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THE EFFECT OF A CRIME'S CONSEQUENCES ON VERDICT: TYPE II ERRORS AND INFORMATION DISTORTION

BRIAN JAY PERLMAN

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THE EFFECT OF A CRIME'S CONSEQUENCES ON VERDICT: TYPE II ERRORS AND INFORMATION DISTORTION

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THE EFFECT OF A CRIME'S CONSEQUENCES ON VERDICT: TYPE II
ERRORS AND INFORMATION DISTORTION

University of New Hampshire

Ph.D. 1979

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by

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THE EFFECT OF A CRIME'S CONSEQUENCES ON VERDICT: TYPE II ERRORS AND INFORMATION DISTORTION

BY

BRIAN JAY PERLMAN
B.A., SUNY at Stony Brook, 1974
M.A., University of New Hampshire, 1977

A DISSERTATION

Submitted to the University of New Hampshire in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy in Psychology

September, 1979
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ABSTRACT

THE EFFECT OF A CRIME'S CONSEQUENCES ON VERDICT:
TYPE II ERRORS AND INFORMATION DISTORTION

by

BRIAN JAY PERLMAN

University of New Hampshire, September, 1979

An understanding of our justice system can be enhanced through knowledge of how judges and jurors process courtroom information to arrive at their decisions. In the area of juror decision making, several psychological models have been suggested. Kaplan and Kemmerick (1975) and Ostrom, Werner and Saks (1978), for example, claim that verdicts can be predicted by combining the subjective weightings given to various pieces of trial information. Landy and Aronson (1969) posit that affect laden factors influence courtroom outcomes.

The present research attempts to extend the work of Vidmar (1972) and Kerr (1978) in utilizing a Type I-Type II error approach to juror decision making. A Type I error is defined here as convicting an innocent defendant while a Type II error is defined as acquitted a guilty one. Jurors concerned more with avoiding a Type I error are predicted to process information in a way favorable to the defendant and be more acquittal oriented, while those more concerned with
avoiding a Type II error are expected to process information in a way unfavorable to the defendant and be more conviction oriented. Various factors may affect a juror's Type I-Type II error orientation; the nature of the crime, characteristics of the defendant or characteristics of the victim.

This study attempted to vary jurors' Type II error orientation by manipulating the severity of crime consequences. One hundred and forty-four mock jurors were presented one of two versions of a simulated, written courtroom case. In one condition, transcripts described an auto theft (mild crime condition) while in the other they described an auto theft-hit and run case (severe crime condition). The auto theft-hit and run crime incorporated the auto theft crime. In the act of stealing the car, the perpetrator ran over a mother and her daughter, killing the mother and paralyzing the daughter from the waist down. All other details about the crime and all courtroom testimony were highly similar across conditions. Thus, while the auto theft-hit and run crime carried a harsher penalty, there was little objective reason to find the defendant guiltier in this condition. The crime severity factor was crossed with two evidence manipulations and with gender of juror (i.e., sex of subjects).

Two types of findings were reported; hypothesis testing and model testing results. The hypothesis of the experiment was that jurors in the severe crime condition would report the Type II error as having been higher, distort information in a way unfavorable to the defendant and be more guilt
oriented. (They rendered verdicts of greater guilt, found the defendant to be more guilty and to be more likely to have committed the crime.) Results were highly consistent with these predictions. Jurors' responses to "reactions to the crime" measures showed that jurors did react more negatively to the more severe crime, an indirect indication of a higher Type II error orientation. Information distortion in the predicted direction was indicated by jurors' assessments of their emotional reactions toward the defendant and somewhat by their self reported reasons for their verdict. Both were more unfavorable toward the defendant in the severe crime condition. Most importantly, jurors in the severe crime condition were clearly more guilt oriented on all three measures of verdict. In fact, crime severity had stronger effects than manipulations of actual evidence.

Model testing was attempted with examination of correlation matrices and regression path coefficients. There was tentative support for the predicted model. Emotional reactions toward the defendant seemed to mediate the relationship between Type II errors and verdict.

Results suggest that a Type I-Type II error model may provide a useful description of some important juror decision making processes. It appears likely that further research can build upon these findings.
I. INTRODUCTION

American legal principle requires that a verdict be based upon objective consideration of admissible evidence. However, juridic decision making is a human process full of subjectivity. The adversarial nature of the courtroom allows two sided interpretation of trial information and provides jurors freedom to weigh the importance of each piece of evidence. Because of the latitude afforded jurors, legal outcomes are not only affected by evidence but also by the way in which evidence is processed.

Psychological research has focused on the subjective nature of the juridic process by examining the effects of extralegal factors (any factor affecting verdict besides admissible evidence) on the evidence-verdict relationship (Gerbasi, Zuckerman and Reis, 1977). Studies have shown that mock jurors are influenced by such extralegal factors as the defendant's character (Landy and Aronson, 1969; Nemeth and Sosis, 1973; Sigall and Landy, 1972), attractiveness (Efran, 1974; Kalven and Zeisal, 1966; Sigall and Ostrove, 1975), social economic status and gender (Gleason and Harris, 1976), the source of the defendant's character description (Dowdle, Gillen and Miller, 1974), the sentence facing convicted defendants (Kaplan and Simon, 1972; Kerr, 1978; McComas and Noll, 1974; Vidmar, 1972) and pretrial publicity (Hoiberg and
Stires, 1973). Personal factors, such as jurors' level of authoritarianism (Berg and Vidmar, 1975; Boehm, 1968; Bray and Noble, 1978; Centers, Shomer and Rodrigues, 1970; Mitchell and Byrne, 1972), their attitudes towards the death sentence (Jurow, 1971) and the nature of jurors' internal-external locus of control (Phares and Wilson, 1972) have also been shown to influence legal outcomes.

While several social psychological theories have been tested in studies using mock juries, a strong theoretical understanding of the process by which individual jurors arrive at a verdict preference has not emerged (Davis, Bray and Holt, 1976). Many of the theoretical models in jury research are essentially social decision schemas for estimating the mathematical probability of a jury's post deliberation group outcome from individual jurors' initial choices (e.g., Davis, Bray and Holt, 1976; Gelfand and Solomon, 1974; Kalven and Zeisal, 1966). The success of these schemas accentuates the ecological importance of also understanding how individual jurors arrive at their preferences prior to deliberation.

Reinforcement theory (e.g., Byrne, 1971; Byrne and Clore, 1970; Landy and Aronson, 1969) offers one account of how extralegal elements of the trial can influence a jury's decision. Factors such as the defendant's character or attractiveness produce positive or negative affect in the juror. Through classical conditioning, this response becomes attached to the defendant and leads to a shift in the direction of the verdict.
Sigall and Ostrove (1975) have illustrated that while the reinforcement model accounts for some juridic processes, the relationship of affect to verdict can be a bit more complex. They discovered that physical attractiveness, a factor which normally induces positive affect, can actually be detrimental to a defendant accused of swindle. Attractiveness facilitates commission of this crime because victims are more likely to be swayed or charmed by an attractive swindler. An attractive defendant may be a more potentially successful swindler and jurors therefore find him more likely to have committed the crime. Thus while affect appears to have a biasing influence, factors which produce affect might also have some cognitive value when considered in relation to the crime and trial situation.

Some social psychological approaches focus on the role of information processing on decision making. Kaplan and Kemmerick (1974), for example, have claimed that pieces of evidential and nonevidential information of varying subjective value are combined additively (Fishbein, 1967) and the particular value of each piece of information is determined through some sort of attribution process (e.g., Jones and Davis, 1972; Kelley, 1973). However, the authors do not specify the process and focus more on how information is combined rather than on how it is weighted. They tested their model by manipulating positive, neutral or negative character information and high or low incriminating evidence in a factorial design. As predicted, more favorable character information and lower
incriminating evidence decreased assessments of guilt in an additive fashion. In the integrative approach of Ostrom, Werner and Saks (1978), verdicts are a weighted average (Anderson, 1967) of jurors' initial attitudes toward the defendant and subsequent trial material. The more negative the initial attitude toward the defendant and the stronger the evidence of guilt, the more likely jurors were to convict the defendant.

However, legal literature has suggested that there is a side to juridic decision making that is not based merely on consideration of evidence. Quinney (1970), for example, holds the Marxist view that the American system attempts to keep the ruling class in power. This approach to justice suggests a variety of ways in which a trial can be influenced by systematic bias in interpreting information. Perhaps a way to conceptualize this subjective side is to posit that verdicts are more than a function of several factors; they are also a function of the weights which jurors decide to assign factors. The weighting process is made complex by the fact that reactions to one piece of information may interact with interpretations of other pieces. For example, if personal information about the defendant comes out in testimony, this information may be combined with other units of evidence to arrive at a verdict. However, various evaluations of personal information may lead jurors to form different guilt assessments and subsequently may lead to quite different interpretations of evidence linking the defendant to the crime.
Cognitive consistency processes may be one key to understanding how these evaluations occur.

Efran (1974), for example, examined one instance in which jurors' evaluations of evidence were altered by extra-legal factors. Attractiveness of the defendant was varied along with trial information. While attractiveness did influence verdicts in some conditions, it failed to do so when evidence was strongly against the defendant. In this case, jurors reliably found him guilty irrespective of appearance. The interesting result was that jurors with the more incriminating evidence felt the defendant was less attractive. Efran proposed a cognitive dissonance explanation for the findings; incriminating evidence produced a tendency toward conviction and attractiveness toward acquittal. To reduce the discrepancy, jurors lowered their assessments of attractiveness. Vidmar (1972) also found that following a verdict, jurors' evaluations of evidence were congruent with the verdict rendered.

Juror decision making provides a context that has unique characteristics in comparison to other types of information processing. For example, in policy making situations, the outcome alternatives can often be modified before a final decision is made. In various types of elections, though a forced choice is required, this choice has a number of meanings; for example, both candidates are good but one is better, or both candidates are bad and one is the lesser of two evils. In the courtroom however, a guilty verdict implies that
information indicating innocence was wrong. A one sided choice must emerge after two sided presentation of evidence and therefore information can be subject to a variety of interpretations. Thus greater focus on the nature of subjective weighting processes may greatly enhance the theoretical perspective offered by information integration theorists.

A systematic model of courtroom decision making must provide a framework to explain the general nature of juror subjectivity. To account more fully for the human factor in the courtroom, psychologists must understand what leads jurors to weigh certain information heavily and reject other information. Affect certainly plays a role in the verdict, but when is affect important and how does it interact with the processing of evidence? Jurors may distort discrepant trial information to arrive at a consistent interpretation of this information, but what rule governs the means by which consistency is achieved and the subsequent effect of this outcome on verdict?

