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The influence of pretrial exposure to community outrage and victim hardship on guilt judgments

David Zimmerman\textsuperscript{a}, Dario Rodriguez\textsuperscript{b}, Amanda Bergold\textsuperscript{c} and Steven Penrod\textsuperscript{c}

\textsuperscript{a}Department of Psychology, Missouri State University, Springfield, MO, USA; \textsuperscript{b}Department of Psychology, University of Dayton, Dayton, OH, USA; \textsuperscript{c}Department of Psychology, John Jay College of Criminal Justice and the CUNY Graduate Center, New York, NY, USA

\textbf{ABSTRACT}
Although the courts have explicitly expressed concerns about the effects of public sentiment on juries in highly publicized cases, no research has isolated the degree to which jurors’ exposure to community outrage and/or prospective social interactions in the community independently influence judgments of guilt. In the current research, jury eligible undergraduates were randomly assigned to conditions in a 2 (negative defendant facts pretrial publicity (PTP): present vs. absent) \times 2 (community outrage PTP: present vs. absent) \times 2 (anticipated social interaction: present vs. absent) between subjects factorial design. In an online session, participants read articles containing PTP (or not), and two days later they arrived at the lab to serve as mock jurors in a murder case – before the trial they were instructed (or not) that they would interact with people from the community in which the case was taking place. Neither PTP containing extra-evidentiary facts about the defendant nor prospective interaction with the community had main or interactive effects on guilt measures; however, mock jurors rated the defendant as more likely to be guilty when they read information about community outrage and hardships on victims. These findings suggest future avenues of PTP research focusing on community outrage and victim impacts.

Television, radio, newspaper, and internet journalism outlets often report on sensational or high profile criminal investigations and prosecutions. For example, both CNN and Fox News covered jury selection for the recent criminal case against Dzhokhar Tsarnaev (the defendant convicted for the Boston Marathon bombing), and much of the information in these reports summarized uniform public sentiment condemning the defendant (Anonymous, 2015; O’Neill, 2015). Although the publication of such content is protected by the First Amendment to the United States Constitution, the circulation of this information prior to a trial (i.e. \textit{pretrial publicity}: PTP) represents a possible threat to defendants’ Sixth Amendment right to trial by an impartial jury (Greene & Wade, 1988; Irvin v. Dowd, 1961). Specifically, courts are often concerned that exposure to prejudicial PTP might bias jurors against a defendant prior to the onset of trial proceedings, resulting in a conviction-prone jury. These concerns have only grown, as reported incidents of prejudicial
PTP have increased in recent decades. For example, whereas Minnow and Cate (2001) estimated 3100 claims of jury impartiality due to negative PTP in the 1980s, Daftary-Kapur, Dumas, and Penrod (2010) found evidence of over 7000 such claims between 1998 and 2008 (a figure that they reason likely underestimates the true prevalence of these claims). The influence of PTP on juror decision-making is an empirical issue, one that social scientists have investigated for many years. However, there is a disconnect between this research (which largely focuses on the effects of case facts contained in PTP) and courts’ commonly stated reasons for concern regarding PTP, namely the influence of public sentiment on juror verdicts. The present study was designed to address this shortcoming and examine the extent to which these two types of information (i.e. factual vs. public sentiment) might bias juror verdicts.

**The courts’ view of PTP**

Since the early 1960s, the courts have addressed the possibility that PTP can be a threat to the Sixth Amendment right to an impartial jury. In *Irvin v. Dowd* (1961) the Supreme Court established that a sufficiently ‘huge wave of public passion’ could override the previously unchallenged assumption that jurors’ assertions of impartiality are reliable (p. 728). In the *Irvin* decision, much attention was given to the inflammatory content of newspaper, radio, and television reports, and emphasis was placed on feelings aroused by such publicity. Additionally, Justice Frankfurter (concurring) acknowledged that news accounts exerted ‘pressures upon potential jurors before trial and even during the course of trial …’ (p. 730). The mention of such pressures stemming from jurors’ perceptions of public sentiment suggests that the court saw the potential for social conformity to play a role in heavily publicized cases – in addition to the circulation of specific facts pertaining to the defendant’s guilt.

In 1966 the *Sheppard v. Maxwell* decision addressed the effects of PTP, extending the discussion to publicity and coverage occurring during trial. In overturning the defendant’s (Maxwell) conviction, the *Sheppard* Court cited external pressures on jurors in the form of pretrial letters and phone calls, not to mention constant media exposure during the trial. Along with concerns of factual and emotional prejudice resulting from negative PTP about the defendant, *Sheppard v. Maxwell* highlighted concerns that jurors might succumb to the pressure of satisfying an outraged public. In more recent cases, the Court expressed a continued concern with individuals’ knowledge and perceptions of facts surrounding the case (especially pertaining to the defendant), but the Court also consistently betrayed a concern with collective sentiment that might influence jurors (*Mu’Min v. Virginia*, 1991; *Patton v. Yount*, 1984; *Skilling v. United States*, 2010). While specific facts and inflammatory opinions are part and parcel to this collective outrage, it remains the ‘wave of public passion’ that pushes a trial judge to presume prejudice among potential jurors (*Irvin v. Dowd*, 1961; *Patton v. Yount*, 1984). In such instances, specific knowledge about a case or defendant may not be the only factor prejudicing potential jurors, as they are likely to feel pressure from the community itself to provide a conviction. Because jurors inevitably return to their communities, the mere knowledge of overwhelming prejudice could motivate jurors to find a defendant guilty.
Empirical evidence of PTP effects on judgments of guilt

