CHAPTER 12

Law

OUTLINE

I. Jury Selection
   A. Trial Lawyers as Intuitive Psychologists
   B. Scientific Jury Selection
   C. Juries in Black and White: Does Race Matter?
   D. Death Qualification

II. The Courtroom Drama
   A. Confession Evidence
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LEARNING OBJECTIVES: GUIDELINES FOR STUDY

You should be able to do each of the following by the conclusion of Chapter 12.

1. Identify the three stages of jury selection. Consider the role of intuition and scientific data in the process of jury selection. (pp. 437-440)

2. Consider the role of race in legal decision-making. Discuss how and under what circumstances the race of a defendant and the racial composition of a jury can affect verdicts. (pp. 440-441)

3. Describe the purpose of death qualification and the controversy surrounding the effects of this process on trial verdicts. (pp. 441-442)

4. Describe the approaches used by police to extract confessions from suspects. Differentiate false confessions that result from compliance from those that result from internalization, and identify the conditions under which people are most likely to internalize false confessions. Discuss the difficulties that juries face when they try to evaluate a confession introduced into evidence at trial. (pp. 442-446)
5. Describe a polygraph, and identify the assumptions and potential problems underlying its use. (p. 446)

6. Summarize the acquisition, storage, and retrieval stages of eyewitness testimony. Describe how these stages are susceptible to errors caused by factors such as arousal, the weapon-focus effect, the cross-race identification bias, misinformation, the suggestibility of young children, and lineup procedures. (pp. 447-453)

7. Explain why jurors often cannot distinguish credible from noncredible eyewitnesses. Summarize how experts may help jurors become more competent judges of eyewitnesses. (pp. 453-455)

8. Summarize the general effects of pretrial publicity and inadmissible evidence on jurors’ perceptions of defendants. Identify the factors that contribute to the finding that judges’ instructions often have little impact on jurors. (pp. 455-459)

9. Describe the jury deliberation process. Discuss the importance of a jury’s first vote and explain the concept of the leniency bias produces. Describe factors that affect jury deliberation, including informational and normative influences, jury size, and the unanimous decision rule. (pp. 459-463)

10. Discuss how defendants are treated after being found guilty in a court of law. Define the sentencing disparity and why it occurs. Summarize factors that may affect a convict’s experience in prison. (pp. 463-466)

11. Differentiate between decision and process control and their effects on perceptions of justice. Contrast the adversarial and inquisitorial models of justice. (pp. 466-468)

MAJOR CONCEPTS: THE BIG PICTURE

Below are five basic issues or principles that organize Chapter 12. You should know these issues and principles well.

1. The selection of jurors is an often controversial process. Through the voir dire and peremptory challenges, potential jurors are excluded from serving on the jury. Lawyers often rely on intuition – including implicit personality theories and stereotypes – in trying to select jurors who they believe will be most favorable to their side. Lawyers sometimes hire consultants to help them conduct scientific jury selection. These consultants may determine correlations between demographics and attitudes relevant to a specific trial, and these correlations can be used to guide a lawyer’s selection of jurors. The issue of race in jury matters is complex and depends on several factors. Jurors with positive attitudes toward the death penalty are more likely to find a defendant guilty than jurors who are against the death penalty.

2. Once the jury is selected, evidence is presented in court. Underlying the courtroom drama are problems concerning the accuracy of the evidence, the biasing effects of factors extraneous to the evidence, and the ineffectiveness of judges’ instructions. Confessions and eyewitness testimony have strong effects on verdicts, but judges and juries often do not reject coerced confessions and are often unable to distinguish credible from noncredible eyewitnesses. Pretrial publicity and inadmissible testimony that leaks into court – both of which juries are instructed to ignore – can bias the jury.

3. Jury deliberations pass through multiple stages. Informational and normative influences may pressure jurors toward conforming to the majority opinion. Despite the deliberation process, the initial majority opinion typically wins, although deliberation produces a bias toward leniency. Deliberation and verdicts are affected both by the size of the jury and whether or not verdicts must be unanimous.
4. Sentencing decisions are usually made by judges, and these are often controversial. A common complaint is that punishments are inconsistent from one judge to the next. A source of this sentencing disparity is that judges receive sentencing recommendations from people who have different views of the goals of sentencing. Once sentenced to prison, convicts – and their guards – may find themselves becoming dehumanized by their institutional roles in this setting.