One concept holds promise for addressing these issues: the statistical notion of hypothesis testing (Feinberg, 1971). A variety of research has attempted to apply a Type I-Type II error schema to legal psychology. The Type I error has been previously defined as convicting an innocent defendant (e.g., Kerr, 1978). Reciprocally, a Type II error can be defined as acquitting a guilty one. As in the statistical model, the two tendencies oppose each other; the more jurors attempt
to avoid Type I errors, the more stringent they set their alpha level and the more likely they are to make Type II errors. In other words, as jurors attempt to lower the probability of sending innocent defendants to jail, they increase the probability of letting the guilty go free and vice versa.

Research has focused on the Type I error. The bulk of experimental work has centered on the judge's "charge to the jury" about the standard of proof in criminal cases (i.e., his/her verbal instructions that the defendant is innocent until proven guilty beyond a reasonable shadow of a doubt, Supreme Court Reporter, 1971). Because this naturally occurring courtroom event controls the definition of due process it is a clearcut manipulation of the alpha level and Type I error (Frank, 1973; Kerr, Atkin, Stasser, Meek, Holt and Davis, 1976; Owen, 1973; Sealy and Cornish, 1973). The jury is provided with a criterion to judge at what point there is enough evidence to convict.

Judicial instructions from several states provide a variety of definitions of reasonable doubt. These criteria can range from "you must be sure and certain on the evidence that the accused is guilty" to "you must feel satisfied that it is more likely than not that the accused is guilty" (Kerr et al., 1976). The more stringent the criterion the lower the conviction rate.

Despite the great variation in charges, experimental manipulations of these instructions has not produced strong effects. In Frank (1973) and Sealy and Cornish's (1973)
work, instructions produced no effects. Kerr et al. (1976) found that judges' instructions did have effects but only for extremely mixed evidence. Furthermore, stringent instructions resulted only in more hung juries, not in more acquittals.

Several possible reasons exist for the weakness of these manipulations. Kerr et al. (1976) suggest, perhaps "guilty beyond a reasonable doubt" is subject to a number of interpretations each evoking its own criterion. Perhaps as Frank (1973) suggests, the instructions are confusing to people. Furthermore, jurors familiar with the reasonable doubt concept may already have their own interpretation and choose to ignore the judge's viewpoint.

Recently, Kerr (1978) has suggested a broader operationalization of the Type I error. Rather than the criterion being set by the judge, in Kerr's work the possible consequences of the juror's decision became a determinant of his or her criterion.

Kerr's work stems from the Vidmar (1972) "Algiers Motel" experiment and several subsequent studies (Hester and Smith, 1973; Kaplan and Simon, 1972; McComas and Noll, 1974; Robertson, Rich and Ross, 1973). In the "Algiers Motel" study, the defendant was accused of robbing a motel office and killing the proprietor in the act. Pretest jurors rated the severity of the crime as somewhere between manslaughter and second degree murder. Jurors in different conditions read this crime and were required to find the defendant guilty or not guilty of various charges. When forced to
choose between guilty of first degree murder or not guilty, 46% of the jurors found the man guilty. When more reasonable or a greater number of alternatives were available subjects convicted the defendant more often. About 92% of the jurors convicted the man when four decision alternatives were available.

Kerr, using the same stimuli as Vidmar, examined the effects of charge seriousness and prescribed penalty. Overall, he found that when more serious penalties followed conviction or when less choice of penalty existed, jurors acquitted the defendant more often and required more evidence to convict. He posited that as penalty increases, the consequences of a Type I error become more serious. Consequently, as the criterion for conviction rises, the chance of a false positive decision (alpha) becomes lower and conviction becomes unlikely. Kerr drew upon Thomas and Hogue's (1976) model to explain the relationship between conviction and guilt with a hypothetical quantitative model. When the amount of convicting evidence is greater than the criterion for conviction, the conviction will result; when the amount of evidence is less, acquittal will result.

The present research attempts to extend the work of Kerr et al. (1976) and Kerr (1978) to devise a theoretical framework which will tie together various aspects of juridic decision making. Jurors' final verdicts may be strongly affected by the criterion of guilt (alpha level) they establish due to the consequences of each error. However,
decisions may also be a function of the pieces of information they decide to accept and the weight they give to each particular piece. Perhaps the consequences of the Type I and Type II error mediate these processes as well. The stronger the consequences of the Type I error relative to the Type II error, the more jurors become concerned with due process (Kaplan, 1975; Packer, 1968) and the more likely they are to interpret information in a manner favorable to the defendant. This concern with due process will be called a Type I error orientation. The stronger the consequences of the Type II error relative to the Type I error, the more concerned they become with crime control (Kaplan, 1975; Packer, 1968) and the more likely they are to interpret information in a way unfavorable to the defendant. This concern with crime control will be called a Type II error orientation. Thus, the strength of the Type I and Type II error is not only posited to influence alpha levels but also to provide jurors with an orientation toward processing trial information.

This Type I-Type II error orientation can serve as an organizing principle which incorporates findings from previous research. For example, the impact of affect laden extralegal factors such as physical attractiveness has been shown to sway jurors' decisions. However, how does this occur? A juror cannot in good conscience acknowledge physical attractiveness as a piece of evidence. More likely, affective factors change jurors' Type I-Type II error
orientation; it becomes a more serious error to wrongly convict an attractive defendant because of the positive feelings he/she evokes or because attractive people are perceived as "good" (Dion, Bersheid and Walster, 1972). Subsequently, the juror may weigh evidence more in the attractive suspect's favor and be more likely to acquit him/her. If on the other hand, the crime is one such as swindle where attractiveness facilitates success, then it becomes a more dangerous error to let a potentially more successful criminal free. Therefore, evidence is weighed more strongly against the defendant (as occurred in Sigall and Ostrove, 1975).

Similarly, when jurors process discrepant information, they may distort some of it in order to arrive at consistent conclusions. The hypothesis testing model provides a framework to account for how this may occur; various factors in the case such as crime severity and liking for the defendant produce Type I (due process) or Type II (crime control) orientations in the juror. When discrepant pieces of information must be considered, those consistent with the juror's Type I-Type II error orientation will be weighted heavily, while those that are inconsistent will be discounted (e.g., Kelley, 1972). Thus, when a crime is so severe that the potential Type II error is high, or when evidence is so strong that a Type I error is unlikely, the juror will probably ignore affectively positive extralegal factors such as the defendant's physical attractiveness (e.g., Efran, 1974).
This research tests a modified hypothesis testing model (Type I-Type II error orientation model) by manipulating the nature of the crime presented to mock jurors. In one condition, the perpetrator steals a car, while in the other condition he steals the car and runs over a mother and her daughter in the act, killing the mother and paralyzing the little girl. While the latter set of crimes deserves a harsher sentence, objectively the verdict should be unaffected by crime severity. Evidence linking the defendant to the acts in each condition is highly similar and unlike previous research, the characteristics of the man on trial are identical.

However, because the auto theft-hit and run crime has stronger negative consequences, jurors are expected to find the defendant guilty more often. The Type II error of letting a guilty defendant free is more serious because the perpetrator is a potentially more dangerous criminal and because he is more deserving of punishment in this condition. Thus, evidence is likely to be interpreted in a manner unfavorable to the defendant and reactions toward the defendant are likely to be more negative.

Results on dependent measures are expected to be consistent with this model. On the three measures of verdict (guilt or innocence, degree of guilt and likelihood of guilt) jurors are expected to be more guilt oriented in the severe crime condition. On the five items assessing emotional reactions toward the suspect, ratings should be more negative.
with the serious crime. Furthermore, the negative emotional reaction toward the suspect is predicted to be more highly correlated with guilt in this condition, indicating that those swayed toward guilt also form negative reactions towards the defendant consistent with their verdict. Two scales indirectly assess the strength of jurors' Type II error orientation. These dimensions are expected to be highly correlated with the reactions toward the suspect and with verdict.

Negative emotional reaction is expected to mediate the relationship between Type II error and verdict. That is, with the more serious crime the potential consequences of a Type II error are higher and subjects are likely to distort information in a way unfavorable to the defendant. One indicator of this process is the emotional reactions they form toward the defendant. Stronger guilt ratings may not be a direct outcome of the seriousness of the crime but rather a function of jurors' evaluations of the defendant irrationally altered by crime outcome. Thus crime severity, an extralegal factor in verdict formation, is expected to indirectly affect verdict.

A more direct measure of information distortion would be to actually assess how jurors process evidence. Evidence processing was operationalized by having jurors write one-half page open-ended reports about why they reached the verdicts they did. These reports should show that jurors facing a stronger Type II error will process information in a manner
more unfavorable to the defendant. In sum, guilt oriented ratings may be a function of stronger reactions against the defendant and more unfavorable evidence interpretation because of the stronger negative emotional reaction produced by the crime. Findings consistent with this analysis cannot definitively prove that the causal relationship between Type II errors, information processing and guilt exists. However, results can show the existence of a relationship between crime severity and verdict and, therefore, can demonstrate that the present model is a plausible account worthy of further investigation.

The expected results are opposite to the findings of previous research. Kerr (1978) claimed that more serious charges cause more serious consequences for Type I errors because the defendant faces a more severe penalty. The jurors should acquit the defendant more often. In the present research, the defendant also would face a more severe penalty if convicted of a more serious crime. However, the negative elements of the crime are expected to be more salient than the sentence facing the defendant because sentencing is never mentioned or dealt with as an issue. While some jurors may be swayed by the harsher sentence facing the defendant with the serious crime, more are expected to be swayed toward conviction by their reactions to the negative nature of the crime.
II. METHOD

Jurors

Seventy-two male and seventy-two female jurors participated in the experiment in partial fulfillment of a requirement for their introductory psychology course. Nine participants of each gender were assigned to every cell in the design.

Design

The study originally employed a 2x2x2x2 between-subjects design. The two levels of crime severity tested the hypothesis of the experiment. These were crossed with three other factors: an eyewitness testimony factor which manipulated whether or not the key eyewitness could pick the defendant out of a police lineup, a location factor which manipulated whether or not the defendant resided near the scene of the crime and a sex of subject factor.

Stimulus Material

Jurors received booklets containing all the trial information (see Appendix 1). Following a cover page which introduced the study, booklets began with a one-page description of the crime, including details about the location of the incident, the perpetrator's actions and the apprehension and booking of the suspect. The perpetrator, noticing keys
left in the ignition of a car, runs to the car, starts the engine and drives away. A couple of hours later, police apprehend a suspect four blocks from the location of the stolen vehicle.