A great deal of empirical evidence has accumulated to support the existence of PTP effects on jurors’ perceptions of guilt and ultimate verdict decisions in criminal cases. Early experimental studies focused on the biasing effects of a number of incriminating ‘facts’ or pieces of evidence in PTP, including confession evidence, connection of the defendant to a weapon from the crime scene, prior criminal record, and defendant characteristics. For example, DeLuca (1979) presented different crime stories to participants in which the suspect had a prior arrest record, had confessed, or had failed a lie detector test – as compared to a story containing none of these elements, all factors made participants more likely to perceive the suspect as guilty (especially in combination). In another study, negative-character information about the defendant and inadmissible statements by neighbors pertaining to the defendant (among other factors) increased participants’ perceptions of the defendant’s guilt (Otto, Penrod, & Dexter, 1994). Others have focused on the effects of factual information in PTP (previous convictions, incriminating evidence at a residence) vs. ‘emotional’ content implicating a defendant in an unrelated hit-and-run – both types increased guilt-proneness among jurors, even after deliberation (Kramer, Kerr, & Carroll, 1990). Numerous other studies and meta-analytic research support the general assertion that prejudicial PTP increases mock jurors’ tendencies to judge the defendant guilty, and biasing effects grow stronger with increasing amounts of negative information in the PTP (Hvistendahl, 1979; Steblay, Besirevic, Fulero, & Jimenez-Lorente, 1999; Sue, Smith, & Gilbert, 1974).

Along with case specific information, some research has demonstrated an effect of general PTP – that is, PTP regarding issues relevant to a certain kind of case, but not related to the specific case of interest. Kovera (2002) found that exposure to pro-prosecution or pro-defense stories about rape differentially affected the use and interpretation of evidence in a specific rape case. Other researchers have also focused on rape cases (Mullin, Imrich, & Linz, 1996; Woody & Viney, 2007), demonstrating differential effects of general rape stories on men and women. Such studies suggest that information gleaned from news about past cases can affect judgments regarding future unrelated cases.

Research has also investigated variables that might moderate the influence of PTP on juror decisions (Butler, 2007; Kovera, 2002; Steblay et al., 1999). For example, Kovera (2002) found attitudes to moderate the effects of PTP on guilt ratings, whereby rape attitudes influenced the degree to which PTP was effective in shifting guilt ratings. Kramer et al. (1990) demonstrated that both factual and emotional PTP were associated with more guilty verdicts, but manipulating the amount of time between PTP exposure and the trial (cf. a continuance, a remedy often relied upon to ameliorate PTP effects, see Daftary-Kapur et al., 2010) was only effective in reducing the effects of factual PTP. Most notably, however, Steblay et al.’s (1999) meta-analysis of 44 PTP studies revealed several moderating variables: biasing PTP effects were stronger when studies used community members (vs. students), actual PTP (vs. artificial), and when guilt judgments were made a week (vs. shorter intervals) after exposure – all suggesting that increased realism makes PTP effects stronger (supporting the external validity of laboratory PTP research) and that typical legal remedies (e.g. continuances) may not be effective.
Underlying mechanisms of PTP effects

Researchers examining the mechanisms underlying PTP effects have mainly focused on cognitive explanations. For example, Hope, Memon, and McGeorge (2004) found evidence that PTP operates via predecisional distortion, a process in which people interpret new information to be consistent with an established opinion (Carlson & Russo, 2001). In a criminal trial, jurors may interpret evidence presented in court to be consistent with the negative (and often inadmissible) PTP to which they were previously exposed. Kovera (2002) found that general PTP affected standards of guilt and evidence importance, but cognitive accessibility of crime-relevant attitudes did not mediate this relationship. Kovera (2002) concluded that both deliberative and automatic processes caused the observed effects of PTP. Ruva and McEvoy (2008) examined the effects of PTP on source memory errors, finding that jurors attributed PTP information as having been presented during trial. In this study jurors were also more likely to find in favor of the side to which the PTP leaned – either pro-prosecution or pro-defense. Another line of research has shown that critical source memory errors mediate the relationship between PTP and guilt ratings (Ruva & Guenther, 2015; Ruva, McEvoy, & Bryant, 2007).

Community sentiment

It is clear that the factual content and amount of PTP can affect jurors’ decisions. However, the courts’ primary concern regarding PTP has been that community sentiment communicated via such media might pressure jurors to render a specific verdict (Sheppard v. Maxwell, 1966), as jurors ultimately face the specter of returning to a community whose reaction toward them may be deeply negative if they return a verdict that conflicts with the majority sentiment (see also Vidmar, 2002, for a discussion of ‘conformity prejudice’). Unfortunately, virtually no research has focused specifically on norms or social pressure as an explanation for PTP effects, and there is little understanding of the degree to which perceptions of community outrage might independently influence verdicts. A large body of basic social psychological research, however, suggests these effects are plausible. Specifically, social identity theory offers a framework for conceptualizing and testing the influence of community pressure on juror verdicts via PTP.