5. Satisfaction with justice depends not only on winning and losing but also on the procedures used to achieve the outcome. In general, people are more satisfied with the adversarial model of justice than with the inquisitorial model. More generally, any method that offers participants a voice in the proceedings is more likely to be seen as fair and just than is a method that does not offer this opportunity.

**KEY TERM EXERCISE: THE CONCEPTS YOU SHOULD KNOW**

Below are all of the key terms that appear in **boldface** in Chapter 12. To help you better understand these concepts, rather than just memorize them, write a definition for each term in your own words. After doing so, look at the next section where you’ll find a list of definitions from the textbook for each of the key terms presented in random order. For each of your definitions, find the corresponding textbook definition. Note how your definitions compare with those from the textbook.

**Key Terms**

1. weapon-focus effect
2. inquisitorial model
3. sentencing disparity
4. peremptory challenge
5. leniency bias
6. scientific jury selection
7. polygraph
8. misinformation effect
9. adversarial model
10. voir dire
11. death qualification
12. jury nullification
13. cross-race identification bias

**Textbook Definitions**

a. The pretrial examination of prospective jurors by the judge or opposing lawyers to uncover signs of bias.

b. A means by which lawyers can exclude a limited number of prospective jurors without the judge’s approval.

c. A method of selecting juries through surveys that yield correlations between demographics and trial-relevant attitudes.
d. Inconsistency of sentences for the same offense from one judge to another.

e. A jury-selection procedure used in capital cases that permits judges to exclude prospective jurors who say they would not vote for the death penalty.

f. A mechanical instrument that records physiological arousal from multiple channels; it is often used as a lie-detector test.

g. The tendency for the presence of a weapon to draw attention and impair a witness’s ability to identify the culprit.

h. The tendency for people to have difficulty identifying members of a race other than their own.

i. The tendency for false postevent information to become integrated into people’s memory of an event.

j. The jury’s power to disregard, or “nullify,” the law when it conflicts with personal conceptions of justice.

k. The tendency for jury deliberation to produce a tilt toward acquittal.

l. A dispute-resolution system in which the prosecution and the defense present opposing sides of the story.

m. A dispute-resolution system in which a neutral investigator gathers evidence from both sides and presents the findings in court.
ANSWERS FOR KEY TERM EXERCISE

Answers for the key terms exercise are listed below.

1. g
2. m
3. d
4. b
5. k
6. c
7. f
8. i
9. l
10. a
11. e
12. j
13. h
PRACTICE QUIZ: TEST YOUR KNOWLEDGE OF THE CHAPTER

Multiple-Choice Questions

1. Marie is accused of stealing money from the store where she works. Marie claims she did not steal. The director of security at the store hires a trained examiner to administer a polygraph on her. The examiner would determine that Marie is lying if
   a. Marie’s level of arousal is higher than other people’s when asked about stealing from the store.
   b. the measures of Marie’s conscience indicate that she is trying to suppress some thoughts or memories.
   c. Marie’s level of arousal is higher in response to questions about stealing from the store than it is in response to other arousing questions that are not about stealing from the store.
   d. the measures of Marie’s eye movements indicate that Marie’s eyes keep shifting and not focusing on her examiner.

2. The police arrest Fred for a crime. Earlier that night, during the time that the crime occurred, Fred had been drinking. The police tell him that people often do unusual things when they’ve been drinking, things they can’t always remember doing. The police act very friendly toward Fred, and they advise him to plea-bargain for a lesser charge. This scenario exemplifies
   a. a type of polygraph test.
   b. the leniency bias.
   c. the kind of misleading questions that bias the acquisition process.
   d. tactics used to extract confessions.