The nature of the crime is manipulated on the first page. In half of the cases, the perpetrator while driving away in the stolen car, swerves towards and strikes a mother and her daughter. The mother is killed and the daughter paralyzed. Remaining jurors received a description of just the auto theft.

The next four pages of the booklet contained case transcripts edited for authenticity by a district court judge. In these transcripts, two witnesses gave testimony; a woman who saw the crime and gave a description of the perpetrator and the police officer who arrested the defendant based on the woman's description. Booklets explained that no other evidence was available.

Transcripts were constructed so that evidence did not link the suspect more closely to the crime in one case than the other. The policeman's testimony was identical across conditions. The eyewitness to the crime had to describe somewhat different events in each condition. However, the location of the crime, her location at the incident, the certainty of her testimony and the accuracy, length and detail

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1The author would like to thank Judge Constantino of the District Court of Clinton, Massachusetts for his time and effort in reviewing and editing experimental stimuli.
of her account were kept constant across conditions. In the more serious case, she described the defendant stealing the car, glancing at the victims, swerving toward them and striking them. In the less serious case she described the defendant stealing the car, glancing at a red light, swerving away from the curb and driving through the light.

In the transcripts, two sets of evidence were manipulated. The strength of the eyewitness' testimony was varied. For half of the cases, she was capable of identifying the defendant in a police lineup (incriminating evidence condition), while for the other half she picked the wrong man from the lineup (nonincriminating evidence condition). This factor was brought up during cross examination. The prosecuting attorney mentioned her success in identifying the defendant in the incriminating evidence condition, while the defense attorney noted her failure in the nonincriminating evidence condition. The length of this segment was equal across cells.

A second factor was the residence of the defendant. In one condition, the defendant resided near the scene of the crime, making him more likely to have committed the crime. In the other condition, he resided near where the police apprehended him, making him more likely to be a victim of mistaken identity.

These evidence factors may provide a validity check for the crime severity effect. While evidence is kept as constant as possible across crime severity conditions, slight differences are still possible due to the different nature
of each crime. However, if the crime severity effect is as strong or stronger than the eyewitness identification or location variables, then it would be unlikely for this effect to be an artifact of different evidence in each condition. Jurors should be less sensitive to subtle evidence effects across crime conditions than they are to a factor such as the key eyewitness' ability to identify the suspect in a police lineup.

**Dependent Measures**

Attached to the booklets were a set of seventeen dependent measures. All measures were eleven point scales with the exception of three forced choice items. Each of the eleven point scales were labelled at endpoints (see Appendix 2).

**Manipulation checks.** The auto theft-hit and run crime was posited to be more serious than the auto theft alone crime. To check this assumption, an updated modification of the Sellin-Wolfgang scale (Roth, 1978) was used. This scale ranged from 1 to approximately 110, 1 representing an extremely mild crime and 110 an extremely severe one. Next to various numbers were crime labels (e.g., "$1000 theft," "$10,000 armed robbery," "rape," etc.) which aided jurors in interpreting numerical values on the scale.

The eyewitness testimony factor varied whether or not the key eyewitness could select the defendant from a police lineup. The success of this manipulation was assessed through
the accuracy of jurors' recall as to whether or not her identification was correct. Jurors were also asked whether or not they believed her testimony and if her testimony had an effect on their verdict.

To check on the location factor, jurors were asked both where the crime was committed and where the defendant resided. Accuracy of recall was again assessed. Jurors were also asked to judge the effect which the crime's location had on their verdict.

**Verdict.** Verdict was assessed through a forced choice "innocent" or "guilty" item. Scales also assessed degree of guilt and likelihood of guilt. These two items were separated by eight scales so that jurors' responses on one dimension would be as distinct as possible from their responses on the other. The likelihood of guilt item asked "how likely do you think it was that the defendant committed the crime?" While verdict could be a function of more than one factor, this measure was of particular interest because it assessed jurors' judgments of a single dimension (i.e., whether or not the defendant was the perpetrator).

**Emotional reactions toward the defendant.** The jurors' emotional reactions toward the defendant were assessed with self ratings of anger, sympathy, threat, suspicion and dislike. These reactions were expected to be low in general but more negative in the severe crime condition. The defendant did not take the stand and almost no personal information of affective value existed. Thus, little reason existed to form an
impression of him. However, these measures could serve as assessors of one form of information distortion (i.e., how jurors changed evaluations of their emotional reactions toward the defendant).

Reactions to the crime. An indirect measure of the Type II error orientation can be obtained by assessing how negatively jurors reacted to the crime. This dimension was assessed with scales asking "how important is it for the perpetrator of this crime to be caught and prosecuted?" and "how angry does a crime of this nature make you?"

Jurors' self-report data. Upon completion of the scales, jurors were required to write a one-half page statement describing why they found the defendant innocent or guilty. No time limit was imposed for this task. These statements were expected to show a different pattern of results across crime severity conditions.

Procedure

Ten to twenty jurors were run at a time. Booklets were randomly distributed and as many cells as possible were represented in each session.

Upon entering the laboratory, jurors were handed an experimental booklet. They were instructed that the experiment involved role playing mock jurors and that they would be presented with an abbreviated version of a courtroom case. After reading the case contained in the booklet, they were instructed to fill out the attached scales as if they were
real jurors passing judgment. Jurors sat at least a seat apart from each other, but in case another's responses were visible, they were informed that each juror would be responding to a different case. Finally, they were instructed not to turn back to the case once they began filling out scales. This instruction was given so that manipulation checks requiring memory of material would be valid.
III. RESULTS

General Description

Dependent measures were analyzed in five distinct groupings: manipulation checks, verdict measures, emotional reactions toward the defendant measures, reactions to the crime (Type II error orientation) measures and juror self report measures. Because manipulation checks tested the validity of the crime severity, eyewitness testimony and location factors, they are reported first. Next, significant multivariate and univariate analyses of variance findings are reported separately for the verdict, reactions to the defendant and reactions to the crime variables. These analyses were carried out to assess how the various manipulations affected jurors' reactions to the trial.

Note that the suspicion dimension was initially conceptualized as a measure of emotional reaction. However, results indicated that it correlated equally with verdict and emotion measures. Therefore, this scale is incorporated in MANOVAS for both sets of variables. Also, only main effects are reported for all F tests. Interactive effects did not show multivariate significance and the number of second, third and fourth order univariate interactions significant at the .05 level was less than expected by chance. With nine variables on each of eleven interactive effects, ninety-nine significance tests were performed. Of these, five can be expected to be
significant by chance alone. However, only one interactive
effect was significant. This effect did not interact with
any of the main effects reported.

Finally chi square analyses of variance performed on
response frequency for juror self report data are reported.
Comparisons were made between the two crime severity condi­
tions to test if jurors were distorting trial information in
arriving at a verdict. Responses were also examined as descrip­
tive measures to explore the variation in information inter­
pretation especially between those jurors convicting the defen­
dant and those acquitting him.

In general, while analyses of variance showed a pattern
of differences across conditions they could not show how
measures of verdict, emotional reactions toward the defendant
and reactions to the crime (Type II error orientation) mea­
sures influenced each other. The hypothesis of the experiment
was that reactions to the crime would affect processing of
trial information and emotional reactions toward the defendant.
These "mediating variables" would then affect verdict. To
assess the relationships among variables, ancillary analyses
were performed.

First, three sets of correlations were examined; one
for all data and one for each of the two crime severity con­
ditions. Separate correlation patterns for each condition
were of particular interest because it was expected that emo­
tional reactions would have much higher relationships to ver­
dict with a severe crime than they would with a less severe
one. This would be one indication that emotional reactions were mediating the relationship between crime severity and verdict.

Next as an exploratory test of the present model, path analyses were performed on verdict, emotional reactions toward the defendant and reactions to the crime (Type II error orientation) dimensions. Scales were combined so that one score represented each dimension. Clustering was based on correlation matrices and a varimax rotated factor analysis performed on all measures except manipulation checks. Finally, regression paths were examined separately for jurors rendering innocent verdicts and those rendering guilty verdicts in the severe crime condition. Convicting jurors should be most influenced by these processes.

**Manipulation Checks**

As expected, the auto theft-hit and run crime was rated as significantly more severe (\( \bar{x} = 65.11 \) for the auto theft-hit and run case and \( \bar{x} = 17.32 \) for the auto theft alone condition, \( F(1/128) = 307.63, p < .01 \)). Every juror in the auto theft-hit and run condition reported the case as more severe than every juror in the auto theft alone condition. For the testimony effect, 134 out of 144 jurors knew whether or not the eyewitness could pick the defendant out of a police lineup. The remaining ten appeared to be distributed randomly throughout conditions and did not present a serious threat to validity. However, jurors on the whole did not report being more
influenced by the eyewitness' testimony or believing her more when she could identify the suspect. In general then, jurors were aware of this information but did not report being affected by it.

The location manipulation failed to function effectively. Of the 144 subjects only 49 could properly identify both where the car was stolen and where the defendant resided. Jurors did not report being influenced by the defendant's residence ($F < 1$) and analyses with this factor yielded no significant effects. In describing remaining tests, ratings are collapsed across the location factor.

**Verdict Measures**

Significant verdict main effects occurred on both the crime severity and eyewitness testimony factors. The primary prediction of the experiment was that jurors in the auto theft-hit and run condition would be more guilt oriented than those in the auto theft alone condition. Significant differences in the predicted direction occurred on all measures of verdict (see Table 1 for means and standard deviations). Since the innocent-guilty dimension was a dichotomous one, it was not analyzed in the MANOVA used for remaining verdict items. About 29% of the jurors receiving the more serious crime found the defendant guilty versus only 12.5% of those getting the less serious one ($x^2(1) = 5.1, p < .03$). A multivariate analysis of variance was performed on guilt measures. The multivariate $F$ was significant ($p < .02$) and univariate
<table>
<thead>
<tr>
<th>Crime Severity</th>
<th>Gender</th>
<th>Testimony</th>
<th>Degree of Guilt</th>
<th>Suspicion</th>
<th>Likelihood of Guilt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>SD</td>
<td>X</td>
</tr>
<tr>
<td>S</td>
<td>Male</td>
<td>Incriminating evidence</td>
<td>4.28</td>
<td>2.47</td>
<td>4.56</td>
</tr>
<tr>
<td>V</td>
<td>Male</td>
<td>Nonincriminating evidence</td>
<td>4.06</td>
<td>2.21</td>
<td>3.39</td>
</tr>
<tr>
<td>E</td>
<td>Female</td>
<td>Incriminating evidence</td>
<td>4.89</td>
<td>2.76</td>
<td>4.28</td>
</tr>
<tr>
<td>R</td>
<td>Female</td>
<td>Nonincriminating evidence</td>
<td>4.33</td>
<td>2.64</td>
<td>4.67</td>
</tr>
<tr>
<td>M</td>
<td>Male</td>
<td>Incriminating evidence</td>
<td>3.56</td>
<td>1.98</td>
<td>3.61</td>
</tr>
<tr>
<td>I</td>
<td>Male</td>
<td>Nonincriminating evidence</td>
<td>2.56</td>
<td>2.06</td>
<td>2.33</td>
</tr>
<tr>
<td>L</td>
<td>Female</td>
<td>Incriminating evidence</td>
<td>4.00</td>
<td>2.14</td>
<td>4.06</td>
</tr>
<tr>
<td>D</td>
<td>Female</td>
<td>Nonincriminating evidence</td>
<td>3.50</td>
<td>1.96</td>
<td>2.06</td>
</tr>
</tbody>
</table>

Note. The "degree of guilt" scale was originally a -5 to +5 scale. However every score was raised 5 points to make ratings range from 0 to 10. Thus "degree of guilt" and "suspicion" are 0 to 10 dimensions while "likelihood of guilt" ranges from 0 to 100.
main effects for degree of guilt ($p < .02$), suspicion ($p < .01$) and likelihood of guilt ($p < .03$) were significant (see Table 2).

