Psychology and Law

I. How are jurors influenced by witnesses, the defendant, and the judge?
   A. How are jurors influenced by eyewitness testimony?
      1. How persuasive is eyewitness testimony?
      2. Can jurors tell if an eyewitness is being accurate?
      3. Are eyewitness identifications usually accurate?
      4. How can errors from eyewitnesses testimony be reduced?
   B. How do characteristics of the defendant affect jurors?
   C. To what extent does the judge influence jurors?

II. How do jurors' own characteristics influence their judgments?
   A. What juror characteristics are likely to affect their judgments?
   B. What is the effect of having "death qualified" juries?

III. How do group processes influence jury decision-making?
   A. Who usually persuades whom in jury deliberations?
   B. What factors can increase the chances that people holding the minority viewpoint will influence those in the majority?
   C. How does group polarization influence jury decision-making?

I. How are jurors influenced by witnesses, the defendant, and the judge?
   A. How are jurors influenced by eyewitness testimony?
      1. How persuasive is eyewitness testimony?
         a. Jurors find eyewitness testimony extremely persuasive
            (1) Loftus (1974, 1979) gives students hypothetical robbery-murder case
               (a) Gp I: circumstantial evidence, no eyewitness --> 18% vote to convict
               (b) Gp II: same circumstantial evidence, one eyewitness --> 72% vote to convict
            b. Eyewitnesses are believed even if their testimony is flawed
               (1) Gp III: same circumstantial evidence, discredited eyewitness --> 68% vote to convict
      2. Can jurors tell if an eyewitness is being accurate?
         a. Jurors can't tell when eyewitnesses are accurate
            (1) Wells, Lindsay, & Ferguson (1979)
               (a) ask eyewitnesses: pick thief from 6 photos
               (b) other subjects, like jurors, watch eyewitnesses
i) being questioned about what they saw

ii) picking the photo

(c) Results:

i) Jurors believed accurate eyewitnesses 80% of time

ii) Jurors believed inaccurate eyewitnesses 80% of time

(2) Why can't jurors tell if eyewitnesses are accurate?

(a) Jurors use wrong cues to assess eyewitness accuracy

i) assume recall of trivial details predicts accuracy

a) actually predicts inaccuracy (because if paying attention to trivial details witness less likely to notice important details)

ii) jurors believe witnesses who are confident

a) but confidence is largely determined by personality (not by accuracy)

3. Are eyewitness identifications usually accurate?

a. research repeatedly finds LOW accuracy


(1) 141 students witness

(2) 60% chose innocent person


(1) 7500 wrongful convictions every year,

(2) 4500 (60%) of these due to mistaken eyewitness ID

d. sources of eyewitness error:

(1) perception and memory may be influenced by expectations

(2) errors when

(a) suggestive questions provide information that is
"inserted" into memories

(b) Loftus, Miller, & Burns (1978)

i) some participants saw stop sign but were asked in questioning about "the yield sign"
   a) later, majority of them incorrectly "remembered" seeing yield sign

ii) other participants saw yield sign but were asked in questioning about "the stop sign"
   a) later, majority of them incorrectly "remembered" seeing yield sign

(c) preschool-age children are especially likely to be influenced by suggestive questions
   i) Ceci & Bruck (1993): kids "remember" event they were asked about repeatedly (even though event never really happened to them)

4. How can errors from eyewitnesses testimony be reduced?
   a. Train police interviewers to question properly
      (1) to ask unstructured questions at beginning
      (2) to ask questions that are not suggestive
   b. take steps to minimize false lineup identifications
      (1) asking witnesses to answer yes/no for each person
      (2) acknowledge that offender may not be in the lineup
   c. educate jurors about eyewitness testimony

B. How do characteristics of the defendant affect jurors and judges?

1. Physical attractiveness
   a. bias to perceive more attractive people as innocent; unattractive people as guilty
      (1) e.g. Efran (1974): influence on jurors
         (a) attractive person less often judged guilty
         (b) if guilty, unattractive seen as more dangerous
      (2) Downs & Lyons (1991): influence on judges
(a) judges set higher bail and gave harsher sentences to less attractive defendants

2. similarity to jurors
   a. for simulated juries, conviction less likely if similar in
      (1) race
      (2) religion
      (3) language
      (4) attitudes (e.g., liberal / conservative)
      (5) gender (in cases of sexual assault)

C. How does the judge influence jurors?
   1. Judge's attitude in case can influence jurors
      a. e.g. nods and frowns
      b. tone of instructions
   2. judge's instructions to disregard testimony after it is heard are typically not effective
      a. jurors can't erase it from their minds
   3. judge's instructions are often poorly understood
      a. e.g., different standards of proof
         (1) "preponderance of evidence"
         (2) "beyond a reasonable doubt"
      b. e.g., Elwork, Sales, & Alfini (1982)
         (1) viewers could correctly answer only 15% of questions about judges' instructions

II. How do jurors' characteristics influence their judgments?
   A. What juror characteristics are likely to affect their judgments?
      1. Demographics and attitudes of jurors
         a. Demographics: characteristics of human populations, such as race, sex, income, education, religion
         b. Attitudes relevant to case:
(1) e.g., attitude toward domestic violence
(2) e.g., attitudes toward drug use
c. used by lawyers to pick juries favorable to particular verdict
d. Kressel & Kressel (2002): cases where jury consultants succeed in picking biased jury are "few and far between"
e. Juror characteristics matter when evidence ambiguous

B. What is the effect of having a "death qualified" jury?

1. death qualified jury: composed entirely of people who say they are willing to give death penalty in some cases
   a. only such people are allowed to serve as jurors in cases where death sentence is possible

2. Problem is, they're also more likely to be favorable to the prosecution
   a. e.g., more likely to believe prosecution witnesses
   b. and therefore, more likely to convict

   (1) Ellsworth (1985)
   (a) "death-qualified" and excluded jurors watch 2.5 hour video of murder trial
   (b) Results:
      i) 78% of death-qualified jurors say "guilty"
      ii) 53% of excluded jurors say guilty

III. How do group processes influence jury decision-making?

A. Who usually persuades whom in jury deliberations?

1. typically, unanimous verdict is required
   a. when case first goes to jury, complete agreement in only 34% of cases

2. In 90% of cases, juries eventually reach unanimous verdict that was favored by majority at start of deliberations
   a. so usually, majority influences the minority to go along

B. When can people holding the minority viewpoint influence those in the majority? ("minority influence")
1. In 5% of cases, hung jury (minority resists influence), and in another 5% of cases minority convinces majority

2. increased chance of minority influence when minority is
   a. self-confident
   b. unwavering (consistent and persistent over time)
   c. able to get defections from majority

C. How does group polarization influence jury decision-making?

1. group polarization in juries: initial leaning of jury is made more extreme by discussion
   a. Bray & Noble (1978): effect of deliberation on sentence length
      (1) juries with majority of high authoritarian jurors
         (a) before deliberation: sentence preferences average 56 yrs
         (b) after deliberation: 68 yrs
      (2) juries with low authoritarian jurors
         (a) before deliberation: sentence preferences average 38 yrs
         (b) after deliberation: 29 yrs
      (3) thus initially harsh juries got more harsh, initially lenient juries got more lenient