3. Research on eyewitness testimony suggests that
   a. there is no reliable method to distinguish accurate from inaccurate eyewitness identifications.
   b. jurors underestimate eyewitness accuracy.
   c. eyewitness confidence does not reliably predict their accuracy.
   d. eyewitness testimony tends to have little persuasive impact on death-qualified juries but considerable persuasive impact on other juries.

4. Expert witnesses who testify in court on the subject of eyewitness evidence tend to
   a. lead jurors to scrutinize the evidence more carefully.
   b. lead jurors to rely on the eyewitness evidence more and on other factors less.
   c. be ignored by jurors.
   d. lead jurors to be biased in favor of the prosecution.

5. The voir dire is one stage of the
   a. jury selection process.
   b. jury deliberation process.
   c. inquisitorial model.
   d. jury nullification process.

6. Jury nullification is one reason why jurors might
   a. exhibit familiarity-induced biases.
   b. exhibit misinformation effects.
   c. disregard judges’ instructions.
   d. favor sentencing disparity.
7. Orientation, open conflict, and reconciliation best describe the three stages in
   a. jury nullification.
   b. eyewitness memory.
   c. jury deliberation.
   d. peremptory challenges.

8. In court, a lawyer calls witnesses and introduces evidence suggesting that Anne is guilty of drunk driving. Anne’s lawyer then cross-examines witnesses and discredits evidence to suggest that Anne is innocent. This process illustrates
   a. the adversarial model.
   b. the open-conflict stage of deliberations.
   c. peremptory challenges.
   d. the inquisitorial model.

9. Acquisition, storage, and retrieval are the three stages in
   a. the voir dire.
   b. the process by which police attempt to extract confessions from suspects.
   c. adversarial models of resolving disputes.
   d. eyewitness memory.

10. The defense attorney in a trial thought that jurors living in a particular neighborhood would be prejudiced against her client. During the jury selection process, the attorney noted that one of the prospective jurors was from that particular neighborhood. The attorney didn’t think that the judge would agree with her that this prospective juror would be biased, but the attorney wanted to exclude this juror anyway. To exclude this person from serving on the jury, the attorney most probably would use
    a. jury nullification.
    b. the adversarial model.
    c. peremptory challenge.
    d. an appeal based on normative influence.

11. According to research, prospective jurors who favor the death penalty are
    a. highly suspicious of police.
    b. cynical about defense lawyers.
    c. tolerant of protecting the accused.
    d. likely to be excluded from verdict trials, but not from sentencing trials.

12. The fact that people divulge information that isn’t allowed into trial records is one of the potential dangers of
    a. peremptory challenges.
    b. pretrial publicity.
    c. expert witnesses.
    d. the leniency bias.

13. Research on jury deliberation suggests that verdicts tend to be
    a. determined by whatever the majority of jurors initially believe even before the deliberation, although deliberation tends to produce a bias toward acquittal.
    b. mostly random, and therefore it is virtually impossible to make any generalizations about how most jurors reach their verdicts.
    c. determined largely by the initial opinion of the foreperson.
    d. influenced more by the judge’s instructions than by the initial opinions of the jurors, although deliberation tends to produce a bias toward conviction.
14. Research on confessions has found that
   a. under some conditions suspects will confess to a crime they did not commit, and they will believe their confessions.
   b. suspects may be coerced or tricked into confessing when they had not planned to, but they will confess only if they actually committed the crime.
   c. confessions have less effect on jurors if they see a videotape that focuses on the defendant confessing than if they learn about the confession through testimony.
   d. suspects may be coerced into confessing to a crime they did not commit, but they will not be led to believe that they may have actually committed the crime.

15. Wayne was waiting in line at the bank. Suddenly, he saw three people in the bank pull out guns, go to a few cashiers, demand and receive money, and run out the door. Research suggests that because Wayne saw the guns, he will
   a. be especially able to accurately identify the bank robbers.
   b. be less able to accurately identify the bank robbers.
   c. have very accurate acquisition but less accurate retrieval.
   d. be accurate in identifying the bank robbers if they are of a different race than he is.

