a public service by publishing prejudicial information regarding a defendant, and does the public have the right to know? What if information is published because it is believed to be accurate and is later found to have been falsified? Can the damage ever be repaired? Such an issue has emerged in the US regarding the trial of Timothy McVeigh who is accused of bombing the Oklahoma City Federal Building. An article by Stuart Taylor Jnr in the Fulton County Daily Report assesses the impact of newspaper coverage of an incident whereby the alleged defendant told his defence team that 'he had bombed the building in the daytime to maximise the body count'. As well as there being doubts about the accuracy of the article there has been

debate as to whether the article should have been published. A subsequent statement made by the First Amendment ombudsman for the Freedom Forum stressed the 'absolute right of the American people to know about a significant event and to give the kind of detail that helps them make up their mind'. A dramatic piece of pretrial publicity such as this which, includes a boastful confession, is likely to have an impact on the fair trial of the defendant. Will a jury be able to put this information out of their minds, and can a jury be found who have not formed biases prior to trial? In the US potential jurors are subjected to the system of voir dire in an attempt to uncover bias. Should this method of jury selection be incorporated into our judicial system?

The main purpose of the voir dire system in the US is to identify and discharge jurors who may be biased by screening them for any predispositions. Attorneys tend to show interest in characteristics such as age, gender, race and occupation and aim to generate a profile of the prospective juror which is then used in decisions regarding their elimination. Its effectiveness is reliant on the soundness of the jury selection strategies adopted by the attorney and any limitations put on these strategies by the court. (Narby & Cutler, 1994, Fulero & Penrod, 1990). A study by Dexter, Cutler & Moran in 1992 examined the extent to which voir dire could counteract publicity-induced prejudice. The voir dire carried out in their research failed to get rid of any prejudice. It can be difficult to detect juror's preconceptions and biases in voir dire especially as jurors themselves are often unaware of any impartiality. If any discussion can lead to polarization what about the system of voir dire itself, are discussions held at this stage polarizing the opinions of jurors prior to trial? Shuy (1995) used linguistic analysis to analyse the voir dires of fourteen prospective jurors in a death penalty case and found that in four of them the judge's questions were found to be influencing the jurors responses. It would be useful to research the area of voir dire more fully.

Why is the jury important and why is it important to research aspects which influence them? Because the jury has its origins back in the 11th Century it is seen as having importance in the development of the notion of the fundamental rights of man. It requires that confidence of the community is retained in order for it to be functional. The jury emerged as a tool of the Judge and this is still the case today. They are there to answer a question allowing judgement to be made. The jury has to deal with the facts, the Judge has to deal with the law. The Judge will

be required to justify his actions the jury will not. They do not receive training for what is to come. They are required to deliberate behind closed doors and reach a verdict, the responsibility for which they will keep to themselves when returning to the community.

Although there is some criticism of the jury it is also claimed that it brings to the justice system a feature of community fairness and sentiment. It could be said that serving on a jury is one of the most significant things that a citizen can do in that he is directly participating in democracy. It is their duty to make decisions which will have important consequences both for the accused and the community as a whole. Pretrial publicity holds implications for the judicial system because of its effect on the decision making process. It acts on the formation of knowledge representations leading to a bias or prejudice in the way in which trial information is assessed and stored prior to deliberation. We have also seen how jury deliberation enhances the biasing effects of pretrial publicity by causing a polarization of opinions. Future research could look at ways in which the group polarization effect could be lessened, for example if a social comparison model relies on individuals finding out the groups initial opinion maybe this opinion should not be made apparent at the beginning of the deliberation stage. With the increasing sensationalisation and saturisation of pretrial publicity in this country it may be important to decide between the rights of a free press and the rights of individuals to receive a fair trial.

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APPENDICES

PSYCHOLOGY PROJECT

WRITTEN INSTRUCTIONS

Please read the following instructions carefully.

You will be told when to start each of the tasks below.
The time allowed for each task is shown in brackets at each point.

Once each task has been completed please do not refer back to it.
You may of course refer back to these instructions.

