

JURY DECISION MAKING: DISCUSS THE EFFECTIVENESS OF JURY DECISION MAKING

The processes by which a jury in a criminal trial decide whether a defendant is guilty or not guilty can be affected by many case factors. Many of which have been psychologically researched, and proven to have an effect on the verdict given. The main factors that may affect the verdict given by the jury are; exposure to pre-trial publicity about the case, the use of eyewitnesses and the characteristics of the defendant, including the defendant's race, attractiveness and accent. These case factors can sometimes, and sometimes not have an effect on the verdict given by jurors.

Pre-trial publicity can have a major effect on the decision made by jurors. This can happen before and also can carry on during the trial. Exposure to details portrayed in the media can lead the juror to form biased decisions based on biased or even incorrect media details or they can form their own personal opinions about the case and/or the defendant. An example of this is the trial of footballer Lee Bowyer who was on trial for a racist attack. The media had a huge effect on this trial to the extent that it had to be dropped due to certain articles in newspapers which could have affected the jury's decision. The effect this has on juries has been researched by Fein et al (1997) they found that mock jurors were more likely to find a defendant guilty if they were exposed to newspaper cuttings, rather than if they were not exposed. The effect of the media cannot be escaped because it is everywhere you go, and so therefore jurors will inevitably make up their own personal opinions of the defendant and possibly their previous convictions. There is also a connection with race and the media, as Fein et al found out, only 45% said guilty when exposed to cuttings that mentioned race, compared to 80% when race was not mentioned.

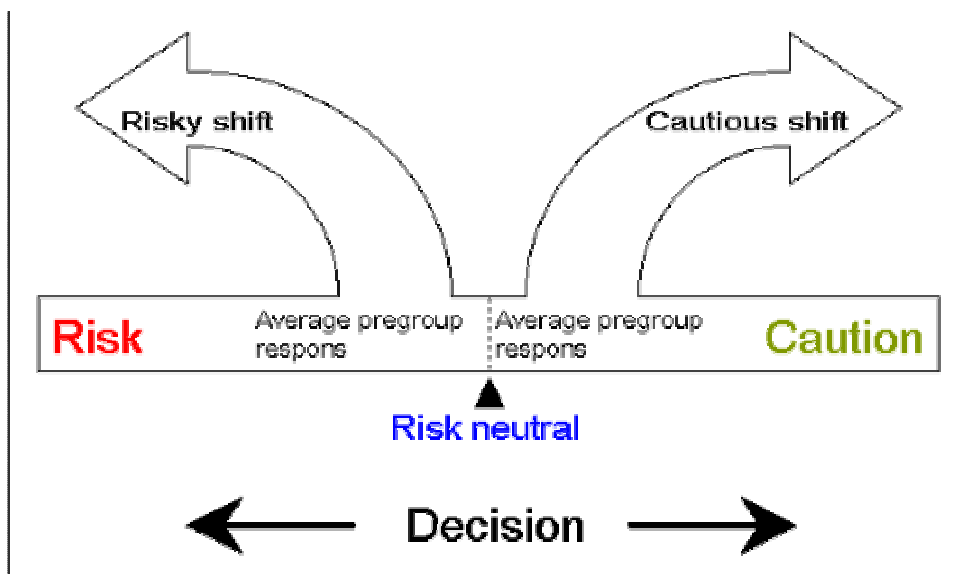
Characteristics of the defendant can also be said to affect the verdict given. These would include, race, attractiveness and accents. There has been some research into the effect of race on decisions including the Fein et al (1997) and the OJ Simpson experiment done by Pfeifer and Ogloff (1991) both had the same results. Another study by Stewart (1980) found that white American university students were more likely to say that a black man was guilty of committing a crime than a white man even though the crimes were the same, leading us to believe that black defendants would receive harsher sentencing. On the other hand attractiveness is said to have an effect on sentencing, for example Harrower (1998) said that more attractive defendants were more likely to be given lenient sentencing, however if they used their attractiveness in their crime then this would not have an effect. This could be because we often base our decisions on stereotypes (Dane & Wrightsman 1982) such as criminals are more likely to be unattractive, thus explaining why more attractive people get lenient sentencing. Accents are said to have an effect, for example (Mahoney & Dixon, 1997) found that having a 'brummie' accent was seen as having low status and therefore were more likely to be found guilty out of many accents. Black people with a 'brummie' accent were the most likely to be found guilty out of everyone, regardless of other case factors.

Another additional case factor is the use of eyewitness testimony. Research in this field has been dominated by Loftus. Her 1974 study into jury decision making using eyewitnesses the results were as follows:

summary			
one	two	three	
No eye witness	Evidence from eyewitness, but not challenged	Eyewitness evidence, but had poor eyesight	
18%	72%	68%	% of jurors that found defendant guilty

The validity of this experiment can be questioned along with almost every other study involving jury decision making, because practically all use mock setups. The consequences of this are that demand characteristics could affect results. Also the aim of the experiment may also be figured out contributing to this factor. There is also added pressure for the eyewitness evidence to be accepted rather than rejected as the above shows, which all can lead to us questioning the reliability of these studies, and consequently the effectiveness of eyewitness testimony. Also mock jurors know that their decisions will not have any real life consequences.

A final factor affecting the jury's verdict is the actual process of deliberation. There are various factors that can affect the way in which juries as a group make decisions. In the process a fore person is elected, this is normally a white middle class male who tends to dominate the group. There therefore are pressures to conform to the foreperson and the rest of the group is only one person is in disagreement (Asch, 1956). However many of the jurors tend to have already made up their mind during the trial, and the deliberation process does not really have an effect on the final outcome of the final verdict. However there can be group polarisation, or risky shift: Apparently, groups make more extreme decisions than individuals. They express either very risky or extremely risk-averse behaviour. This phenomenon is called *group polarisation*. The group polarisation effect is illustrated in the following figure.



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When the pre-group attitude of the individuals that are to form a group inclines toward risk-seeking, the post-group reaction will express more extreme risk-seeking as a consequence of the *risky shift*. On the other hand, when the group members' pre-group attitude reflects risk-aversion, the post-group reaction will be extremely risk-aversive due to the *cautious shift*

Here are the are the explanations for this phenomenon;

Persuasive arguments

- People tend to make more extreme after hearing views similar to their own
- Direction of polarisation related to the number of persuasive arguments \ Risky shift when risky extreme had most of arguments and visa versa.

Diffusion of responsibility

- The feeling of individual members of group cannot be held
- No individual members can be held responsible for a group decision \ More likely to take an extreme decision

Social Comparison

- People compare their views with the ideas of people they respect who have more extreme views - Check on how others feel
- In order to be liked, many people take a position to someone else but a little more extreme

Furthermore groupthink can also affect the process of deliberation; this is when it becomes hard for the group to make rational decisions.

Symptoms of groupthink include:

- *Overestimation of the group*, including an illusion of invulnerability as well as a firm belief in the inherent morality of the group.
- *Narrow mindedness*, which manifests itself in collective rationalisations and stereotypes of out-groups.
- *Pressures toward uniformity*. This finds expression in self-censorship, an illusion of unanimity, and direct pressure on dissenters.

The effects of these factors may be insidious in that group members are not aware of its operation.

In conclusion there are many case factors that affect the way a jury comes out with a final verdict, some points such as pre trial media coverage and race seem to dominate the effectiveness of jury decision making, however almost all of it is backed up by studies that are not ecologically valid and so the true effect of these factors cannot be backed up 100%. There are many flaws in jury decision making which has today lead to it being used less and less worldwide.