16. Jenny is a lawyer very familiar with social psychological research. Jenny asks an eyewitness to a car accident to “please estimate the speed of the green car when it contacted the red car.” Based on this wording, one can infer that
   a. because she said “speed” rather than “miles per hour,” Jenny is hoping to raise the witness’s estimate of how fast the green car was going.
   b. because she said “car” rather than a specific make and model of car, Jenny is trying to make the eyewitness look less competent.
   c. because she said “please estimate,” Jenny is trying to make the witness feel less pressure to be specific, which should cause the witness to exaggerate the speed of the car.
   d. because she used the word “contacted” rather than “collided” or “smashed,” Jenny is trying to lower the witness’s estimate of how fast the green car was going.

17. The following people all witnessed a crime. All other things being equal, which one is most likely to falsely identify a suspect as the criminal?
   a. A witness who sees five people in a line-up who resemble each other
   b. A witness who is told before observing a line-up that the real criminal might or might not be present
   c. A witness who is brought to a show-up in which the police bring the suspect in alone
   d. A witness who sees the mug shot of the suspect and then sees the suspect and four other people in a line-up

18. Critics of scientific jury selection oppose this process because they claim that it
   a. tends to result in hung juries.
   b. tips the scales of justice in favor of wealthy clients.
   c. biases jurors against the defendant.
   d. produces the leniency bias.
19. During police questioning, Gary confessed to a crime. All other things being equal, in which of the following cases are jurors in Gary’s trial most likely to find Gary guilty?
   a. The jurors learn that the police had extracted the confession by threatening Gary with harm if he didn’t confess.
   b. The jurors see a videotape that focuses on the coercive interrogation that the police used to extract the confession from Gary.
   c. The jurors learn that the police had extracted the confession by offering Gary favorable treatment.
   d. Gary’s confession is ruled inadmissible in a pretrial hearing and it is not introduced in the trial.

20. While witnessing a crime, Rose was highly aroused, saw a weapon, and observed that the criminal was of a different race than hers. The defense lawyer argues that these are all factors that may make her testimony less reliable because each can affect
   a. acquisition.
   b. storage.
   c. retrieval.
   d. informational influence.

21. Research shows that reconstructing a culprit’s face by selecting a set of eyes, a nose, a mouth, and a hairstyle __________ produces a face that resembles the actual culprit.
   a. seldom
   b. usually
   c. always
   d. never

22. The “CSI effect” is the fear that leads jurors to hold unrealistically high expectations that cause them to vote cautiously for __________.
   a. conviction
   b. acquittal
   c. innocence by reason of insanity
   d. a hung jury

**Essay Questions**

23. Explain scientific jury selection. What are the arguments supporting and opposing the use of this technique?

24. Briefly describe the three stages of eyewitness memory. Describe a bias that might influence the third stage of an eyewitness memory.

25. What are two situational factors that affect which juror is selected as foreperson? Describe the impact that the foreperson typically has on the jury’s deliberations.

26. To what extent does a juror’s race affect his or her decision-making on a jury?
ANSWERS TO THE PRACTICE QUIZ

Multiple-Choice Questions: Correct Answers and Explanations

1. c. Marie’s level of arousal is higher in response to questions about stealing from the store than it is in response to other arousing questions that are not about stealing from the store. The polygraph is a mechanical instrument that records physiological arousal from multiple channels; it is often used as a lie-detector test. In theory, the polygraph should reveal that guilty suspects who deny that they are guilty show more arousal when asked crime-relevant questions than when asked other questions that are arousing but not relevant to the crime. The suspect’s levels of arousal are not compared with other people’s levels because people’s baseline levels of arousal are likely to vary dramatically from one person to another. Rather, the suspect’s levels of arousal in response to crime-relevant questions are compared to his or her own levels of arousal in response to questions that are arousing but not relevant to the crime. The polygraph is designed to measure levels of arousal; it cannot measure people’s conscience to determine whether they are trying to suppress thoughts or memories, and it cannot measure eye movements.