Group memberships are an important source of self-esteem, and a wealth of research has shown that rejection from an important social group is a primary source of negative affect, particularly anxiety and depression (Baumeister & Leary, 1995; Tajfel & Turner, 1979). For example, Barden, Garber, Leiman, Ford, and Masters (1985) found that exclusion from social groups causes anxiety that was relieved only upon a subsequent experience of social inclusion. Similarly, Mathes, Adams, and Davies (1985) found that social exclusion immediately precipitated feelings of anxiety. Much correlational research shows that depression and anxiety are significantly and negatively correlated with social acceptance (Tambor & Leary, 1993). Additionally, MacDonald and Leary (2005) synthesized empirical evidence suggesting that social rejection and physical pain may be experienced by the same mediated physiological systems, resulting in rejection being experienced as physical pain. Recently, researchers have focused on not only the effects of actual rejection, but anticipated rejection. These studies indicate that those who believe they will experience social rejection present a wide range of emotional and behavioral consequences,
including increased aggressive behavior (Twenge, Baumeister, Tice, & Stucke, 2001), decreased prosocial behavior (Twenge, Baumeister, DeWall, Ciarocco, & Bartels, 2007), increased self-defeating behaviors (e.g. procrastination, risk-taking: Twenge, Catanese, & Baumeister, 2002), increased lethargy (Twenge, Catanese, & Baumeister, 2003), decreased self-regulation (Baumeister, DeWall, Ciarocco, & Twenge, 2005), and decreased intelligent thought (e.g. reduced IQ scores: Baumeister, Twenge, & Nuss, 2002). Given the benefits of social identification (e.g. self-esteem: Tajfel & Turner, 1979) and the costs of actual and anticipated social rejection, it is no surprise that people are highly motivated to maintain social connections and abide by group norms (Therborn, 2002).

These social psychological phenomena directly apply to the current question regarding the relationship among biased PTP, conformity prejudice, and juror decision-making. Venirepersons are selected as jurors to serve as representatives of the community in which a trial takes place (Robinson, 1950). The social context likely makes their social identity as a member of the given community salient. As such, their behaviors in this context will likely be guided by the norms that govern community behavior (Hornsey, 2008). To the extent that they believe PTP is a cue to the prevailing opinion in the community, jurors may feel pressured to return a verdict that is consistent with the directional bias of PTP (Vidmar, 2002). Specifically, jurors may feel that their standing in the community may be compromised (i.e. a threat of social exclusion) if they return an unfavorable verdict.

In one relevant study, Hazelwood and Brigham (1998) examined the effect of anonymity on decision-making. Student participants were led to believe that they would make decisions about a disciplinary action against another student, after which they would either be (1) anonymous and unaccountable for their decisions or (2) possibly questioned in the future by the Office of Student Affairs. Students presented with strong evidence were more likely to render guilty verdicts and give harsher penalties when they were anonymous vs. non-anonymous, suggesting that knowledge of future encounters was a factor in their decisions. While this experiment did not test PTP effects in a criminal trial setting, it clearly demonstrated that potential future interactions (a critical factor articulated by the Sheppard Court) can influence judgments of culpability and punishment.

The present research

In the present research, we sought to parse out the effects of perceived community outrage and negative facts about the defendant on judgments in a criminal case by orthogonally manipulating factual PTP and community outrage PTP. We manipulated the presence of community outrage in PTP by highlighting the community’s anger and outrage toward the defendant resulting from the impacts of the crime on the victim’s family. We included victim impact evidence in this manipulation to provide a plausible rationale for the community’s outrage toward the defendant, as we reasoned that public outrage most often pertains (at least in part) to the horrific impacts of crimes on victims – also, court decisions have continually and explicitly mentioned publicity pairing outrage and victim impacts in their concerns regarding PTP (Irvin v. Dowd, 1961; Skilling v. U.S., 2010). Importantly, this community outrage manipulation included no information regarding the defendant. No researchers to our knowledge have examined the effects of pretrial exposure to community outrage or victim impact information on
jurors without also co-varying factual information pertaining to the defendant, making any main or interactive effects with this variable a novel contribution to the literature.

Mock jurors read articles wherein the presence or absence of factual and outrage PTP were factorially combined. Two days later participants arrived at the lab and were told that they were participating in a jury study modeled after a real case from a nearby town. Half of the participants were told that after they rendered their verdict decisions, they would be asked to discuss their opinions of the case and their verdict decisions with a group of people from the community in which the original case took place. We designed this manipulation to directly test the Court’s concerns regarding the potentially biasing influence of ‘conformity prejudice’ on verdicts (e.g. Sheppard v. Maxwell, 1966).

**Hypotheses**

**Hypothesis 1**
Previous research shows that negative facts about defendants increase jurors’ conviction rates (Steblay et al., 1999). Some of these investigations have embedded outrage information within their factual PTP operationalizations and produced similar verdict patterns (Kramer et al., 1990). Although the confounding of factual and outrage PTP in these studies prevents strong inferences regarding which type of PTP was driving the effects, it seems plausible that outrage might similarly increase jurors’ conviction rates independently of biasing facts. We therefore predicted main effects of factual and outrage PTP on participants’ conviction rates and continuous guilt judgments. Specifically, we expected mock jurors exposed to either negative facts about the defendant or community outrage to convict at higher rates than those not exposed to such information, and we expected the highest conviction rates in the facts + outrage condition.