The testimony factor manipulated the ability of the eyewitness to pick the defendant out of a police lineup. This should be an important piece of information because one would expect that her failure to identify the defendant leaves very little evidence against him. However, the overall effects of this variable on trial outcome were slightly weaker (as shown by the canonical $R$) than the effects of crime severity. Jurors receiving the more incriminating evidence did find the defendant more suspicious ($p < .02$) and more likely to have committed the crime ($p < .02$). The magnitude of these effects was about equal to the crime severity factor. However, unlike the crime severity factor, jurors did not reach a significantly greater number of guilty verdicts (25% found the defendant guilty in the incriminating evidence condition and 16.7% found him guilty in the nonincriminating evidence condition). They also failed to find the defendant more guilty ($p < .15$). Multivariate effects for the testimony factor were significant ($p < .05$). (See Tables 1 and 2 for these comparisons.)

**Emotional Reactions Toward the Defendant**

The crime severity factor was the only one producing significant effects on emotional reactions measures (see Table 3 for means and standard deviations). Jurors' reactions
**TABLE 2**

Multivariate and Univariate Tests for Significance for Crime Severity and Eyewitness Testimony Effects on Verdict Measures

**Crime Severity Main Effect**

<table>
<thead>
<tr>
<th>Multivariate Effect</th>
<th>Degrees of Freedom</th>
<th>F value</th>
<th>P value</th>
<th>Canonical R</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>3/134</td>
<td>.012</td>
<td>.28</td>
</tr>
</tbody>
</table>

**Univariate Effects**

<table>
<thead>
<tr>
<th>Measure</th>
<th>Mean Square</th>
<th>Degrees of Freedom</th>
<th>F value</th>
<th>P value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Degree of Guilt</td>
<td>35.01</td>
<td>1/136</td>
<td>6.65</td>
<td>.011</td>
</tr>
<tr>
<td>Suspicion</td>
<td>52.56</td>
<td>1/136</td>
<td>9.23</td>
<td>.003</td>
</tr>
<tr>
<td>Likelihood of Guilt</td>
<td>2256.25</td>
<td>1/136</td>
<td>5.18</td>
<td>.024</td>
</tr>
</tbody>
</table>

**Eyewitness Testimony Main Effect**

<table>
<thead>
<tr>
<th>Multivariate Effect</th>
<th>Degrees of Freedom</th>
<th>F value</th>
<th>P value</th>
<th>Canonical R</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>3/134</td>
<td>.042</td>
<td>.24</td>
</tr>
</tbody>
</table>

**Univariate Effects**

<table>
<thead>
<tr>
<th>Measure</th>
<th>Mean Square</th>
<th>Degrees of Freedom</th>
<th>F value</th>
<th>P value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Degree of Guilt</td>
<td>11.67</td>
<td>1/136</td>
<td>2.22</td>
<td>.140</td>
</tr>
<tr>
<td>Suspicion</td>
<td>37.01</td>
<td>1/136</td>
<td>6.50</td>
<td>.012</td>
</tr>
<tr>
<td>Likelihood of Guilt</td>
<td>2756.25</td>
<td>1/136</td>
<td>6.32</td>
<td>.013</td>
</tr>
</tbody>
</table>
TABLE 3
Cell Means and Standard Deviations for Emotional Reactions Toward the Defendant Measures as a Function of Crime Severity, Juror Gender and Nature of Testimony

<table>
<thead>
<tr>
<th>Crime Severity</th>
<th>Gender</th>
<th>Testimony</th>
<th>Anger</th>
<th>Sympathy</th>
<th>Threat</th>
<th>Suspicion</th>
<th>Dislike</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$\bar{X}$</td>
<td>SD</td>
<td>$\bar{X}$</td>
<td>SD</td>
<td>$\bar{X}$</td>
</tr>
<tr>
<td>S</td>
<td>Male</td>
<td>I</td>
<td>3.67</td>
<td>2.93</td>
<td>5.0</td>
<td>2.77</td>
<td>2.44</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N</td>
<td>2.44</td>
<td>2.57</td>
<td>5.72</td>
<td>2.59</td>
<td>1.78</td>
</tr>
<tr>
<td>E</td>
<td>Male</td>
<td>I</td>
<td>2.00</td>
<td>2.87</td>
<td>3.78</td>
<td>3.60</td>
<td>1.67</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N</td>
<td>3.44</td>
<td>3.22</td>
<td>4.61</td>
<td>3.09</td>
<td>2.33</td>
</tr>
<tr>
<td>E</td>
<td>Female</td>
<td>I</td>
<td>.83</td>
<td>1.58</td>
<td>4.61</td>
<td>2.64</td>
<td>.83</td>
</tr>
<tr>
<td>R</td>
<td>Male</td>
<td>I</td>
<td>.28</td>
<td>.58</td>
<td>3.50</td>
<td>2.12</td>
<td>.39</td>
</tr>
<tr>
<td>L</td>
<td>Female</td>
<td>I</td>
<td>1.06</td>
<td>1.43</td>
<td>3.89</td>
<td>2.76</td>
<td>1.50</td>
</tr>
<tr>
<td>D</td>
<td>Female</td>
<td>N</td>
<td>.89</td>
<td>1.23</td>
<td>5.33</td>
<td>2.81</td>
<td>.83</td>
</tr>
</tbody>
</table>

1The letter I stands for the incriminating testimony condition or the success of the eyewitness to identify the defendant in a police lineup.

2The letter N stands for the nonincriminating testimony condition or the failure of the eyewitness to identify the defendant in a police lineup.
toward the criminal were significantly more negative in the auto theft-hit and run condition than they were in the auto theft alone condition despite the fact that guilt had not been established. The multivariate finding was significant ($p < .01$) and jurors as expected reported their feelings of anger ($p < .01$), dislike ($p < .01$), threat ($p < .01$), and suspicion ($p < .01$) as significantly stronger in the serious crime condition (see Table 4 for significance tests). These results indicate that the nature of the crime produced a cluster of differences most of which by law or rational thought should not have been part of decision making.

**Reactions to the Crime**

The reactions to the crime measures were constructed to operationalize the Type II error orientation concept. Again, significant effects appeared only on the crime severity factor (see Table 5 for means and standard deviations). The multivariate analysis of variance ($p < .01$) and univariate tests on "anger at the crime" ($p < .01$) and importance of having the perpetrator caught ($p < .01$) were all significant (see Table 6 for significance tests).

**Juror Self-report Data**

The purpose of the juror self-report items was to assess the ways in which jurors processed trial information. "Reasons for verdict" responses were tabulated and frequency comparisons were made between crime severity conditions and
### TABLE 4

Multivariate and Univariate Tests of Significance for Crime Severity Effects on Emotional Reactions Toward the Defendant Measures

<table>
<thead>
<tr>
<th>Multivariate Effect</th>
<th>F Value</th>
<th>Degrees of Freedom</th>
<th>P less than</th>
<th>Canonical R</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12.18</td>
<td>5/132</td>
<td>.001</td>
<td>.464</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Measure</th>
<th>Mean Square</th>
<th>Degrees of Freedom</th>
<th>F Value</th>
<th>P less than</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anger</td>
<td>162.56</td>
<td>1/136</td>
<td>32.34</td>
<td>.001</td>
</tr>
<tr>
<td>Sympathy</td>
<td>7.11</td>
<td>1/136</td>
<td>.90</td>
<td>.350</td>
</tr>
<tr>
<td>Threat</td>
<td>49.00</td>
<td>1/136</td>
<td>14.77</td>
<td>.001</td>
</tr>
<tr>
<td>Suspicion</td>
<td>52.56</td>
<td>1/136</td>
<td>9.23</td>
<td>.003</td>
</tr>
<tr>
<td>Dislike</td>
<td>45.56</td>
<td>1/136</td>
<td>10.47</td>
<td>.002</td>
</tr>
</tbody>
</table>
TABLE 5

Cell Means and Standard Deviations for Reactions to the Crime Measures (Type II errors) as a Function of Crime Severity, Juror Gender and Nature of Testimony

<table>
<thead>
<tr>
<th>Crime Severity</th>
<th>Gender</th>
<th>Testimony</th>
<th>Importance of Having the Criminal Caught</th>
<th>Anger at the Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Verdict Measures</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Importance of Having the Criminal Caught</td>
<td>Anger at the Crime</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>SD</td>
</tr>
<tr>
<td>S</td>
<td>Male</td>
<td>Incriminating evidence</td>
<td>9.33</td>
<td>1.24</td>
</tr>
<tr>
<td>E</td>
<td>Male</td>
<td>Nonincriminating evidence</td>
<td>9.50</td>
<td>.92</td>
</tr>
<tr>
<td>V</td>
<td>Male</td>
<td>Incriminating evidence</td>
<td>9.06</td>
<td>1.63</td>
</tr>
<tr>
<td>E</td>
<td>Female</td>
<td>Nonincriminating evidence</td>
<td>9.61</td>
<td>.92</td>
</tr>
<tr>
<td>R</td>
<td>Male</td>
<td>Incriminating evidence</td>
<td>6.67</td>
<td>2.25</td>
</tr>
<tr>
<td>E</td>
<td>Female</td>
<td>Nonincriminating evidence</td>
<td>6.89</td>
<td>2.47</td>
</tr>
<tr>
<td>M</td>
<td>Male</td>
<td>Incriminating evidence</td>
<td>7.67</td>
<td>2.61</td>
</tr>
<tr>
<td>I</td>
<td>Female</td>
<td>Nonincriminating evidence</td>
<td>6.56</td>
<td>2.79</td>
</tr>
</tbody>
</table>
TABLE 6
Multivariate and Univariate Tests of Significance for Crime Severity Effects on Reactions to the Crime Measures

<table>
<thead>
<tr>
<th>Multivariate Effect</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>F Value</td>
<td>Degrees of Freedom</td>
</tr>
<tr>
<td>40.71</td>
<td>2/135</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Univariate Effects</th>
<th>Mean Square</th>
<th>Degrees of Freedom</th>
<th>F Value</th>
<th>P less than</th>
</tr>
</thead>
<tbody>
<tr>
<td>Importance of Having the Criminal Caught</td>
<td>212.67</td>
<td>2/135</td>
<td>53.77</td>
<td>.001</td>
</tr>
<tr>
<td>Anger at the Crime</td>
<td>330.03</td>
<td>2/135</td>
<td>77.31</td>
<td>.001</td>
</tr>
</tbody>
</table>
between jurors finding the defendant innocent and those finding him guilty.