2. d. the tactics used to extract confessions. Police use a wide variety of tactics to get confessions from suspects. Minimizing the offense by offering excuses (i.e., by telling Fred that people do unusual things when drinking) and pretending to befriend the suspect and offer advice are among these tactics. A polygraph is a mechanical instrument that records physiological arousal from multiple channels; it is often used as a lie-detector test. In this example, no mechanical instruments or attempts to measure arousal or deception were used. The leniency bias is the tendency for jury deliberation to produce a tilt toward acquittal; but this is not relevant in this example. The acquisition process is the first stage of human memory, followed by storage and retrieval. Acquisition refers to one’s perceptions at the time of the event to be remembered. In this example, the event had already happened, so acquisition is not an issue. In addition, there is no mention of the police asking misleading questions.

3. c. eyewitnesses’ confidence does not reliably predict their accuracy. Surprisingly, a witness’s confidence is not a good predictor of the accuracy of his or her testimony. Eyewitnesses can become more or less confident as a result of social factors that are unrelated to eyewitness accuracy. Research suggests that it is possible to distinguish between accurate and inaccurate eyewitness identifications by asking witnesses to describe how they came to their judgments; they are more likely to be accurate to the extent that they describe their judgments as quick, effortless, and automatic. Jurors tend to overestimate, not underestimate, eyewitness accuracy. Eyewitness identifications tend to be persuasive and have a great deal of impact; there is no evidence to suggest that its impact is relatively small in death-qualified juries (juries in which prospective jurors who oppose the death penalty are excluded).

4. a. lead jurors to scrutinize the evidence more carefully. The accuracy of eyewitness testimony tends to be overestimated, but the use of experts can prompt jurors to become more skeptical and cause them to scrutinize the evidence more carefully. Thus, these experts typically are not ignored. There is no evidence to suggest that expert witnesses lead jurors to rely on the eyewitness evidence more and on other factors less (indeed, the opposite should occur), or that they lead jurors to be biased in favor of the prosecution.

5. a. jury selection process. The voir dire is the pretrial examination of prospective jurors by the judge or opposing lawyers to uncover signs of bias. This is the third stage of the jury selection process. The first two stages involve identifying potential jurors and selecting a representative sample. The jury deliberation process is the decision-making process juries go through after the testimony has been presented in court. The inquisitorial model is a system of resolving disputes in
which a neutral investigator gathers evidence from both sides and then presents the findings in court. Jury nullification refers to the jury’s power to disregard, or “nullify,” the law when it conflicts with the jurors’ personal conceptions of justice.

6. **c. disregard judges’ instructions.** Jury nullification refers to the jury’s power to disregard, or “nullify,” the law when it conflicts with the jurors’ personal conceptions of justice. Because juries deliberate in private, they can choose to disregard their judge’s instructions. Jury nullification does not explain familiarity-induced biases, misinformation effects, or sentence disparity. Familiarity-induced biases refer to the tendency for witnesses to be more likely to identify someone in a line-up if they had previously seen that person before, such as in a mugshot, but this tendency has nothing to do with juries. Misinformation effects are also not relevant here; rather, they refer to the finding that eyewitness memory can be altered by exposure to postevent information. Finally, sentencing disparity refers to judges’ assignment of different sentences to criminals who have committed similar offenses. As such, it is not a reaction on the part of jurors. Moreover, few jurors would favor such disparity.

7. **c. jury deliberation.** After the evidence is presented and the judge gives the jurors instructions and tells them to return with a verdict, the jury deliberates and tries to reach a verdict. The jury deliberation process typically moves through three stages. First, juries begin in a relaxed, orientation period during which they set an agenda, raise questions, and explore the facts. Second, as soon as differences of opinion are revealed, a period of open conflict develops during which jurors debate evidence and dispute interpretations. Third, the jury smoothes over the conflicts and affirms its satisfaction with the outcome during the period of reconciliation. Jury nullification refers to the jury’s power to disregard, or “nullify,” the law when it conflicts with the jurors’ personal conceptions of justice, but it does not necessarily proceed through any stages. Orientation, open conflict, and reconciliation are not relevant to eyewitness memory, which involves acquisition, storage, and retrieval. Peremptory challenges are the means by which lawyers can exclude a limited number of prospective jurors without having to state reasons or get the judge’s approval, but these challenges do not progress through the stages of orientation, open conflict, and reconciliation.

