PRETRIAL PUBLICITY AND ITS EFFECTS ON JUROR DECISION MAKING

Aspects of PTP that Influence Its Impact of Jury Decision Making

- Timing of PTP Relative To Trial
- Amount of PTP
- Lack of Opportunities Before Trial to Rebut PTP Information

THE LEGAL ISSUES

- Courts Have The Difficult Duty Of Protecting:

  - Federal Rules of Civil Procedure (FRCP) Rule 21 (a):

THE LEGAL ISSUES

  - The Court examines the atmosphere of the trial and the voir dire transcripts as well as other “indicia of impartiality” to determine whether a defendant received a fair trial.
  - Courts also consider __________________ about their ability to disregard prejudicial PTP.
  - Courts also often believe that __________________ about a defendant and base their verdicts solely on the evidence presented at trial.

THE LEGAL ISSUES
Cognitive Psychology suggests that it is difficult if not impossible to disregard PTP information when making verdict decisions.

When making social judgments we

Our prejudgments guide

- **Predecisional Distortion Theory** (Carlson and Russo, 2001):

- **Primacy Effects** (Schum, 1993): ________________ biases the interpretation given to later information.

- **Story Model** (Pennington & Hastie, 1986, 1988):

- **The American Bar Association (2000)** identified 6 types of information that should not be disseminated to the press:

  1. ________________________________________________________________
  2. ________________________________________________________________
  3. ________________________________________________________________
  4. ________________________________________________________________
  5. ________________________________________________________________
  6. ________________________________________________________________
PTP RESEARCH: ASSESSING THE IMPACT OF PTP

● **Field Method**

  – Surveys to examine the effects of PTP on prejudgments of “real-life” cases.

  – Participants are asked questions about

    1. ____________________________________________________________

    2. ____________________________________________________________

    3. ____________________________________________________________

    4. ____________________________________________________________

● **Strengths:**

● **Limitations**

PTP RESEARCH
Experimental Research

● **Strengths**

● **Limitations**
Effect of PTP on Juror Decision Making

- Mock jurors exposed to negative PTP about the defendant are more likely to

- Social scientists do not have an adequate understanding of

- Courts are unable to make

How Does PTP Impart Its Biasing Effect on Jurors?

- Impression Formation

- By influencing jurors’ memory for the trial
  - Source monitoring errors

  - Misinformation Effect: Reverse Suggestibility Paradigm

Group Decision Making

- Oft-stated Benefits of Group Decision Making:

- Research has shown that:
  - Collaboration ______________________________ held by a majority of group members.

  - Groups are sometimes ______________________________ than are individuals or nominal groups
THE EFFECTS OF COLLABORATION AND PTP ON JUROR MEMORY AND DECISION MAKING

How Does PTP Impart Its Biasing Effects?
Memory or Impression Formation?

Participants

- 317 college students
- 96 males and 221 females
- 56% White, 22% African American, 14% Hispanic, and 8% Asian

Method

- 2 x 2 between subjects hierarchical design.
  - Pretrial publicity (exposed vs. nonexposed)
  - Collaboration (collaborative vs. nominal)
  - 15 groups per condition (4-6 jurors per group).

Stimuli

- **Trial**: New Jersey v. Bias (1992)
  - Videotape that was edited to 30 minutes in length
- **Pretrial Publicity (PTP)**:
  - Modified from actual PTP from the NJ v. Bias trial
- **Unrelated Crime Stories**:
  - Similar in composition to the PTP
  - Woman accused of embezzling child support funds.

Measures

- **Verdicts**: not guilty, hung, guilty
- **Guilt Ratings**:
  - Scalar combining verdicts and confidence scores
  - -7 = “not guilty” verdict with complete confidence
  - +7 = “guilty” verdict with complete confidence
Measures (cont.)

- **Credibility scale** (Ruva & Bryant, 2004)

- **Source Memory Test (48 items)**
  - Types of items: trial, PTP, unrelated crime stories, and new.
  - Possible Responses: trial, crime story, both, and new.
  - Confidence ratings:
    - 1 indicating not at all confident
    - 7 indicating extremely/completely confident

**Three-Phase Experiment: Procedure for Phases 1 & 2**

**Procedure Phase 3**

**Results for Guilt Measures**

- Regardless of time of test, jurors exposed to PTP were more likely to:

- On post-deliberation and post-SM measures of guilt, collaborative jurors were more likely to:
Results for Guilt Measures (cont.)

- Significant interactive effects of PTP and collaboration on post-deliberation and post-SM verdicts and guilt ratings.
  - Collaboration only had a significant effect on guilt measures for jurors in the
    \[ F(s) (1, 56) = 9.46 \text{ and } 8.23, MSE = 1.99 \text{ and } 1.75, ps < .01. \]
  - Nonexposed jurors who deliberated were:

Critical Source Memory Errors, Misattributing PTP Items
to Trial or Both (Corrected Scores)

- Exposed jurors made significantly more SM errors than nonexposed jurors, \( F(1, 313) = 177.22, MSE = .02, p < .01. \)

- Exposed jurors were more confident in these inaccurate SM judgments than nonexposed, \( F(1, 313) = 35.77, MSE = 1.45, p < .01. \)

- No significant main or interactive effects of collaboration.

Source Memory Judgments, Correctly Attributing Trial Items
to the Trial (Corrected Scores)

- Significant Effect of PTP Exposure, \( F(1, 313) = 122, MSE = 0.02, p < .01. \)

- Nonexposed jurors were more confident in these judgments than exposed, \( F(1, 313) = 11.81, MSE = 0.57 p < .01. \)
**Source Memory Judgments, Correctly Attributing Trial Items to the Trial (Corrected Scores)**

- PTP and collaboration had a significant interactive effect on accurate trial judgments, $F(1, 313) = 5.60, MSE = 0.02, p < .02.$

- Exposed jurors who correctly identified more of the trial items as coming from the trial, $F(1, 313) = 8.36, MSE = .02, p < .01.$

**Credibility Ratings of the Defendant**

- **Significant Effect of PTP Exposure**, $F(1, 56) = 14.23, MSE = 169.60, $p < .01.$

  - Highest possible score for the credibility rating was **68**.

- No significant main or interactive effects of collaboration.

**How Does PTP Impart Its Biasing Effect on Jurors?**

- Source Memory Errors
- Defendant’s Credibility

- The effects of PTP on pre- and post-deliberations guilt ratings were mediated by ____________________________, Sobel test $zs = 2.99$ and 2.32, respectively, $ps < .05$ (1982).

- The effects of PTP on pre- and post-deliberations guilt ratings were mediated by ____________________________, Sobel test $zs = 4.43$ and 4.48, respectively, $ps < .01$ (1982).
Take Home Message

- Negative PTP about a defendant can have an extremely biasing effect on both juror and jury decision making.

- Even if jurors are instructed not to use information contained in the pretrial publicity to make decisions about guilt, they may be unable to do so because of source memory errors or negative impressions they have formed about the defendant.

- If jurors are mistakenly using information provided in pretrial publicity to make verdict decisions, then the defendant cannot receive a fair trial.