Due to the nonparametric nature of the data and the variety of reasons given by jurors for their verdict, most differences between crime severity conditions were not significant with a chi analysis of variance. Rather a pattern of moderate effects seemed to occur. For example, more jurors receiving the milder crime paid attention to the defendant's race, making some sort of statement about race being held against him such as "he was railroaded because he was Black." In the severe crime condition 13.7% of the jurors recognized this fact, while in the mild crime condition 22.3% paid attention to it. More jurors in the severe crime condition on the other hand, paid attention to the fact that the defendant could not account for his whereabouts (25% in the severe crime condition versus 11% in the auto theft alone condition).

A Type I error orientation was defined in the self reports by some form of the statements "reasonable doubt," "innocent until proven guilty" or "keep an innocent defendant out of jail." Concern for Type I errors should have resulted in more acquittals. However, results indicated that jurors receiving the auto theft-hit and run crimes were more often concerned with Type I errors despite the fact that jurors in this condition overall found the defendant more guilty. Sixty-three percent of those acquitting the suspect in the severe crime condition and only 41.3% in the mild condition expressed the desire to avoid Type I errors. Apparently, the auto theft-
hit and run crime was linked with a longer jail sentence and 
aroused concern for the defendant, as some jurors indicated.

Further analysis of self report data revealed inter­
esting differences in reported processing of trial informa­
tion between convicting and acquitting jurors. The same units 
of information were used by some jurors to find the defendant 
innocent and by others to find him guilty. For example, the 
police apprehended the suspect four blocks from the crime. 
Fifty-seven percent of those jurors convicting the defendant 
felt that this proved guilt while 26.3% of those acquitting 
the defendant felt that this proved innocence. Similar results 
occurred with a variety of evidence. The eyewitness, for 
example, was perceived as trustworthy and reliable by those 
jurors convicting the defendant and as dishonest and unreliable 
by those jurors acquitting him. The arresting officer was 
perceived to be correctly doing his job by jurors convicting 
the defendant. In fact, 48% of these jurors cited the officer's 
identification and arrest of the defendant as one reason for 
their verdict. Meanwhile, no juror acquitting the defendant 
mentioned this fact and 24% of the acquitting jurors actually 
claimed that the officer was "biased," "racist" or "perse­
cuting the defendant."

Ancillary Analyses

Correlations between variables. Because of the different 
patterns of correlations between crime severity conditions, 
separate matrices are reported for each condition (see Table 7).
### TABLE 7

Within Cell Correlations Between Variables Comparing Severe and Mild Crime Conditions

<table>
<thead>
<tr>
<th>Variables</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Severe Crime Condition Correlations</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Degree of Guilt</td>
<td>1.00</td>
<td>.45</td>
<td>-.51</td>
<td>.48</td>
<td>.52</td>
<td>.37</td>
<td>.22</td>
<td>.06</td>
<td>.77</td>
</tr>
<tr>
<td>2 Anger at Defendant</td>
<td>.06</td>
<td>1.00</td>
<td>-.26</td>
<td>.68</td>
<td>.66</td>
<td>.79</td>
<td>.07</td>
<td>.23</td>
<td>.63</td>
</tr>
<tr>
<td>3 Sympathy for Defendant</td>
<td>-.35</td>
<td>.21</td>
<td>1.00</td>
<td>-.21</td>
<td>-.47</td>
<td>-.22</td>
<td>-.07</td>
<td>.17</td>
<td>-.53</td>
</tr>
<tr>
<td>4 Threat of Defendant</td>
<td>.12</td>
<td>.73</td>
<td>.18</td>
<td>1.00</td>
<td>.57</td>
<td>.71</td>
<td>.12</td>
<td>.11</td>
<td>.55</td>
</tr>
<tr>
<td>5Suspicion of Defendant</td>
<td>.24</td>
<td>.40</td>
<td>-.03</td>
<td>.41</td>
<td>1.00</td>
<td>.57</td>
<td>.16</td>
<td>.09</td>
<td>.65</td>
</tr>
<tr>
<td>6 Dislike of Defendant</td>
<td>-.03</td>
<td>.52</td>
<td>.24</td>
<td>.53</td>
<td>.45</td>
<td>1.00</td>
<td>.09</td>
<td>.22</td>
<td>.54</td>
</tr>
<tr>
<td>7 Anger at the Crime</td>
<td>-.10</td>
<td>.05</td>
<td>.05</td>
<td>.03</td>
<td>.23</td>
<td>.08</td>
<td>1.00</td>
<td>.72</td>
<td>.03</td>
</tr>
<tr>
<td>8 Importance of Catching</td>
<td>-.03</td>
<td>-.01</td>
<td>.04</td>
<td>.01</td>
<td>.23</td>
<td>.05</td>
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<td>.18</td>
<td>.41</td>
<td>.17</td>
<td>.21</td>
<td>.12</td>
<td>1.00</td>
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</table>
These separate patterns best illustrate the relationship of emotional reactions toward the defendant measures to verdict measures. In general, an interesting and intuitively logical pattern emerged. Emotional reactions toward the defendant had a much stronger relationship with guilt for the auto theft-hit and run crime than it did for the auto theft alone crime. With the auto theft-hit and run crime, likelihood of guilt had a $r$ of .56 with emotional reactions toward the defendant ($p < .01$) and degree of guilt had an $r$ of .45 with these measures ($p < .01$). With the auto theft alone crime, likelihood of guilt showed an $r$ of .21 with the emotional reactions measures (n.s.) and degree of guilt showed an $r$ of .15 (n.s.).

As Table 7 indicates, the correlations between "reactions to the crime" measures and verdict were low for both crime severity conditions. This lack of strong correlation was not expected here.

Exploratory model analysis. The present hypotheses claim that the relationship between Type II error and verdict is mediated by distortion of both evidence and assessments of the defendant. To test the potential validity of this model, path analyses were performed using partial beta weights from multiple regression analyses. Two separate analyses were performed; one on total data and one on the severe crime condition.

Prior to the analyses, composite scales were formed for three dimensions. The "Type II error orientation"
dimension was operationalized with "anger at the crime" and "importance of having the criminal caught" scales. Information distortion was operationalized with scales of threat, anger and dislike toward the defendant. This composite was called the emotional reactions dimension. Because interpretations of factual evidence were only assessed with open ended reports, no metric existed to operationalize this dimension. Finally, the verdict dimension consisted of degree of guilt and likelihood of guilt items.

Raw scores representing each dimension were added together to form Type II error orientation, emotional mediator and verdict components for a path analysis. Justification for clustering was based on a priori conceptualizations, correlation matrices and loadings on varimax rotated factor analyses. (See Table 8 for factor analyses.) For example, "suspicion of the defendant" was not clustered with any component because it correlated and loaded ambiguously with both emotional reactions and verdict. "Sympathy for the defendant" was not used because its correlations with other emotion items and its loading with these items on factor analyses were low. Overall, factor analyses done for all (n = 144) and severe condition jurors(n = 72) yielded three distinct factors. These factors fairly strongly matched the a priori conceptualizations of Type II error orientation, emotional reactions and verdict dimensions.

Figure 1 illustrates the causal pathway between Type II error orientation, emotional reaction and verdict components
TABLE 8
Varimax Rotated Factor Loadings for All Data, Severe Crime Condition Data, and Mild Crime Condition Data

Analysis of All Data

| Variables                        | Factors | | | |
|---------------------------------|---------|---------|---------|
|                                  | 1       | 2       | 3       |
| Degree of Guilt                 | .27     | .76     | .08     |
| Anger at Defendant              | .85     | .17     | .19     |
| Sympathy for Defendant          | .02     | -.56    | .09     |
| Threat of Defendant             | .79     | .19     | .12     |
| Suspicion of Defendant          | .57     | .42     | .21     |
| Dislike for Defendant           | .85     | .07     | .10     |
| Importance of Catching Criminal | .12     | .08     | .86     |
| Anger at the Crime              | .21     | -.04    | .86     |
| Likelihood of Guilt             | .39     | .82     | .15     |

Analysis of Severe Crime Data

| Variables                        | Factors | | | |
|---------------------------------|---------|---------|---------|
|                                  | 1       | 2       | 3       |
| Degree of Guilt                 | .26     | .77     | .15     |
| Anger at Defendant              | .86     | .24     | .12     |
| Sympathy for Defendant          | -.10    | -.69    | .13     |
| Threat of Defendant             | .73     | .28     | .08     |
| Suspicion of Defendant          | .57     | .52     | .08     |
| Dislike for Defendant           | .87     | .14     | .12     |
| Importance of Catching Criminal | .08     | .16     | .57     |
| Anger at the Crime              | .19     | -.17    | .75     |
| Likelihood of Guilt             | .40     | .81     | .09     |
TABLE 8--Continued

Analysis of Mild Crime Data

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<th>Factors 3</th>
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<tr>
<td>Likelihood of Guilt</td>
<td>.40</td>
<td>.81</td>
<td>.09</td>
</tr>
</tbody>
</table>
FIGURE 1

Tests of Regression Paths for All Data, Severe Crime Condition Data, and Mild Crime Condition Data

Analysis of All Data

| Regression Path |
|-----------------|-----------------|-----------------|
| Type II Error    | Orientation     | Emotional Reaction Toward Defendant |
|                  | .30             | .46             |
|                  |                 |                 |
|                  |                 | .06             |

Table of Direct and Indirect Relationships

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Direct Correlation</th>
<th>Indirect Correlation</th>
<th>Total Correlation</th>
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FIGURE 1--Continued

Analysis of Severe Crime Data

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</table>
| Type II Error  
| Orientation---21 | Emotional Reactions---54 | Verdict |

Table of Direct and Indirect Relationships

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<tr>
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<td>.01</td>
<td>.21</td>
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Analysis of Mild Crime Data

<table>
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</thead>
</table>
| Type II Error  
| Orientation---08 | Emotional Reactions---20 | Verdict |

Table of Direct and Indirect Relationships

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<td>.08</td>
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<tr>
<td>Emotional Reaction</td>
<td>.08</td>
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<tr>
<td>Emotional Reaction</td>
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<td>.01</td>
<td>.21</td>
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</tbody>
</table>
suggested by the present hypothesis. Though the correlation between Type II error orientation and verdict is low, the suggested model is strongly supported by the data. That is, across all data, the mediating effects of emotional reaction accounted for twice as much of the correlation and four times as much variability as the direct effect of Type II error orientation alone on verdict did. With the severe condition data, almost all variability shared between Type II error orientation and verdict could be accounted for by the mediating effects of emotional measures.