8. **a. the adversarial model.** The adversarial model is a dispute-resolution system in which the prosecution and the defense present opposing sides of the same story; this model is illustrated in Anne’s case. The open-conflict stage of deliberations is the second of three stages of jury deliberation, during which jurors debate evidence and dispute interpretations; but the example does not mention the role or behaviors of a jury. Peremptory challenges are the means by which lawyers can exclude a limited number of prospective jurors without having to state reasons or get the judge’s approval; this example does not mention anything about the jury selection process. Finally, the inquisitorial model differs from the adversarial model in that it is a system of resolving disputes in which a neutral investigator gathers evidence from both sides and then presents the findings in court.

9. **d. eyewitness memory.** Eyewitness memory involves the perceptions of an event at the time of occurrence (acquisition), the placing in memory of those perceptions to avoid forgetting (storage), and the recall from memory of those perceptions (retrieval). These are not stages in the voir dire (the pretrial examination of prospective jurors by the judge or opposing lawyers to uncover signs of bias), police tactics to extract a confession (police may try to influence people’s memories but acquisition, storage, and retrieval are not three stages in these police interrogations), or adversarial models of resolving disputes (in which the prosecution and the defense oppose each other, and both present one side of the story).
10. **peremptory challenge.** A peremptory challenge is a means by which lawyers can exclude a limited number of prospective jurors without the judge’s approval; this is what the attorney could use to exclude the prospective juror she feared would be biased, without having to get the judge’s approval. Jury nullification refers to the jury’s power to disregard, or “nullify,” the law when it conflicts with the jurors’ personal conceptions of justice, but this is not relevant here. The adversarial model is not a technique used by an attorney to exclude certain people from serving on the jury, but rather is a dispute-resolution system in which the prosecution and the defense present opposing sides of the story. Normative influence produces conformity because a person fears the negative social consequences of appearing deviant, but this influence is not relevant in this question.

11. **cynical about defense lawyers.** Prospective jurors who favor the death penalty are more prosecution-minded on a host of issues. For example, they are more concerned about crime, more trustful of police, more cynical about defense lawyers, and less tolerant of procedures that protect the accused. They are not likely to be excluded from verdict trials; indeed, because of the death-qualification procedure, prospective jurors who oppose the death penalty are more likely to be excluded from verdict trials in cases that might result in the death penalty for the accused.

12. **pretrial publicity.** Pretrial publicity often includes information (such as prior convictions of the defendant) that may not be admissible in court. Hence, to the extent that jurors are exposed to this publicity, it could jeopardize a fair trial. A peremptory challenge is a means by which lawyers can exclude a limited number of prospective jurors without the judge’s approval, but there is no danger in this process that is related to the issue raised in the question. There is no reason to assume that expert witnesses are particularly likely to divulge information that isn’t allowed into trial records, nor is the leniency bias (the tendency for jury deliberation to produce a tilt toward acquittal) relevant in this example.

13. **determined by whatever the majority of jurors initially believe even before the deliberation, although deliberation tends to produce a bias toward acquittal.** The initial majority opinion is the best predictor of eventual verdicts, although a bias toward leniency does often emerge from deliberation. These research findings suggest that verdicts are not simply random. Forepersons do not exert more than their fair share of influence on the verdict. Judge’s instructions often are too complex, come too late, and may rely on details of laws that jurors disagree with – each of these problems contributes to the fact that judge’s instructions often do not have that much impact; in addition, the second part of this answer – that deliberation produces a bias toward conviction – is the opposite of the real bias toward leniency.

14. **under some conditions, suspects will confess to a crime they did not commit, and they will believe their confessions.** Although rare, suspects may be led to believe that they committed a crime they had not committed under a particular set of conditions. Research has suggested that when people are uncertain about their own actions and are presented with false evidence that points strongly to their guilt, people may come to believe that they are guilty even if they are not guilty. The issue of false confessions is particularly important because confessions often have a very strong effect on verdicts. Showing the jury a videotape that focuses on the defendant confessing increases the effect of the confession on the jury’s interpretations.