**Hypothesis 2**
Social rejection is a major source of negative affect. To avoid social rejection, people tend to abide by group norms. In the present study, because those who expected to discuss the case with members of the community were likely to be more motivated to avoid behaving in ways that would lead to social rejection than those who did not expect to participate in a discussion, we predicted they would be more influenced by knowledge of community outrage – outrage which could be directed toward participants if they did not vote to convict. Therefore, we expected an interaction between community outrage PTP and anticipated social interaction on verdicts and likelihood of guilt ratings, such that the effect of community outrage PTP on guilty verdicts and likelihood of guilt ratings would be higher when participants anticipated interacting with community members subsequent to making guilt judgments.

**Method**

**Participants and design**
Participants were 330 jury eligible undergraduates at a tri-state area university randomly assigned to conditions in a 2 (negative defendant facts PTP: present vs. absent) × 2 (community outrage PTP: present vs. absent) × 2 (anticipated social interaction: present vs.
absent) between subjects factorial design. Fifty-one participants failed to properly read and/or comprehend the PTP articles sent two days prior to the in-person session, and 44 participants failed to correctly identify which anticipated social interaction condition they were assigned – 8 participants failed both criteria – resulting in a final sample size of 243. These manipulation checks are described below (see Table 1 for exclusions by condition). Participants had a mean age of 20 years old (SD = 4), were 68% female, 16% Caucasian, 22% African-American, 11% Asian, 44% Hispanic, and 8% ‘Other’. They participated in exchange for partial course credit.

**Materials**

**PTP materials**

All participants read four articles in an online session two days prior to arriving at the lab. In the negative defendant facts condition (facts), participants read that police discovered a murder weapon in the defendant’s home that was inadmissible, that neighbors feared the defendant, and that the defendant was an ex-convict. In the community outrage condition (outrage), participants read that the community was outraged at the defendant, citing hardships faced by the victim’s family. All PTP conditions contained basic information about the crime, including some information that was also presented at trial (e.g. eyewitness accounts). In conditions in which participants received neither form of PTP, they instead read articles pertaining to the environment and global warming. To determine whether participants actually read the articles, we included a comprehension questionnaire immediately following the four articles to confirm the delivery of the manipulation. We decided a priori to remove participants from the dataset who answered three (50%) or more of the six items incorrectly.1 We included the PTP conditions in the Appendix, and the full materials including the neutral articles are available on the Open Science Framework (https://osf.io/krdpu/).

**Anticipated social interaction**

Participants in the anticipated social interaction conditions were told that the trial video they were about to view was based on an actual case that was currently going on in a nearby community (The Hudson Valley), and the experimenters were simultaneously conducting a parallel study among these community members. These participants were informed that after they had viewed the video and rendered verdicts, they would discuss their verdict decisions and opinions of the case with a few representatives from

| Table 1. Number of participants per cell passing/failing anticipated interaction manipulation check and/or failing to properly attend to PTP information in session 1. |
|---------------------------------|-----------------|----------------|
| Anticipated interaction | PTP condition | Count (excluded) |
| No | No PTP | 30 (9) |
| No | Facts | 32 (3) |
| No | Outrage | 36 (8) |
| No | Facts + outrage | 27 (4) |
| Yes | No PTP | 32 (23) |
| Yes | Facts | 28 (17) |
| Yes | Outrage | 29 (14) |
| Yes | Facts + outrage | 29 (8) |
that community. Participants not receiving this instruction were simply informed that the trial was based on a real case currently being tried. After completing all dependent measures, participants responded to a manipulation check to determine whether they accurately recalled this instruction; specifically, the item requested a yes/no response to the question, ‘Were you told by one of the researchers that you would imminently interact with community members from the town in which the actual murder trial took place?’

**Trial video**
The trial video was based on the capital case State of Louisiana vs. Ryan Matthews (1999), and it was filmed using actors from the New York metropolitan area. In the case the defendant Samuel Thomas is accused of first degree murder during the execution of an attempted robbery. The trial was 37 minutes long and included all essential components of a criminal trial, including opening statements, direct and cross examinations, closing arguments, and judge’s instructions on the law. After several rounds of piloting, the final version included two prosecution witnesses (the arresting office and eyewitness), and the defense called no witnesses. The defense claimed the eyewitness was mistaken and that the identification procedure the police used (a show-up) was suggestive. The judge gave standard reasonable doubt instructions based on those of New York State. The trial yielded a 42% conviction rate ($N = 19$) absent PTP or social interaction manipulations.

**Dependent measures questionnaire**
Participants completed a brief questionnaire after viewing the videotaped trial. They made a dichotomous verdict decision (guilty or not guilty) and rated confidence in their verdicts using a 100-point scale, with zero indicating ‘not at all confident’ and 100 indicating ‘completely confident’. Additionally, participants rated the defendant’s likelihood of guilt on a 100-point scale, with zero indicating ‘zero likelihood’ and 100 indicating ‘definite likelihood’.