Because of the weak correlation between Type II error orientation measures and verdict in the mild crime condition ($r = 0.08$) further analyses of this data were unwarranted (see Figure 1). In general, two explanations could be given for the unexpectedly low correlations between these dimensions in both crime severity conditions. Perhaps because the relationship between Type II error orientation and verdict is almost completely a function of the mediation of other factors, a high $r$ may be an unlikely occurrence. Secondly, for crime severity to show a strong relationship to verdict, perhaps this relationship must be examined across a number of crimes. The use of only two crimes may provide too restricted a range of variability.

Finally, separate analyses of regression paths were performed on acquitting and convicting jurors in the severe crime condition. In general, the major difference between these two groups was in the relationship between Type II
error orientation and emotional reactions toward the defendant (see Figure 2). A moderate relationship ($r = .48$, $p < .05$) existed between these dimensions with convicting jurors ($n = 21$) while no relationship ($r = .00$) existed between these dimensions with acquitting jurors ($n = 52$). Also, convicting jurors reported significantly higher negative emotional reactions than acquitting jurors ($\bar{x} = 12.6$ for convicting jurors; $\bar{x} = 5.2$ for acquitting jurors, $p < .01$). These findings lent strength to the hypothesis that emotional reactions toward the defendant served as some sort of mediating factor between Type II error orientation and verdict. That is, those jurors who found the defendant guilty perhaps did so as a result of a stronger negative emotional reaction toward the defendant stemming from their reactions to the crime (Type II error orientation). Again, a stronger relationship between Type II error orientation and verdict is needed before firm conclusions can be drawn.
FIGURE 2
Tests of Regression Paths for Acquitting and Convicting Jurors in the Severe Crime Condition

Analysis of Acquitting Jurors

- Regression Path

Type II Error → Emotional Reactions → Verdict
Orientation Toward Defendant

--- .04 ---

Table of Direct and Indirect Relationships

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<td>Verdict</td>
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<tr>
<td>Emotional Reaction --Verdict</td>
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<td>.00</td>
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</table>
FIGURE 2—Continued

Analysis of Convicting Jurors

Regression Path

Type II Error \( \rightarrow \) Emotional Reactions \( \rightarrow \) Verdict
Orientation Toward Defendant

--- .48

--- .40

Table of Direct and Indirect Relationships

<table>
<thead>
<tr>
<th>Relationship</th>
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<tr>
<td>Emotional Reaction --Verdict</td>
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</table>
IV. DISCUSSION

As in much mock juror research, the issue of external validity must be considered before drawing conclusions from the data. Subjects were not representative of a typical jury pool; they did not deliberate as a jury does, they knew that the trial was fictitious and they received written rather than live presentation. Until more is known about how experimental legal settings simulate actual courtroom situations, findings in studies of this nature must be considered suggestive rather than definitive (Kerr et al., 1976).

However, several points need to be made. Almost all jurors at the end of the experimental session reported being involved in the legal task. While an actual courtroom situation may produce different results, it seems likely that the emotional nature of a real trial might enhance the effects of this study. Furthermore, one purpose of this experiment was to discover more about the nature of human information processing in the courtroom. Whether or not specific findings in the experimental context are isomorphic to real world occurrences, the theoretical perspective eventually gained through research should apply to any context.

As expected, the nature of the crime presented to mock jurors affected their verdict despite the fact that evidence across conditions was highly similar. A more legally and emotionally severe set of crimes resulted in more guilty
verdicts and higher assessments of degree of guilt, likelihood of guilt and suspicion. While this crime deserved a harsher sentence, no strong reason existed to link the defendant more to the incident.

The validity of this effect was further verified through comanipulation of an eyewitness testimony factor. Not only were jurors affected by the nature of the crime factor but more so than they were by the ability of the key eyewitness to accurately identify the suspect. Thus even if slight differences in evidence existed between crime conditions, this artifact was not likely to be responsible for the crime severity effect when a powerful, intentionally manipulated evidence factor failed to produce results as strong.

Further analyses suggested an explanation of why the nature of the crime influenced verdict. In the severe crime condition, jurors had stronger negative reactions toward the suspect despite the fact that little reason existed to form an impression of him. Also the relationship between these emotional reactions and verdict was stronger in this condition. These findings implied that jurors formed their impression of the defendant based on the nature of the crime and that this impression was somehow related to the differences in verdict. While the correlation between reactions to the crime (Type II error orientation) and verdict was weak, path analyses indicated that the emotional reaction toward the defendant was indeed a strong mediator of this relationship; a severe crime may have produced more negative feelings
toward the defendant which resulted in more guilty verdicts. These findings were particularly applicable to jurors rendering guilty verdicts in the severe crime condition.

It appeared that jurors distorted their impressions of the defendant based on the severity of the crime. Evidence of information distortion could be seen in the self-report data. Jurors had extremely varied interpretations of the same trial information and strongest differences appeared between those convicting and those acquitting the defendant. Verdict seemed to be based on the manner in which jurors constructed trial information rather than on information alone. Further research may show how this subject construction influences verdict across crime severity conditions.

Several models can be examined with these findings. A weighted averaging approach (e.g., Kaplan and Kemmerick, 1974) would suggest that verdict differences occurred because jurors combined various subjectively weighted units of trial information to arrive at a verdict. The nature of the crime was one such unit having strong value. Consequently, the auto theft-hit and run crime received a more negative or guilt oriented weighting and produced more convictions. However, examination of results on the whole indicated that these processes were not occurring. At no point did jurors seem to consider crime severity as a factor. Rather crime severity seemed to affect the way jurors responded to other aspects of the trial situation. For example, jurors receiving the severe crime had more negative emotional reactions toward
the suspect. These reactions then had a strong relationship with verdict.

Furthermore, the weighted averaging approach works on the assumption that each piece of evidence has a stable given meaning to each juror. The subjective importance of this meaning then determines to what extent various units of evidence influence the verdict. However, self-report data showed that particular evidence had very different meanings to various jurors and that these meanings seemed to be based to a large extent on the context provided by other information. If a weighted averaging approach is to work, component predictors of the final outcome cannot come from the stimulus material; they must come from jurors' interpretations of the material. While perhaps these conclusions appear prematurely based on one artificially constructed trial situation, it seems likely that the two-sided nature of the adversarial trial would produce the variety of evidence interpretation found here.

A model combining reinforcement (Byrne and Clore, 1971) and cognitive dissonance (Efran, 1974; Festinger, 1957) or just world (Lerner, 1971) approaches fits the present data fairly well. Because the auto theft-hit and run crime involved the death of a woman and the crippling of her daughter, it probably produced negative affect in jurors. Consequently, they convicted the defendant more often. However, a fuller understanding of the present data requires some sort of supplementary cognitive explanation such as just world or
dissonance theory. Jurors receiving the auto theft-hit and run crime are faced with two fairly contradictory cognitions:
(1) the crime was strongly deserving of punishment, and
(2) the evidence linking the defendant to the crime was not that strong and so the defendant might not receive punishment. Jurors unconsciously resolved this conflict by forming more negative feelings toward the defendant and becoming more suspicious of him. They thus could find him guiltier and at the same time not realize they were distorting the situation. Furthermore, the interpretation of various units of evidence could have been affected in a similar fashion by jurors' desire to achieve some sort of consistency in their information processing. Jurors finding the defendant guilty perceived the same facts in an entirely different fashion than remaining jurors. The nature of their interpretations was clearly consistent with the verdict they had reached.

As with much research involving reinforcement or cognitive dissonance theory, post hoc explanations for the data are not refutable. However, these accounts have little predictive value. Furthermore, while they can explain any specific trial outcome post hoc, they do not provide general predictive principles. For example, affective factors are not the sole determinants of information distortion. It seems likely that a strong piece of evidence could change jurors' interpretations of contradictory pieces independently of its affective value. In fact, almost all cases contain a combination of affective and factual information. At what
point is one more salient than the other and how do the two get processed together? Secondly, trials often have strong opposing affective factors. The crime arouses affect which works against the suspect while the potential penalty arouses affect which works in the suspect's favor (e.g., Kerr, 1978; Pepitone, 1975; Vidmar, 1972). How and when do each play a role in the final outcome? These questions need to be answered in future research.

A statistical hypothesis testing model can also be applied to the present findings and can address some of these issues. In any trial there are two possible mistakes a juror can make; he/she can convict an innocent suspect (Type I error) or acquit a guilty one (Type II error). A more severe crime increases the seriousness of each type of error because jurors potentially risk both freeing a more dangerous criminal and imposing a harsher penalty on an innocent suspect.

In the present situation however, the penalty was probably minimized because sentencing was never mentioned. As a result, the nature of the crime may have been a more salient factor. With the auto theft-hit and run case, therefore, the Type II error was higher and the defendant was found guilty more often very possibly because of the less stringent alpha level set by jurors. Vidmar (1972) and Kerr (1978) on the other hand, have tested cases where the potential penalty was extremely salient. Therefore as expected, jurors were very much affected by the Type I error and, when a harsher penalty was contingent upon conviction, more
acquittals occurred probably as a result of a more stringent alpha level.

However these processes alone could not account for results. If verdicts changed merely because of a criterion shift, then ratings of likelihood of guilt should have been similar across the severe and mild crime conditions, while ratings of degree of guilt and verdict should have shown differences. In other words, jurors across conditions should have arrived at the same estimate of the probability that the defendant committed the crime. However, their criterion point for determining guilt may have differed across conditions and they should have rendered more guilty verdicts where the criterion was lower (i.e., in the severe crime condition). Inconsistent with these predictions, findings indicated that differences on the likelihood of guilt scales were significant. Therefore, jurors were arriving at different interpretations of the evidence across conditions, not merely matching similar interpretations with a shifting criterion as Kerr (1978) suggests.