15. **be less able to accurately identify the bank robbers.** There is a tendency for weapons to draw witnesses’ attention and impair their ability to identify the culprit – this phenomenon is known as the weapon-focus effect. When a criminal pulls out a weapon, witnesses are less able to identify the culprit than if no weapon were present. This is probably because the witnesses either are agitated by the sight of the weapon or tend to focus on the weapon and have their attention drawn away from the face(s) of the culprit(s). By interfering with their observation of the event as it occurred, the weapon-focus effect interferes with the acquisition stage of eyewitness memory,
which refers to one’s perceptions at the time of the event to be remembered. There is no evidence to suggest that observing a weapon makes one more accurate in identifying culprits if they were of a different race; indeed, because of the cross-race identification bias (which refers to the finding that people are better able to identify members of their own race than members of other races), the arousal and distraction caused by the presence of the weapon should probably make witnesses less accurate in identifying culprits of a race different from theirs.

16. **because she used the word “contacted” rather than “collided” or “smashed,” Jenny is trying to lower the witness’s estimate of how fast the green car was going.** Research has shown that the wording of a question such as this can affect a witness’s response, and may even influence the witness’s memory for the event in question. For example, research has found that participants give lower estimates of the speed of a car involved in an accident that they had witnessed if the verb “contacted” is used in the question than if the verb “collided” or “smashed” is used. There is no research evidence to support any of the alternative answers for this example.

17. **a witness who sees the mug shot of the suspect and then sees the suspect and four other people in a line-up.** When witnesses view a line-up after having looked at mug shots, they are inclined to identify anyone whose photograph they have previously seen. This tendency, known as a familiarity-induced bias, can result in false identifications. The three alternative answers to this question all concern factors that reduce the chances of inducing a witness to falsely identify someone as the criminal.

18. **tips the scales of justice in favor of wealthy clients.** Scientific jury selection is a method of selecting juries through surveys that yield correlations between demographics and trial-relevant attitudes. Because hiring experts to conduct scientific jury selection is expensive, this method favors wealthy clients who can afford the service. Clients without the resources to pay for these services cannot afford to use this selection procedure even though it might benefit them. Scientific jury selection is not typically criticized for the reasons stated in the alternative answers to this question. There is no evidence that scientific jury selection tends to result in hung juries, that it biases jurors against the defendant, or that it produces the leniency bias, which is the tendency for jury deliberation to produce a tilt toward acquittal.

19. **The jurors learn that the police had extracted the confession by offering Gary favorable treatment.** Research suggests that when a defendant is said to have confessed in response to an offer of favorable treatment, jurors may not completely disregard the confession. They may recognize that the confession was involuntary, but they vote guilty anyway. In contrast, if jurors learn that the confession came in response to a threat of harm or punishment, they are much more likely to completely discount the confession and are thus less likely to vote guilty. Seeing a videotape that focuses on the coercive interrogation that the police used on the defendant to extract the confession makes jurors more likely to discount the confession as involuntary, making them less likely to vote guilty. If the defendant’s confession is ruled inadmissible in a pretrial hearing and is not introduced in the trial, the confession should have absolutely no impact on the jurors (unless they were exposed to it in pretrial publicity – but this is not suggested in this example), and thus they should be less likely to vote guilty than if they learned of the confession.

20. **acquisition.** Acquisition is the first stage of human memory, followed by the stages of storage and retrieval. Acquisition refers to one’s perceptions at the time of the event to be remembered. During this stage, information about a crime is gathered. Arousal, the weapon-focus effect (which is the tendency for weapons to draw witness’s attention and impair their ability to identify the culprit), and the cross-race identification bias (which refers to the finding that people are better able to identify members of their own race than members of other races) are all factors that can interfere with the acquisition stage. Because these factors have their effects as the witness observes the event, they are most relevant to acquisition rather than to the later stages of storage.
and retrieval. Informational influence is influence that produces conformity because a person believes others are correct in their judgment; this is relevant to the jury deliberation process, but not to the situation outlined in this example.