**Procedure**
Participants signed up online for a two-part study entitled, ‘Perceptions and Decision Making: What do you think?’ The alleged purpose of the research was to study people’s opinions and interpretations of events, and we concealed the true purpose of the study prior to the in-person session because the average media consumer likely does not anticipate serving as a juror in cases about which they read. Participants received a link containing informed consent, articles in one of four PTP conditions, and the article comprehension questionnaire. Two days after the online session, participants arrived at the lab and learned they would act as mock jurors in a simulated trial. An experimenter told them they would watch a trial video and should not discuss the case with each other or take notes. Additionally, the experimenter instructed participants that they might have read articles about the case, but, like actual jurors, they should not let this outside information influence their interpretations of the evidence or their final verdict decisions. Finally, prior to viewing the video, the experimenter delivered the anticipated social interaction manipulation – the experimenter was always blind to participants’ PTP condition to prevent experimenter
expectancy effects. After viewing the video and completing the dependent measures questionnaire, participants were fully debriefed, thanked, and dismissed.

Results

We conducted a logistic regression to examine the main and interactive effects of negative defendant facts PTP, community outrage PTP, and anticipated social interaction on verdicts. No main effects or interactions reached significance (ps > .105); the only effect approaching significance was that of community outrage PTP, \( p = .105, \Phi = .14, 95\% \text{ CI } [.02, .26] \) (see Table 2 for full descriptives). These results were inconsistent with our hypotheses.

Analyses of dichotomous outcomes are generally less powerful than analyses of continuous outcomes. Therefore, we also tested the effects of negative defendant facts PTP, community outrage PTP, and anticipated social interaction on the more sensitive ‘likelihood of guilt’ measure, which strongly correlated with verdicts, \( r = .76, p < .001, 95\% \text{ CI } [.70, .81] \). A 2 (negative defendant facts PTP: present vs. absent) × 2 (community outrage PTP: present vs. absent) × 2 (anticipated social interaction: present vs. absent) between subjects factorial analysis of variance revealed a significant main of community outrage PTP on ‘likelihood of guilt’ ratings, \( F(1, 235) = 5.72, p = .018, d = .31, 95\% \text{ CI } [.27, .35] \). Jurors exposed to community outrage PTP (\( M = 63, \ SD = 28 \)) produced significantly higher ‘likelihood of guilt’ ratings than those not exposed to community outrage PTP (\( M = 53, \ SD = 32 \)). No other main effects or interactions approached statistical significance (ps > .16). These results were not consistent with the hypothesized interaction between community outrage PTP and anticipated social interaction (H2), nor were they consistent with the H1 prediction that exposure to negative facts would affect jurors’ perceptions of guilt. However, the results did suggest that exposure to information about community outrage would increase jurors’ perceptions that the defendant was guilty (H1) (see Table 2).

Discussion

We designed the present study to examine the discrete effects on juror decision-making of negative facts about the defendant and community outrage in PTP, focusing on anticipated social consequences as a key moderator of community outrage effects. We

<table>
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<tr>
<th>Conformity pressure</th>
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<td></td>
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<td>Outrage</td>
<td>No outage</td>
<td>Outrage</td>
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<tr>
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<td>n = 32</td>
<td>n = 27</td>
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<td>Likelihood of guilt</td>
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<td>65.0 (23.9)</td>
<td>58.8 (33.6)</td>
<td>61.1 (32.0)</td>
</tr>
<tr>
<td>Conviction rates (%)</td>
<td>40</td>
<td>56</td>
<td>47</td>
<td>52</td>
</tr>
<tr>
<td>Anticipated social interaction</td>
<td>n = 32</td>
<td>n = 29</td>
<td>n = 28</td>
<td>n = 29</td>
</tr>
<tr>
<td>Likelihood of guilt</td>
<td>50.2 (28.7)</td>
<td>59.3 (27.9)</td>
<td>47.5 (34.7)</td>
<td>63.4 (31.4)</td>
</tr>
<tr>
<td>Conviction rates (%)</td>
<td>38</td>
<td>52</td>
<td>43</td>
<td>62</td>
</tr>
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</table>

Notes: Numbers in parentheses represent standard deviations. Likelihood of guilt and verdict confidence ranged from 0 to 100.
manipulated whether negative facts and community outrage were present in the articles jurors read prior to arriving at the lab, and we also manipulated jurors’ expectations of interacting with members of the community in which the relevant crime took place. Although we expected both types of PTP to increase jurors’ tendencies to judge the defendant guilty, we anticipated jurors’ knowledge of community outrage to have a stronger influence when they expected to defend their verdict decisions to an outraged community; that is, we expected social pressure to independently shift jurors’ verdicts toward conviction, regardless of any specific knowledge they had about the defendant or the case. Our findings did not comport with our predictions, but the data nonetheless revealed useful information that adds to the existing literature on PTP effects in criminal cases. Below we review these findings and their implications.

**Community outrage and victim impact PTP**

When jurors read information highlighting public outrage due to the horrific consequences of the crime and impacts on the victim’s family, they rated the defendant as more likely to be guilty – this effect appears to have been solely a function of jurors’ exposure to reports of public outrage and/or the victim impact information, as we observed no interaction between community outrage information and negative facts about the defendant. This is an interesting effect given that PTP with negative facts about the defendant did not appear to affect guilt judgments. In other words, jurors’ knowledge of community outrage and victim impact information affected self-reported judgments of the defendant’s guilt, whereas jurors’ knowledge of inadmissible incriminating evidence, the defendant’s intimidation of neighbors, and prior criminal record did not affect guilt judgments in this particular scenario. We return to this issue below.