A more complete explanation might expand upon the statistical hypothesis testing model. Jurors do acquire a sense of the Type I and Type II errors involved in the case and perhaps can shift their criterion of guilt. This previous account can be conceptualized as a subjective expectancy model (Rotter, 1954). Verdict choice is a function of the positive and negative consequences of the decision times the probability, given the evidence that the decision is correct.
However, another important principle may operate. The potential consequences of each decision also may bias the way in which jurors interpret evidence. The more severe the Type I error consequences of conviction seem, the more the juror might interpret evidence in a way favorable to the suspect. The more severe the Type II error consequences of acquittal seem, the more he/she might interpret evidence in an unfavorable way. Thus, for example, when the consequences of the Type II error seem high, the Type II error oriented juror not only needs more evidence to convict, but may interpret existing evidence in a benign fashion. They might choose to discount information against the defendant (Kelley, 1972).

The results of the experiment are consistent with this model. Jurors receiving the auto theft-hit and run crime gave higher ratings on "importance of having the perpetrator caught" and "anger at the crime." Apparently, the Type II error of acquitting a guilty suspect would be higher in this condition.

Secondly, there is support for the supposition that jurors can interpret information in a way more unfavorable to the defendant with a more severe crime. Ratings on "likelihood of guilt" indicated that jurors across conditions did draw different conclusions from the evidence. Open ended responses indicated that information was interpreted differently across conditions with comments in the severe crime condition being more unfavorable to the defendant. The distortion of information can be further illustrated with
mediating variables assessing emotional reactions toward the defendant. These reactions were more negative in the severe crime condition even though there was little personal information about the defendant to base them on. The higher correlations between these mediating variables and verdict in the severe crime condition indicated that ratings across these dimensions were indeed consistent. The leeway in evidence interpretation can also be seen by examining open ended statements as a function of verdict. Most jurors interpreted all information in a fashion remarkably congruent to the verdict they had reached.

Finally, path analysis showed some support for the present model. While the low correlation between Type II error orientation and verdict makes conclusions tentative, the three measured components fit the predicted model well. The relationship between Type II error orientation and verdict was strongly mediated by emotional evaluation of the defendant. Furthermore, as would be expected, convicting jurors in the severe crime condition most strongly exhibited this pattern. In future research, assessment of more concrete information such as trial evidence, is expected to have a similar mediating effect.

The present interpretation may be able to incorporate and strengthen previous theory. While effect and consistency processes can influence verdict, the Type I-Type II error orientation concept may be able to explain how and when these factors work. Details with affective value such as
negativeness of the crime, likeability of the defendant and seriousness of the sentence may all influence the Type I-Type II error orientation value. Knowledge of this value may allow a better understanding of how jurors process and distort evidence. Consistency seeking, for example, may be one process causing information distortion which becomes more predictable. Jurors oriented toward avoiding Type II errors will obtain consistency by minimizing information in the defendant's favor, while those seeking to avoid Type I errors will minimize information against the defendant. Because distortion becomes a predictable process, information integration models which consider the present viewpoint may more successfully predict a greater variety of trial outcomes.

The present research suggests a model of juridic decision making. However, further research is needed to verify the model and apply it to a variety of courtroom situations. The effects of Type I-Type II errors on information processing and emotional reactions toward the defendant must be further examined. Perhaps a clearer operationalization of Type I-Type II error orientation may allow a better quantification of the concept. Instead of two cases, correlations between Type I-Type II error orientation value, information interpretation and emotional reactions should be assessed across a number of cases or variations of a case. The effects of Type I-Type II error orientation on verdict have been demonstrated in present and previous (e.g., Kerr, 1978) research. Future studies should examine the mediating effects of
information distortion and emotional reactions on verdict. Similarly, reactions to the defendant should be further tested as mediating variables.

The various relationships suggested in the present model are open to empirical investigation. Perhaps when better established, a Type I-Type II error orientation model can systematically explain how jurors respond to the complexity of information present in the trial situation.
APPENDIX 1A
Case Stimuli for Severe Crime,
Incriminating Evidence Condition

Psychology and the Law—Juridic Decision Making

One of the basic principles of American democracy is that any individual accused on a crime has the right to fair and equitable judgement by peers. This study, a joint effort of lawyers and psychologists seeks to better understand juror decision making by testing how a number of subjects react to a case.

Your role in this study is to be a juror. After reading a case, abbreviated to only present essential information, you will be given scales assessing your verdict in the case and various other reactions. Read the case and answer the questions as if you were really making a choice that would affect society.
Case #14 New York v. Wilson

Case Description

At 7:30 on the morning of January 19, 1977, a Buick Skylark was stolen. The car had been parked on North Broadway at the corner of Lake Avenue, a busy intersection in Yonkers, New York. The owner had left the keys in the ignition of the car. Upon driving away, the perpetrator struck Mrs. Robertson and her daughter who were crossing the street. The mother was killed instantly and the daughter subsequently paralyzed from the waist down.

A witness saw the crime and was able to give a description of the perpetrator. At 9:30 a.m., the stolen car was discovered near a bus stop on 124th street and 7th avenue in New York City. The passenger side was badly damaged and the headlight on that side was smashed. Later reports confirmed that the car had struck and glanced off a vehicle on the side of the road.

A suspect fitting the description given by the witness was picked up by police near the abandoned vehicle. The police read him his rights, then transferred him to Yonkers where he was booked for hit and run driving and grand larceny auto theft.

A grand jury indicted the suspect on April 24, 1977. The defendant refused to plea bargain and trial was conducted in Westchester County Court in White Plains on July 24, 1977. Below are brief edited transcripts of the case.
prosecuting attorney: the state will prove that the accused, Andre Wilson, was present at the scene of the crime, that he stole a vehicle registered to Mr. Marchioni, that he willfully steered the vehicle at two innocent bystanders and potential witnesses—resulting in the death of one and permanent paralysis of the other, and that he then abandoned the vehicle fifteen miles from the scene of the crime.

defense attorney: the defense will show that the state fails to positively identify the accused as perpetrator of the crime. Obvious reason exists for this failure: the defendant did not commit the crime. A number of passersby could be found with appearance and dress meeting the description given of the offender and any could have stolen the car. Mr. Wilson was an innocent bystander accused of a crime due to the circumstantial evidence of being found by the police in the wrong place at the wrong time.

judge: prosecutor, call to the stand your first witness.

(note that all testimony in this case was eyewitness reporting. Fingerprints were not available; the crime occurred on a cold January morning and it was possible given the temperature that the criminal wore gloves. No other identifying evidence was found.)

prosecutor: Mrs. Mikkelson, please take the stand. Mrs. Mikkelson, you claim that you observed the crime occur on the
morning of January 19th. Could you describe what happened?

Mrs. Mikkelson: well--yes. I saw a Black man run to Mr. Marchioni's car.

prosecutor: so, you know Mr. Marchioni?

Mrs. Mikkelson: not that well, but I assume from the trial that his car is the one we are talking about.

prosecutor: please continue.

Mrs. Mikkelson: Well... This man flung the car door open and practically dove in. Anyone could spot right away that something funny was going on. All of a sudden he stepped on the gas and took off. Then this woman was crossing the street with her little girl. She was watching the man take off in the car. He seemed to notice this and turned the car (sobbing).

prosecutor: yes, Mrs. Mikkelson?

Mrs. Mikkelson: and he turned the car right at them--hitting both of them.

prosecutor: did you pay close attention to the crime?

Mrs. Mikkelson: yes, because it was obvious that the car was being stolen.

prosecutor: why were you out at 7:30 in the morning?

Mrs. Mikkelson: I babysit for the Kleins down the block. Mr.
Klein usually leaves for work at about 7:15. The Mrs. works down the street at Otis elevator. She leaves at about 8:00, but I come over to chat with her.

**prosecutor:** how close were you to the crime?

**Mrs. Mikkelson:** well, when the man first ran to the car, I was pretty close, but I got closer as he got in the car. I didn't think he saw me, but I saw him.

**prosecutor:** so you were maybe 15 feet away when he committed the crime.

**defense:** I object your honor; prosecution is leading the witness.

**judge:** sustained.

**prosecutor:** how far were you from the crime?

**Mrs. Mikkelson:** maybe as far as from here to those steps (points to courtroom steps about 25 feet away).

**prosecutor:** Is the man you saw present in this courtroom?

**Mrs. Mikkelson:** he (points to the defendant) looks like the one.

**prosecutor:** you were able to pick the suspect out of a police lineup of fifteen suspects having similar appearance. You must be pretty sure of your opinion.

**Mrs. Mikkelson:** well, I saw his face from a distance but still
don't think I could ever forget what he looked like.

prosecutor: the prosecution rests its case.

judge: defense may cross examine.

defense attorney: Mrs. Mikkelson, are you certain of the identity of the suspect?

Mrs. Mikkelson: I did get a good look at him.

defense: about how long a look?

Mrs. Mikkelson: maybe three seconds or so.

defense: and from a three second glance at 25 feet away, you feel confident that you can positively identify the defendant.

Mrs. Mikkelson: that was the man I saw.

defense: are you sure?

Mrs. Mikkelson: well, I can't describe every feature on his face; who could in my shoes? But something about his appearance stands out in my mind.

defense: seems like you are fairly uncertain, Mrs. Mikkelson.

(objections follow and are sustained)

defense: no further questions.

prosecutor: The prosecution calls Officer Rashevsky to the stand.
prosecutor: Officer Rashevsky, you and your partner arrested the suspect for suspicion of the crime in question on January 19. Is that correct?

Rashevsky: yes sir.

prosecutor: how did you become involved in the case?

Officer Rashevsky: we were patrolling our beat and saw a car that appeared to have been in an accident. We radioed in the license number and headquarters informed us that the car had been reported stolen. They gave us a description of the suspect.

prosecutor: and did you find a suspect meeting the description near the abandoned vehicle?

Rashevsky: yes sir.

prosecutor: is that man present in court today?

Rashevsky: yes sir, him (pointing to the defendant).

prosecutor: no further questions.

judge: the defense may cross examine.

defense: Officer Rashevsky, what was the nature of the description you used to arrest the suspect?

Officer Rashevsky: Black man, young, wearing jeans and a heavy coat, average height, small build, wearing a brown scarf and ski hat.
defense: you arrested the man in a heavily Black neighbor­
hood. He was wearing nothing that unusual. Couldn't a
number of other suspects have met this description?