21. a. **seldom.** Imagine trying to reconstruct a culprit’s face by selecting a set of eyes, a nose, a mouth, a hairstyle, and so on, from vast collections of features, and then combining them into a composite of the face. Research shows that this process seldom produces a face that resembles the actual culprit (Kovera et al., 1997). To further complicate matters, the face construction process itself may confuse witnesses, making it more difficult for them later to identify the culprit. In one study, for example, participants were asked to select from six pictures a person’s face they had seen two days earlier. Sixty percent accurately identified the target. When they first tried to reconstruct the face using a computerized facial composite program, however, their identification accuracy dropped to 18 percent (Wells et al., 2005).

22. b. **acquittal.** Perhaps you have watched the popular television drama CSI, which stands for Crime Scene Investigation and focuses on the process by which police investigators collect and analyze fingerprints, bodily fluids, and other types of forensic evidence. Many legal commentators are speculating that the public’s exposure to this show is influencing jury verdicts. Called the “CSI effect,” the fear is that it leads jurors to hold unrealistically high expectations that cause them to vote cautiously for acquittal because they find the actual evidence insufficient to support a guilty verdict. If true, then the CSI effect would represent a special type of pretrial publicity, potentially influencing an entire population of juries. Tom Tyler (2006) is quick to note, however, that although the hypothesis is plausible, there is at present no hard evidence to support it.

**Answers to Essay Questions: Sample Essays**

23. Scientific jury selection is a method of selecting juries through surveys that yield correlations between demographics and trial-relevant attitudes. During the voir dire, lawyers ask prospective jurors about their backgrounds and then use peremptory challenges to exclude those whose profiles are associated with unfavorable attitudes. Proponents of scientific jury selection argue that picking juries according to survey results is simply a more refined version of what lawyers are permitted to do by intuition. They argue that as long as it is legal for lawyers to use peremptory challenges, there is nothing unethical about using a scientific technique to accomplish what other lawyers try to do using their own intuition, implicit theories, and stereotypes. However, because hiring experts to conduct scientific jury selection is expensive, critics of the use of this technique argue that it favors wealthy clients who can afford it. Clients without the resources to pay for this service are thus essentially discriminated against.

24. Eyewitness memory is divided into three stages. The first stage is the acquisition stage. Acquisition involves the perceptions of an event at the time of occurrence. The second stage is the storage stage. Storage involves the placing and keeping in memory of those perceptions to avoid forgetting. The third stage is the retrieval stage. Retrieval involves the recall from memory of those perceptions. One kind of bias that can create errors in the retrieval stage is a familiarity-induced bias. When witnesses view a line-up after having looked at mug shots, for example, they are more likely to identify someone in the line-up as the culprit of the crime they had witnessed if they saw this person’s photograph among the mug shots than if they did not. When witnesses see someone in a line-up whose face looks familiar, they may confuse the familiarity resulting from exposure to the person’s mug shot with that of having witnessed this person at the crime. Thus they are impaired in their ability to accurately retrieve the face of the culprit from memory.

25. Several factors are related to the selection of a foreperson. People of higher occupational status or with prior experience on a jury are frequently chosen. Men are more likely to be chosen than women. More subtle, situational factors include who speaks first and where people sit. The person...
who speaks first as the jury is about to begin deliberations is often chosen as foreperson. If the seating arrangements are such that there are particularly salient seats, such as at the head of the table, the people who sit in these seats are more likely to be chosen than are those who sit at other, less salient seats. During the deliberation process, the foreperson calls for votes, acts as a liaison between the judge and jury, and, at the conclusion of the deliberations, announces the verdict in court. The foreperson spends more time than other jurors talking about procedural matters, but less time than the other jurors expressing opinions on the verdict. Forepersons do not exert a disproportionate amount of influence over the jury.

26. Research suggests that there is no simple answer. In one study, Norbert Kerr and others (1995) tested the most intuitive hypothesis of all, that jurors favor defendants who are similar to themselves. They presented mixed-race groups with a strong or weak case involving a black or white defendant. They found that when the evidence was weak, the participants were more lenient in their verdicts toward the defendant of the same race. Yet when the evidence was strong, they were harsher against that similar defendant—as if distancing themselves from his wrongdoing. In a second study, