

Forensic Psychology: Chapter 7

Juries

Jury Selection

Juries act: Provincial and territorial legislation that outlines the eligibility criteria for jury service and how prospective jurors must be selected.

Jury summons: A court order that states a time and place to go for jury duty.

Representativeness: Refers to a jury composition that represents the community where the crime occurred. In some cases the crown or defence may challenge the composition of the jury if they feel it is not truly representative of the community.

Impartiality: The juror must be impartial in regards to three central issues.

- 1) Juror must set aside any pre-existing biases and judge the case based only on admissible evidence.
- 2) To be impartial also means to ignore any information that is not part of the admissible evidence.
- 3) The juror must have no connection to the defendant so that the juror does not view the evidence subjectively.

Threats to impartiality: Pre-trial publicity, whether positive or negative influenced the verdict, perception of defendant and attorneys. Any pre-trial publicity whether positive or negative can influence jurors decision making skills.

Jury Functions:

- 1) To use the wisdom of 12 to reach a verdict
- 2) To act as the Conscience of the Community.
- 3) Protect against out of date laws
- 4) Increase knowledge about the justice system.

Jury Nullifications

Cases in which the jury will ignore a specific law and the evidence, and render a verdict based on some other criteria. This is known as jury nullification. Jury nullification can occur if the jury feels the law may be unfair given the circumstance or if the punishment accompanying the a conviction is too harsh. Jury nullification typically occurs when the case involves a controversial issue such as abortion or euthanasia. Overall jury nullification may influence jury decision making producing both socially favourable (Sympathy) and socially unfavourable(Prejudicial) Verdicts. “Even tho you believe the offender is guilty you can render a non guilty verdict because you believe there are other factors. “

How we Study Jurors and Jury Behaviour : 4 Methodologies

1) Post Trial Interviews

In Canada Jurors are not allowed to discuss what happened among their deliberation. Breaking this confidentiality is a violation of section 649 of the criminal code. The use of post trial interviews is at large in the united states. The main strength of Post trial interviews is high external Validity, results come from using real cases and the actual jurors who deliberate as opposed to mock trials. This methodology carries 2 weaknesses. A) Jurors account of deliberation may not be reliable. B) A cause and effect relationship cannot be established with this methodology. At best researchers can talk about variables that occur together.

2) Archives

Records of trials, such as transcripts and police interviews of witnesses can be reviewed to uncover relationships among variables. The strength of this methodology is similar to that of post trial interviews in that external validity is high. A similar weakness is the inability to establish a cause-effect relationship. Furthermore the researcher is unaware of how the information was collected and the reliability of the information.

3) Simulation

Researchers simulate a trial or aspects of it by using a written, audio, or video format. Participants are presented with the trial information and the researcher can vary and manipulate this trial information. One of the major strengths of this methodology is its high internal validity. Researchers can reveal cause and effect relationships because they systematically manipulate the independent variable. Limitations are that cases are

not real therefore there are no consequences for verdicts or decisions. Also jury pools are typically not representative of the population because it is mostly university students.

4) Field Studies

This methodology involves using actual jurors while they are serving on jury duty, cooperating from the courts and jurors is required. Instances where the judge allows certain types of research in trials. Strength of field studies is high external validity. There are a number limitations including receiving permission from the judge to conduct such research.

Can we Predict Verdicts?

A Substantial amount of research has been conducted to determine whether verdicts can be predicted based on a six variables.

1) **Demographic variables:** Variables such as race, gender, socioeconomic status. Overall only a small inconsistent relation exists between juror demographics and jury verdict.

2) **Personality traits:** Two types of personality traits have been commonly measured in connection to jurors; authoritarianism and dogmatism. Authoritarian tend to have conservative political views, and are rigid thinkers they are more likely to be pro prosecution. Individuals high in dogmatism to be pro defence

3) **Attitudes:** Overall attitudes that are case specific seem to have more predictive power over verdict than more general attitudes do. Ex: A males perspective on a date rape case vs a females perspective on a date rape case.

4) **Defendant Characteristics:** There is a small relationship between the attractiveness of the defendant and jury verdict. More attractive individuals received more lenient sentencing.

5) **Victim Characteristics:** Characteristics of a victim are of particular relevance in cases of sexual assault in which a guilty verdict may hinge on the testimony of the alleged victim.

6) Expert testimony

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