We must first acknowledge that our community outrage PTP manipulation confounded two types of information that could have influenced jurors’ perceptions of guilt: community outrage and the victim impact information that spurred the outrage. We included both types of information to ensure the manipulation was adequately strong, and to directly examine the Supreme Court’s concerns about PTP that pairs victim impact information and descriptions of community sentiment (Irvin v. Dowd, 1961; Skilling v. U.S., 2010). However, the confound makes it impossible to disentangle whether it was jurors’ exposure to the outrage, the victim information, or the combination of both that impacted perceptions of guilt. Nevertheless, we believe the effect we observed makes important contributions to the PTP literature, and elucidates additional questions for future research that have been overlooked so far.

The effect of our community outrage manipulation on guilt ratings is to date the clearest demonstration that information that is irrelevant to the defendant’s guilt can impact guilt judgments. Although other studies have certainly included such community outrage and victim impact information in their stimuli, their operationalizations have confounded this irrelevant information with relevant factual information (e.g. the defendant’s criminal activity), preventing inferences regarding which type of PTP was responsible for the observed effects (Kramer et al., 1990). Our operationalization confounded information regarding community outrage and victim impact, but effectively unconfounded this irrelevant information from factual information; the community outrage PTP only included information about the community’s outrage and the victim’s bereaved family – no
additional incriminating or negative-character information was included that might explain jurors’ shifts in guilt ratings. The observed main effect of outrage thus represents the biasing effects of irrelevant information on guilt judgments, a novel finding. Nonetheless, additional research is needed to tease apart the effects of community outrage and victim impact information on jurors’ decisions.

Why did our outrage manipulation affect guilt ratings? Although we predicted that perceived social consequences would underlie the influence of community outrage on guilt judgments, it appears unlikely that normative pressure from the community played a role (we discuss this issue more fully below). At the outset, we anticipated that our community outrage manipulation would interact with anticipated social interaction with the community, whereby exposure to community outrage PTP would yield a larger increase in convictions and guilt ratings when jurors anticipated interacting with members of that community subsequent to guilt judgments. In large part, we based this prediction on a vast literature demonstrating that people are highly motivated to abide by group norms due to the personal costs of actual and anticipated social rejection (Tajfel & Turner, 1979; Therborn, 2002; Twenge et al., 2007, 2003), as well as psycho-legal theory that proposed conformity pressure as a potential mechanism through which PTP influences juror decision-making (Vidmar, 2002). Because exposure to community outrage PTP failed to interact with our anticipated social interaction manipulation, it is unlikely that social identity processes or fear of rejection account for the amplified effects of community outrage PTP relative to negative defendant facts.

We must also consider the possibility that our jurors’ simple awareness of public outrage toward the defendant impacted their perceptions of his guilt – after all, our manipulation was unique with regard to its emphasis on public outrage and the community’s call for justice against the defendant. In hindsight, we recognize that the predicted interaction between community outrage and anticipated social interaction relied heavily on the concept of injunctive norms (Cialdini, 2001, 2007) – that is, we expected guilt judgments (verdicts in particular) to be harsher due to anxiety about community member’s disapproval of not guilty verdicts. However, the outrage PTP also communicated descriptive norms about how the community would behave as jurors, and such information can influence people when they are uncertain about the correct course of action in a situation (Cialdini, 2001). Piloting ensured that jurors in our trial would experience a certain degree of uncertainty about the defendant’s guilt, so it is possible that the community outrage shifted guilt ratings by suggesting the community must be outraged at the defendant for a good reason.

It is also possible that our community outrage manipulation elicited negative emotions that impacted judgments of the defendant more than negative facts about the defendant. The community outrage PTP included information about why the community was outraged, incorporating accounts of the victim’s deceased wife and crippled mother who was left to care for his bereaved children; similarly, Kramer et al.’s (1990) manipulation of emotional PTP also included sad accounts by the siblings and mother of a young hit-and-run victim, and their manipulation increased negative emotional arousal. Unfortunately, we cannot know for certain that our community outrage PTP elicited more negative emotions than the negative facts PTP because we did not measure emotional responses to our PTP articles. Furthermore, even if our community outrage manipulation did arouse negative emotions in our participants, there is some evidence to suggest that there is
no practical difference between the impacts of emotional and factual PTP (Wilson & Bornstein, 1998).

**Factual PTP**

We were somewhat puzzled that our negative defendant facts PTP did not affect verdicts or ‘likelihood of guilt’ ratings, as previous research convincingly demonstrates that facts about the defendant presented in PTP affect guilt judgments (Steblay et al., 1999). One aspect of our procedure may have muted the effects of negative defendant facts on our guilt measures while not affecting the magnitude of community outrage effects. Prior to viewing the videotaped trial, an experimenter instructed participants that they may have read articles about the case, but they should not allow any information they read to influence their interpretations of the evidence or their final verdict decisions – we modeled this instruction after typical judicial admonitions to disregard non-evidentiary information (Studebaker & Penrod, 1997). Although some research suggests that jurors are unable to suppress the effects of PTP and other inadmissible information when asked to do so (Kramer et al., 1990; Lieberman & Arndt, 2000; Steblay, Hosch, Culhane, & McWethy, 2006), researchers in another study focusing on rehabilitation (which requires a public agreement to disregard inadmissible evidence) demonstrated that jurors exposed to PTP shifted toward leniency with guilt judgments in the presence of a rehabilitation manipulation – jurors not exposed to PTP did not ‘correct’ toward leniency when rehabilitated (Crocker, 2010; Wegener & Petty, 1997). In our study, jurors exposed to explicitly negative facts about the defendant – vs. victim impact information and community outrage – may have more easily recognized the evidentiary relevance of that information and adjusted their guilt judgments toward leniency in response to the admonition to disregard PTP information.

A second possible explanation for the ineffectiveness of the negative defendant facts PTP is that the negative facts PTP blended in with other inculpating facts included in all of the PTP conditions – in other words, the negative defendant facts were harder to distinguish from information in the PTP that was also presented at trial regarding the identity of the defendant and the witness identification of the defendant. However, we find this only somewhat plausible, as significant portions of the articles covered the biasing information associated with the manipulation.

**Anticipated interaction with community members**

PTP including information about community outrage and anger due to the consequences of the crime did not have a larger effect on guilt judgments when jurors were told they would meet and defend their verdicts to individuals from the community in which the purported case was taking place. There were several aspects of our anticipated social interaction manipulation that might explain why we did not observe our hypothesized results.

First, our participants were unlikely to have any ties to the community (50 miles away) in which the fictional case was taking place, which may have undermined the potential for conformity pressure to impact guilt judgments. Although this aspect of the manipulation was necessary in order to make it plausible that our participants had never heard of this particular case, the remoteness of the ‘community’ our mock jurors were representing may
not have adequately established a sense of group membership – a vital factor in determining whether an individual will use group norms to determine their own behaviors (Rubin & Hewstone, 1998; Tajfel, 1978; Tajfel & Turner, 1979). Our manipulation may have been more effective if we had included more in-depth oral and/or written information about the community in which crime took place, highlighting the jurors’ roles as representatives of that community.

It is also plausible that our anticipated social interaction manipulation did not work because our participants did not remember or believe the instructions our experimenters gave them prior to viewing the trial. Although we were able to eliminate from analyses those who did not accurately report which instruction they received prior to the trial, the surprising number of people in the anticipated interaction condition who inaccurately reported that they had not been told this instruction (see Table 1) suggests that the instructions may not have stood out as particularly important, despite our efforts to carefully emphasize these oral instructions. Nevertheless, participants during debriefing routinely expressed that they believed the manipulation, although many conveyed genuine curiosity or interest instead of anxiety – which again suggests the lack of a threat of rejection that might have motivated shifts in guilt judgments (Barden et al., 1985; Mathes et al., 1985).

Finally, it is possible conformity pressure from the community is not a viable mechanism through which PTP affects guilt judgments (in which case we might infer that victim impact information is the driving force for the observed main effect of outrage on guilt judgments). Although the Supreme Court has certainly expressed concerns about pressure on jurors from the community to render a certain verdict (Irvin v. Dowd, 1961; Skilling v. United States, 2010), facts about the defendant (DeLuca, 1979; Hvistendahl, 1979; Otto et al., 1994; Steblay et al., 1999; Sue et al., 1974), emotional content (Kramer et al., 1990), and previous exposure to similar kinds of cases (Kovera, 2002; Mullin et al., 1996; Woody & Viney, 2007) may influence judgments of a defendant’s guilt through mediating processes such as source memory errors or predecisional distortion (Carlson & Russo, 2001; Ruva et al., 2007).

We must also acknowledge that, had we observed any effects of our anticipated interaction manipulation, their interpretability would have been somewhat limited. Although our predictions were based on a wealth of research regarding minimal groups and social rejection (Tajfel & Turner, 1979), it would have been difficult to infer whether anticipated interaction effects were due specifically to a fear of social rejection or to a general aversion to having to justify one’s beliefs. Future research might include a third anticipated interaction condition wherein participants expect to defend their verdict decisions to someone who is unaffiliated with the community to further examine these mechanisms.

Conclusions

In our study, mock jurors were more likely to think the defendant was guilty when they read information about community outrage and hardships on the victims, despite the fact that extra-evidentiary information pertaining to the defendant had little effect. These results add information to the overall body of literature on PTP effects, explicitly demonstrating that information about community outrage due to the horrific consequences of a crime is sufficient to impact post-trial perceptions of defendant guilt.
Further, our research demonstrates more clearly than previous examinations that information unrelated to the defendant can impact perceptions of guilt. Our approach and findings suggest new avenues in the PTP literature. For example, it appears that victim impact information might affect judgments of guilt when presented prior to trial, not just sentencing judgments in post-trial proceedings (Myers & Greene, 2004). In future experimental studies, researchers should attempt to disentangle the effects of victim impact information and community outrage on jurors’ guilt judgments; in these studies, researchers should also measure emotional responses to PTP as a potential mediating variable. Researchers should also use stronger manipulations, more realistic stimuli, and samples from communities in which actual trials are occurring to better test the independent impact of community outrage on jurors’ decisions in highly publicized cases. More broadly, our focus on conformity pressure and community outrage represents a fresh approach to the examination of PTP, and one that we believe better addresses the expressed concerns of the Supreme Court (Sheppard v. Maxwell, 1966; Skilling v. United States, 2010). We hope our research stimulates interest in a social influence perspective on PTP effects (Cialdini, 2001), as we believe this is an important mechanism that has remained relatively unexamined in PTP experiments.

Notes
1. These six items were multiple choice. For each PTP condition, there were three items assessing knowledge of key information in PTP (e.g. defendant being ex-con, outrage in community) – therefore, a score of 4 (67%) ensured that a participant at least retained a portion of the key manipulation(s). Of those who were included in analyses 72% scored 6/6, 21% score 5/6, and 7% scored 4/6. Comprehension scores did not differ significantly across PTP conditions.
2. A continuous measure combining verdict and verdict confidence yielded the same pattern (main effect of community outrage PTP); we dropped all subsequent analyses on verdict confidence, as this measure did not add any useful information.

Disclosure statement
No potential conflict of interest was reported by the authors.

References


Appendix

PTP (facts)

Channel 8’s 7 o’clock News
Tuesday, April 5th 2005

Breaking news: A convenience store owner is dead this evening after an attempted robbery on Mill City Avenue. Andrew Lawrence was shot dead in the back of his store this evening around 6:00 p.m. Witnesses claim an armed man ran out of the store firing shots and jumped into a getaway car. No arrests have been made yet. The suspect is described as a white male, between 20 and 30 years old, average height and build.

Channel 8’s 11 o’clock News
Thursday, August 20th 2009

Andrew Lawrence, owner of Gibson’s Grocery Store was killed earlier this evening in an attempted robbery. Tonight, police have arrested 26 year old Samuel Thomas of Mill City in connection with the crime. No other information has been provided by police as of yet regarding details of the arrest. No accomplices have yet been arrested.

Arrest in Convenience Store Murder
Thursday, April 7th 2005

Store clerk Andrew Lawrence was shot dead Tuesday evening during an attempted armed robbery of Gibson’s Grocery Store. An armed white male entered Gibson’s Grocery Store on Mill City Avenue around 6 p.m., approached Lawrence and demanded cash. Lawrence refused, at which point the assailant opened fire and killed Lawrence. A yet unidentified witness said that he saw the assailant run out of the store and fire shots toward pedestrians, entering a getaway vehicle and removing his mask. Based on the witness’s report and subsequent witness identification, local police arrested and charged Samuel Thomas age 26 of Mill City for the murder later Tuesday. Thomas was detained and arrested when an officer made a traffic stop based on prior descriptions of the getaway vehicle. Sources have revealed that Samuel Thomas was released from prison 3 months ago for aggravated assault and burglary. Thomas’s neighbors describe him as a ‘live wire’ and ‘capable of most anything,’ and one neighbor has even had bars installed on his windows as a result of a verbal dispute with Thomas. A possible murder weapon was discovered in Thomas’s home but prosecutors are now reporting that police did not have a proper warrant – this means a key piece of evidence in trial will likely be missing from the state’s case against Thomas.

Jury selection to start in Gibson’s Grocery Store Murder Case
Monday, July 11th 2005

The Mill City District Attorney’s office announced Tuesday that jury selection would begin next week for the trial of capital murder defendant, Samuel Thomas. Mr. Thomas, 26, is charged with first degree murder for the shooting death of Andrew Lawrence during an attempted robbery of Gibson’s Grocery. Mr Thomas, who has a prior criminal history including conviction for aggravated assault and burglary, has pled not guilty to the charges. On April 5th, 2005, Samuel Thomas allegedly entered Gibson’s Grocery and shot Andrew Lawrence dead, apparently because Lawrence refused to hand over the money he was keeping in the store. Mr. Thomas was positively identified by a witness who was driving in the area at the time of the shooting, and Thomas was apprehended later that day when police spotted a car that matched the description of the getaway vehicle. Further investigation by police revealed that Thomas had been harassing and intimidating his neighbors since returning from prison last January, and most were not surprised by his alleged actions on April 5th. One of the investigating officers remains on leave after failing to obtain an appropriate warrant before searching Mr. Thomas’s home. This ‘lapse’ in judgment has resulted in a key piece of evidence – the murder weapon – being inadmissible in the upcoming trial.

PTP (community outrage)
Breaking news: A convenience store owner is dead this evening after an attempted robbery on Mill City Avenue. Andrew Lawrence was shot dead in the back of his store this evening around 6:00 p.m. Witnesses claim an armed man ran out of the store firing shots and jumped into a getaway car. No arrests have been made yet. The suspect is described as a white male, between 20 and 30 years old, average height and build.

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PTP (facts + outrage)
Tuesday, April 5th 2005

Breaking news: A convenience store owner is dead this evening after an attempted robbery on Mill City Avenue. Andrew Lawrence was shot dead in the back of his store this evening around 6:00 p.m. Witnesses claim an armed man ran out of the store firing shots and jumped into a getaway car. No arrests have been made yet. The suspect is described as a white male, between 20 and 30 years old, average height and build.

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