1. On Page 1 of the booklet you will find a copy of a newspaper article. Please read this carefully but do not take any notes, then move on to task 2. Please do not refer back.
2. On Page 2 you will find a Questionnaire. Please fill in any facts you believe you know on the lines provided. You may be as brief as you wish, including one or two word answers.

Thank you for your co-operation and time taken to complete this project. If you have any questions you would like to ask please do so.

PSYCHOLOGY PROJECT

QUESTIONNAIRE A

SETTING

What do you recall of the Defendants Appearance including clothing?

(1) _____

What do you recall of the Defendants Personality? (2) _____

What do you recall of the location of the murder? (3) _____

What do you recall about the time of the murder? (4) _____

MOTIVE OR GOAL

What do you recall as being the motive or goal for the crime?

(5) _____

PLOT

What do you recall of how the crime was committed?

(6) _____

Was there evidence of Opportunity?

(7) YES/NO

What Forensic Evidence was there?

(8) _____

Was a Murder Weapon found?

(9) YES/NO

Were there any witnesses to the murder?

(10) _____

OUTCOME

What kind of crime was it?

(11) _____

PSYCHOLOGY PROJECT

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PSYCHOLOGY PROJECT

EXCERPT FROM SOUTHAMPTON EVENING ECHO **ON DECEMBER 15TH**

SOUTHAMPTON SHOOTING - MAN HELD

A man was arrested this morning for the murder of Mrs Betty Butler who was found dead in the outer suburbs of Southampton at 5pm on October 12th.

Police are unsure of the motive for the crime and they were particularly shocked at the aggressiveness of the attack. Police did confirm that a search of the accused's home had been made.

Police would not confirm the identity of the man arrested. Eyewitnesses who saw the man resist arrest described someone of average build in their middle ages.

Mrs Harriett Hilman, a neighbour of Mrs Butler, told our reporter that she had been a neighbour and friend of the Butler's for many years and had always found them both to be polite and hardworking. Everyone in the area was very upset at the shocking murder.

Police were confident that the man they had arrested would be brought to trial.

PSYCHOLOGY PROJECT

QUESTIONNAIRE A

SETTING

What do you recall of the Defendants Appearance including clothing? (1) _____

What do you recall of the Defendants Personality? (2) _____

What do you recall of the location of the murder? (3) _____

What do you recall about the time of the murder? (4) _____

MOTIVE OR GOAL

What do you recall as being the motive or goal for the crime? (5) _____

PLOT

What do you recall of how the crime was committed? (6) _____

Was there evidence of Opportunity? (7) YES/NO

What Forensic Evidence was there? (8) _____

Was a Murder Weapon found? (9) YES/NO

Were there any witnesses to the murder? (10) _____

OUTCOME

What kind of crime was it? (11) _____

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Once each task has been completed please do not refer back to it.
You may of course refer back to these instructions.

1. On Page 1 is a Summary of a Murder Case, namely, that of *R. v. Butler*. Please read this Summary but do not take any notes, then move on to Task 2. Please do not refer back.
2. On Page 2 you will find Questionnaire A. Please fill in any facts you believe you know on the lines provided. You may be as brief as you wish, including one or two word answers.
3. Finally on Page 3 of the booklet there is Questionnaire B. Please respond as honestly and accurately as you are able. Please answer all questions. No personal judgements will be made about your answers.

Thank you for your co-operation and time taken to complete this project. If you have any questions you would like to ask please do so.

PSYCHOLOGY PROJECT

SUMMARY OF R. v. BUTLER

At 5.10 in the afternoon Steve Olin discovered Mrs Betty Butler's body on a graveled road in Outer Southampton. Mrs Butler had been shot in the head twice with a .22 caliber gun. Although the first shot killed her, a second contact shot was fired into Mrs Butler's temple. Missing was Mrs Butler's 700 pound diamond ring. Fingerprints of Mrs Butler and her husband Dennis Butler were found inside and outside the car. Also found on the trunk of the car were three unidentified fingerprints.

Mr Butler explained to the police that on the day of the death he had driven down the graveled road after completing some errands. Mr Butler stated that he wound up at Barclays Bank at 3.57pm and returned down the graveled road at about 5.00pm. The pathologist told the defense investigator Mrs Butler died between 3.40pm and 4.20pm but later testified that the time of death was 5.00pm.

Mr Butler also explained to the police that he owned several guns that were stolen from his home in Northam, Southampton. In his insurance claim, Mr Butler stated that except for a Ruger .22 automatic six shot, all the weapons had been recovered. However, Frank Arnold, a former boyfriend of Mrs Butler's daughter testified that when he had helped the Butlers move he had seen a Ruger .22 caliber weapon. Mr Butler consented to a police search of his home which turned up six guns and some .22 caliber shells, but no .22 caliber weapon.

At the time of her death, Mrs Butler had insurance policies with proceeds totalling nearly 90,000 pounds and a pension plan valued at about 70,000 pounds. Dennis Butler was the beneficiary named on the plans. A crown witness challenged Mr Butler's financial motives noting that some of the insurance policies were provided by Wilcox Electrical Company, where both the Butlers worked. Mrs Butler had increased the coverage on the policies only four months prior to her death.

PSYCHOLOGY PROJECT

QUESTIONNAIRE A

SETTING

What do you recall of the Defendants Appearance including clothing? (1) _____

What do you recall of the Defendants Personality? (2) _____

What do you recall of the location of the murder? (3) _____

What do you recall about the time of the murder? (4) _____

MOTIVE OR GOAL

What do you recall as being the motive or goal for the crime? (5) _____

PLOT

What do you recall of how the crime was committed? (6) _____

Was there evidence of Opportunity? (7) YES/NO

What Forensic Evidence was there? (8) _____

Was a Murder Weapon found? (9) YES/NO

Were there any witnesses to the murder? (10) _____

OUTCOME

What kind of crime was it? (11) _____

PSYCHOLOGY PROJECT

QUESTIONNAIRE B

Please answer all questions

1. Did Mr Butler have an alibi? YES ---- NO ----
2. Was a murder weapon found? YES ---- NO ----
3. Did Mr Butler have a motive? YES ---- NO ----
4. Was any forensic evidence found at the scene? YES ---- NO ----
5. Were there any witnesses to the murder? YES ---- NO ----
6. Was any evidence relied upon at trial found at the house? YES ---- NO ----

How confident are you in the accuracy of the responses you have given?

Please rate on a scale from 0% (not at all confident) to 100% (completely confident).

-----%

If you were a Juror in Crown against Butler, with only a layperson's knowledge of the law, and had to make a decision of whether Mr Butler was guilty or not guilty of murder, based solely on the facts you have received, what decision would you reach?

Guilty Not Guilty.....

How confident are you in the verdict you have chosen?

Please rate on a scale from 0% (not at all confident) to 100% (completely confident).

-----%

JURY

SURVEY

**PLEASE STATE YOUR NAME
(IN BLOCK CAPITALS)**

.....

**(This information will be treated in strict confidence
and is for ease of processing only)**

Code No:

(Please leave blank)

JURY SURVEY

WRITTEN INSTRUCTIONS

Please read the following instructions carefully.

Once each task has been completed please do not refer back to it.
You may of course refer back to these instructions.

1. On the first page of this booklet you will find Task 1, this is a copy of a newspaper article. Please read this carefully but do not take any notes, then move on to task 2. Please do not refer back.
2. Task 2 is a Questionnaire. Please complete following the instructions provided.

Thank you for your co-operation and time taken to complete this project. If you have any questions you would like to ask please do so.

IT IS VERY IMPORTANT THAT YOU DO NOT DISCUSS THIS PROJECT WITH ANYONE ELSE AT PRESENT. YOU WILL BE PROVIDED WITH FEEDBACK AT THE COMPLETION OF THE STUDY.

Excerpt from newspaper - December 15th

Violent Scuffle as Husband is Arrested for Southampton Shooting

A man was arrested this morning for the murder of Mrs Betty Butler who was found shot dead on a dirt track in the outer suburbs of Southampton at 5.00 pm on October 12th. Although police would not confirm that the man arrested was the deceased's husband Mr Dennis Butler, eyewitnesses who saw the man resist arrest described someone who matched his description.

Police believe the motive for the crime to be that of a crime of passion as sources suggest that Mr Butler was known to be having an affair, and witnesses have seen Mr and Mrs Butler having heated arguments on a number of occasions recently.

The Police were particularly shocked at the aggressiveness in which the crime had been carried out as shots had continued to be fired at Mrs Butler after her death. A witness informed this newspaper that the body had been found tied and gagged, but police refuse to confirm this.

Police had been looking for someone who matched the description of a man seen at the crime scene. A witness had described someone who was about 6ft tall with brown mid-length hair.

Police did confirm that a search of the Butler's home at Swinton Street had been made and that six guns had been seized. Mrs Harriett Hilman, a neighbour of Mrs Butler, told our reporter that she thought she had seen the police remove what looked like blood stained clothes from the house.

Mrs Hilman said that the Butlers' two teenage children were deeply distressed at developments.

Mr Butler had attended a press conference a few days after the attack asking people to come forward with information to help the police. When questioned he stated that he had been at a DIY store from 3.00pm to 4.15pm on the day in question but could not recall his movements after that time.

An anonymous source claims that the arrested man has this afternoon failed an identity parade. Police refused to comment on this leak from their own ranks stating that any evidence would be presented at trial.

ATTITUDE SURVEY

Please answer the following questions to the best of your ability. When asked to state the extent to which you agree or disagree with a statement please put a tick in the box which best matches your opinion.

1. To your knowledge, how tall is the defendant? Please tick one box only.

5 ft	5 ft 11	5ft 2	Not Known	5ft 9	6 ft	5ft 5
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2. To your knowledge, which of the following hair types best matches that of the defendant? Please tick one box only.

Blond Mid-Length	Brown Long	Blond Short	Not Known	Blond Long	Brown Mid-Length	Brown Short
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3. How would you describe the defendant's personality? Please tick one box only.

Hostile	Violent	Dynamic	Not Known	Aggressive	Assertive	Forceful
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4. Which of the following characteristics best matches your recollection of the scene of the crime? Please tick one box only.

Tarmac Road	Field	Drive-way	Country Lane	Busy Road	Gravel Road	Dirt Track
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5. Please indicate the time at which you believe the crime took place. Please tick one box only.

3.30 pm	5.00 pm	4.00 pm	6.00 pm	4.30 pm	3.00 pm	5.30 pm
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6. What do you believe the motive for the crime to be? Please tick one box only.

Hatred of deceased	No motive	Monetary Gain	Not Known	Crime of Passion	Desperation	Sexual Attack
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7. To what extent do you agree with the statement: "Mrs Butler's body was found gagged."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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8. To what extent do you agree with the statement: "Mrs Butler had been shot."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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9. To what extent do you agree with the statement: "Mrs Butler's body was found tied."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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10. To what extent do you agree with the statement: "The defendant did not have a valid alibi."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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11. To what extent do you agree with the following statement regarding forensic evidence: "Hair strands were found at the crime scene."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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12. To what extent do you agree with the following statement regarding forensic evidence: "Blood stained clothes were found at the defendant's home and removed for forensic testing."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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13. To what extent do you agree with the following statement regarding forensic evidence: "Finger-prints were found at the crime scene."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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14. To what extent do you agree with the statement: "The murder weapon was found at the home of the defendant."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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15. To what extent do you agree with the statement: "There is a witness to the crime."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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16. To what extent do you agree with the statement: "The defendant can be aggressive at times."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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17. To what extent do you agree with the statement: "The motive for the crime was thought to be a crime of passion."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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18. Please indicate the type of crime committed. Please tick one box only.

Grevious Bodily Harm	Manslaughter	1st Degree Murder	Accidental Death	Not Known	Suicide	Actual Bodily Harm
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19. To what extent do you find the defendant guilty of the crime of which he is accused? Please give a percentage with 0% indicating 'not at all guilty' and 100% indicating 'definitely guilty'.

.....%
.....%

20. To what extent do you agree with the statement: "I feel that I am unbiased and able to make an impartial decision."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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21. How confident are you in the verdict you have chosen? Please give a percentage. With 0% indicating 'not at all confident' and 100% indicating 'very confident'.

.....%

22. If you were a Juror in Crown against Butler and had to make a decision of whether Mr Butler was guilty or not guilty of the murder of Mrs Betty Butler, based solely on the facts you have received, what decision would you reach?

GUILTY NOT GUILTY

Finally could you please answer the following questions regarding yourself. This information will be treated confidentially and is for statistical purposes only.

A. Please state which age range you are in.

18 - 35 36 - 50 51 - 65

B. Are you:

Male Female

C. Please state your current occupation/status

.....

JURY

SURVEY

**PLEASE STATE YOUR NAME
(IN BLOCK CAPITALS)**

.....

**(This information will be treated in strict confidence
and is for ease of processing only)**

Code No:

(Please leave blank)

JURY SURVEY

WRITTEN INSTRUCTIONS

Please read the following instructions carefully.

Once each task has been completed please do not refer back to it.
You may of course refer back to these instructions.

Please disregard any publicity you may have seen
regarding this case.

1. On the first page of this booklet you will find Task 1 which is a Trial Summary of the case against Mr D. Butler. Please read this Trial Summary carefully but do not take any notes, then move on to task 2. Please do not refer back.
2. Task 2 is a short Questionnaire. Please complete following the instructions provided.
3. Task 3 will be explained to you by the administrator of this study.
4. Task 4 is a Questionnaire. Please complete following the instructions provided.

Thank you for your co-operation and time taken to complete this project. If you have any questions you would like to ask please do so.

FEEDBACK WILL BE PROVIDED AT THE COMPLETION OF THE STUDY.

TRIAL SUMMARY **OF THE CASE AGAINST** **MR D. BUTLER**

The trial was informed that at 5.00pm on October 12th a local man, Mr Steve Olin, discovered Mrs Betty Butler's body on a graveled road near her home in Outer Southampton. Mrs Butler had been shot in the head twice with a .22 caliber gun. Although the first shot killed her, a second contact shot had been fired into Mrs Butler's temple. Missing was Mrs Butler's 700 pound diamond ring. Fingerprints of Mrs Butler and her husband Dennis Butler were found inside and outside the car. Also found on the trunk of the car were three unidentified fingerprints.

Mr Butler had provided an alibi for his movements between the times of 3.00pm and 4.15pm. The pathologist informed the court that the time of death was approximately 4.30 pm and confirmed that the deceased had died when the first shot had been fired.

Mr Butler explained to the police that he owned several guns that had been stolen from his home. In his insurance claim, Mr Butler stated that except for a Ruger .22 automatic six shot, all the weapons had been recovered. However, Frank Arnold, a former boyfriend of the Butler's daughter testified that when he had helped the Butlers move he had seen a Ruger .22 caliber weapon. Mr Butler consented to a police search of his home which turned up six guns but the murder weapon had not been found.

The prosecution suggested that the motive for the crime was monetary gain as, at the time of her death, Mrs Butler had insurance policies with proceeds totalling nearly 90,000 pounds and a pension plan valued at about 70,000 pounds. Dennis Butler was the beneficiary named on the plans.

VERDICT CHOICE

i. To what extent do you find the defendant guilty of the crime of which he is accused? Please give a percentage with 0% indicating 'not at all guilty' and 100% indicating 'definitely guilty'.

.....%
.....%

ii. To what extent do you agree with the statement: "I feel that I am unbiased and able to make an impartial decision."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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iii. How confident are you in the verdict you have chosen? Please give a percentage. With 0% indicating 'not at all confident' and 100% indicating 'very confident'.

.....%
.....%

iv. If you were a Juror in Crown against Butler and had to make a decision of whether Mr Butler was guilty or not guilty of the murder of Mrs Betty Butler, based solely on the facts you have received, what decision would you reach?

GUILTY NOT GUILTY

ATTITUDE SURVEY

Please answer the following questions to the best of your ability. When asked to state the extent to which you agree or disagree with a statement please put a tick in the box which best matches your opinion.

1. To your knowledge, how tall is the defendant? Please tick one box only.

5 ft	5 ft 11	5ft 2	Not Known	5ft 9	6 ft	5ft 5
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2. To your knowledge, which of the following hair types best matches that of the defendant? Please tick one box only.

Blond Mid-Length	Brown Long	Blond Short	Not Known	Blond Long	Brown Mid-Length	Brown Short
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3. How would you describe the defendant's personality? Please tick one box only.

Hostile	Violent	Dynamic	Not Known	Aggressive	Assertive	Forceful
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4. Which of the following characteristics best matches your recollection of the scene of the crime? Please tick one box only.

Tarmac Road	Field	Drive-way	Country Lane	Busy Road	Gravel Road	Dirt Track
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5. Please indicate the time at which you believe the crime took place. Please tick one box only.

3.30 pm	5.00 pm	4.00 pm	6.00 pm	4.30 pm	3.00 pm	5.30 pm
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6. What do you believe the motive for the crime to be? Please tick one box only.

Hatred of deceased	No motive	Monetary Gain	Not Known	Crime of Passion	Desperation	Sexual Attack
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7. To what extent do you agree with the statement: "Mrs Butler's body was found gagged."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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8. To what extent do you agree with the statement: "Mrs Butler had been shot."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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9. To what extent do you agree with the statement: "Mrs Butler's body was found tied."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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10. To what extent do you agree with the statement: "The defendant did not have a valid alibi."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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11. To what extent do you agree with the following statement regarding forensic evidence: "Hair strands were found at the crime scene."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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12. To what extent do you agree with the following statement regarding forensic evidence: "Blood stained clothes were found at the defendant's home and removed for forensic testing."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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13. To what extent do you agree with the following statement regarding forensic evidence: "Finger-prints were found at the crime scene."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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14. To what extent do you agree with the statement: "The murder weapon was found at the home of the defendant."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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15. To what extent do you agree with the statement: "There is a witness to the crime."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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16. To what extent do you agree with the statement: "The defendant can be aggressive at times."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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17. To what extent do you agree with the statement: "The motive for the crime was thought to be a crime of passion."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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18. Please indicate the type of crime committed. Please tick one box only.

Grevious Bodily Harm	Manslaughter	1st Degree Murder	Accidental Death	Not Known	Suicide	Actual Bodily Harm
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19. To what extent do you find the defendant guilty of the crime of which he is accused? Please give a percentage with 0% indicating 'not at all guilty' and 100% indicating 'definitely guilty'.

.....%
.....%
.....%
.....%
.....%

20. To what extent do you agree with the statement: "I feel that I am unbiased and able to make an impartial decision."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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21. How confident are you in the verdict you have chosen? Please give a percentage. With 0% indicating 'not at all confident' and 100% indicating 'very confident'.

.....%

22. If you were a Juror in Crown against Butler and had to make a decision of whether Mr Butler was guilty or not guilty of the murder of Mrs Betty Butler, based solely on the facts you have received, what decision would you reach?

GUILTY NOT GUILTY

23. To what extent do you agree with the statement: "I was very influenced by other group members."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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24. To what extent do you agree with the statement: "I think that my opinion was weakened by group discussion."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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25. To what extent do you agree with the statement: "Group discussion was valuable in that other people reminded me of facts relevant to the case."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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26. To what extent do you agree with the statement: "I found myself conforming to the majority opinion."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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27. To what extent do you agree with the statement: "I felt my opinion was strengthened by group discussion."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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28. To what extent do you agree with the statement: "I felt my opinion was that of the minority."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
---------------------------	-------------------	-------------------	----------------------------------	----------------------	----------------------	------------------------------

29. To what extent do you agree with the statement: "I do not think that a longer discussion time was necessary."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
---------------------------	-------------------	-------------------	----------------------------------	----------------------	----------------------	------------------------------

30. To what extent do you agree with the statement: "I believe my verdict choice has changed as a result of group discussion."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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31. To what extent do you agree with the statement: "I think the publicity was influential in my decision-making."

Very Strongly Agree	Strongly Agree	Agree Somewhat	Neither Agree nor Disagree	Disagree Somewhat	Strongly Disagree	Very Strongly Disagree
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Finally could you please answer the following questions regarding yourself. This information will be treated confidentially and is for statistical purposes only.

A. Please state which age range you are in.

18 - 35 36 - 50 51 - 65

B. Are you:

Male Female

C. Please state your current occupation/status

.....