Rashevsky: It's possible. But this suspect was the only man
in the general vicinity of the crime who came close to meeting
the description. He looked suspicious and acted apprehen­sively when we approached him.

defense: and we are supposed to convict a man on your intui­tion. Just how far was the suspect from the car when you
arrested him?

Rashevsky: about four blocks.

defense: no further questions.

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Note that the defendant lived alone in Yonkers near
the scene of the crime. No other witnesses were available
for either the prosecution or the defense.

The defendant was placed on the stand and denied
responsibility for the crime. He claimed to have been on
his way to visit friends when picked up by the police. As
he had not yet met with anyone there were no others to con­
firm his alibi.

Turn to scales on next page.
APPENDIX 1B

Mild Condition Manipulation

Case #14 New York v. Wilson

Case Description

At 7:30 on the morning of January 19, 1977, a Buick Skylark was stolen. The car had been parked on North Broadway at the corner of Lake Avenue, a busy intersection in Yonkers, New York. The owner had left the keys in the ignition of the car.

A witness saw the crime and was able to give a description of the perpetrator. At 9:30 a.m., the stolen car was discovered near a bus stop on 124th Street and 7th Avenue in New York City. The passenger side was badly damaged and the headlight on that side was smashed. Later reports confirmed that the car had struck and glanced off a vehicle on the side of the road.

A suspect fitting the description given by the witness was picked up by police near the abandoned vehicle. The police read him his rights, then transferred him to Yonkers where he was booked for grand larceny auto theft.

A grand jury indicted the suspect on April 24, 1977. The defendant refused to plea bargain and trial was conducted in Westchester County Court in White Plains on July 24, 1977. Below are brief edited transcripts of the case.
prosecuting attorney: the state will prove that the accused, Andre Wilson, was present at the scene of the crime, that he willfully stole a vehicle registered to Mr. Marchioni and that he then damaged and abandoned the vehicle fifteen miles from the scene of the crime.

defense attorney: the defense will show that the state fails to positively identify the accused as perpetrator of the crime. Obvious reason exists for this failure; the defendant did not commit the crime. A number of passersby could be found with appearance and dress meeting the description given of the offender and any could have stolen the car. Mr. Wilson was an innocent bystander accused of a crime due to the circumstantial evidence of being found by the police in the wrong place at the wrong time.

judge: prosecutor, call to the stand your first witness.

(note that all testimony in this case was eyewitness reporting. Fingerprints were not available; the crime occurred on a cold January morning and it was possible given the temperature that the criminal wore gloves. No other identifying evidence was found.)

prosecutor: Mrs. Mikkelson please take the stand. Mrs. Mikkelson, you claim that you observed the crime occur on the morning of January 19. Could you describe what happened?
Mrs. Mikkelson: well--yes. I saw a Black man run to Mr. Marchioni's car.

prosecutor: so, you know Mr. Marchioni?

Mrs. Mikkelson: not that well, but I assume from the trial that his car is the one we are talking about.

prosecutor: please continue.

Mrs. Mikkelson: Well... This man flung the car door open and practically dove in. Anyone could spot right away that something funny was going on. All of a sudden he stepped on the gas and took off. He had enough room to pull out of the space quickly. Lucky no one was coming the other way--

prosecutor: yes, Mrs. Mikkelson.

Mrs. Mikkelson: he went right through a red light.

prosecutor: did you pay close attention to the crime?

Mrs. Mikkelson: yes, because it was obvious that the car was being stolen.

prosecutor: why were you out at 7:30 in the morning?

Mrs. Mikkelson: I babysit for the Kleins down the block. Mr. Klein usually leaves for work at about 7:15. The Mrs. works down the street at Otis elevator. She leaves at about 8:00, but I come over to chat with her.
APPENDIX 1C

Nonincriminating Eyewitness Testimony Manipulation

((Insert into page 63 of Appendix 1A))

judge: defense may cross examine.

defense attorney: Mrs. Mikkelson, are you certain as to the identity of the suspect?

Mrs. Mikkelson: I did get a good look at him.

defense attorney: about how long a look?

Mrs. Mikkelson: maybe three seconds or so.

defense: and from a three second glance at about 25 feet away you feel confident that you can positively identify the defendant?

Mrs. Mikkelson: that man seems like the one I saw.

defense: are you sure?

Mrs. Mikkelson: well, I can't describe every feature on his face; who could in my shoes? But something about his appearance stands out in my mind.

defense: then why were you not able to identify the defendant in a police lineup?
Mrs. Mikkelson: They dressed them up to look so much alike. But when the defendant is alone like this, I can tell.
defense: what if an imposter were here today in court? Could you tell that he was not the suspect?
prosecutor: I object your honor.
judge: objection sustained.
APPENDIX 1D

Nonincriminating Location Manipulation

Note that the defendant lived alone in New York City. No other witnesses were available for either the prosecution or the defense.

The defendant was placed on the stand and denied responsibility for the crime. He claimed to have been on his way to visit friends when picked up by the police. As he had not yet met with anyone, there were no others to confirm his alibi.

Turn to scales on next page.
APPENDIX 2

Dependent Measures

1) Circle either A or B. Did you find the defendant innocent or guilty of committing the crime?
   A) innocent   B) guilty

2) Circle a number indicating your judgement of the defendant's degree of guilt.
   -5 -4 -3 -2 -1 0 1 2 3 4 5
   absolutely not guilty absolutely guilty

3) Describe your emotional reaction to the defendant using the following scales:
   a) How angry did you feel toward the defendant?
      0 1 2 3 4 5 6 7 8 9 10
      not at all angry extremely angry

   b) How much sympathy did you feel for the defendant?
      0 1 2 3 4 5 6 7 8 9 10
      no sympathy at all a great deal of sympathy

   c) How threatening did you find the defendant?
      0 1 2 3 4 5 6 7 8 9 10
      not at all threatening extremely threatening

   d) How suspicious were you of the defendant?
      0 1 2 3 4 5 6 7 8 9 10
      not at all suspicious extremely suspicious

72
e) How much did you personally **dislike** the defendant?

<table>
<thead>
<tr>
<th></th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>did not dislike him at all</td>
<td>disliked him strongly</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4) How important do you think it is to have the perpetrator of this crime caught and prosecuted?

<table>
<thead>
<tr>
<th></th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>not at all</td>
<td>extremely important</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5) How angry does a crime of this nature make you?

<table>
<thead>
<tr>
<th></th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>not at all</td>
<td>extremely angry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6) How likely do you think it was that the defendant committed the crime?

<table>
<thead>
<tr>
<th></th>
<th>0%</th>
<th>10%</th>
<th>20%</th>
<th>30%</th>
<th>40%</th>
<th>50%</th>
<th>60%</th>
<th>70%</th>
<th>80%</th>
<th>90%</th>
<th>100%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>not at all</td>
<td>extremely likely</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
7) Please assign a whole number to represent the seriousness of the crime you have read about. To the right is a table giving you a list of crimes with their seriousness ratings (assigned by a large sample of people across the country). Select a seriousness rating by judging where the present crime would fit on this table. Write your number in the box below.

<table>
<thead>
<tr>
<th>Seriousness Ratings</th>
<th>Sample Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>marijuana smoking</td>
</tr>
<tr>
<td>5</td>
<td>assault-no injury</td>
</tr>
<tr>
<td>10</td>
<td>possession of heroin</td>
</tr>
<tr>
<td>15</td>
<td>$1000 larceny</td>
</tr>
<tr>
<td>20</td>
<td>tax evasion ($10,000)</td>
</tr>
<tr>
<td>25</td>
<td>$10,000 theft</td>
</tr>
<tr>
<td>30</td>
<td>assault - doctor needed</td>
</tr>
<tr>
<td>35</td>
<td>stabbing-no treatment</td>
</tr>
<tr>
<td>40</td>
<td>assault-hospitalization needed</td>
</tr>
<tr>
<td>45</td>
<td>murder through recklessness</td>
</tr>
<tr>
<td>50</td>
<td>attempted rape</td>
</tr>
<tr>
<td>55</td>
<td>armed robbery</td>
</tr>
<tr>
<td>60</td>
<td>rape - no injury</td>
</tr>
<tr>
<td>65</td>
<td>rape - hospitalization needed</td>
</tr>
<tr>
<td>70</td>
<td>bombing resulting in death</td>
</tr>
<tr>
<td>75</td>
<td>single intentional murder</td>
</tr>
<tr>
<td>80</td>
<td></td>
</tr>
<tr>
<td>85</td>
<td></td>
</tr>
<tr>
<td>90</td>
<td></td>
</tr>
<tr>
<td>95</td>
<td></td>
</tr>
<tr>
<td>100</td>
<td>rape and murder</td>
</tr>
</tbody>
</table>
8) How strongly do you agree or disagree with the following reasons for sending the perpetrator of this crime to jail?

   a) to isolate him from society

   -5  -4  -3  -2  -1  0  1  2  3  4  5

   b) to discourage others from committing the same crime

   -5  -4  -3  -2  -1  0  1  2  3  4  5

   c) to discourage the offender from doing it again

   -5  -4  -3  -2  -1  0  1  2  3  4  5

   d) to rehabilitate the offender

   -5  -4  -3  -2  -1  0  1  2  3  4  5

   e) to punish the offender

   -5  -4  -3  -2  -1  0  1  2  3  4  5

   f) no reason exists for putting a person in jail

   -5  -4  -3  -2  -1  0  1  2  3  4  5

9) The following questions pertain to Mrs. Mikkelson, the first witness.

   a) Was Mrs. Mikkelson able to pick the defendant out of a police lineup?

      A) yes                  B) no

   b) To what extent did you believe her testimony?

      0  1  2  3  4  5  6  7  8  9  10
      not at all       a great deal

   c) How important was her testimony in helping you reach a verdict?

      0  1  2  3  4  5  6  7  8  9  10
      not at all      extremely important
10) The following questions pertain to the location of the crime.

a) Where did the defendant reside? (write in answer) -

b) Where (what city) was the car stolen? -

c) In what way did the defendant's place of residence influence the likelihood that he committed the crime?

-5 -4 -3 -2 -1 0 1 2 3 4 5

it made it made
it much it much
less likely more likely

11) In the space provided below please indicate specifically and in detail the reason for your verdict and explain what factors tended to lead you to see the defendant as more innocent or guilty.
References


Efran, M. G. The effect of physical appearance on the judgment of guilt, interpersonal attraction and severity of recommended punishment in a simulated jury task. *Journal of Research in Personality*, 1974, 8, 141-52.


McComas, W. C., and Noll, M. E. Effects of seriousness of charge and punishment severity on judgments of simulated jurors. Psychological Record, 1974, 24, 545-57.


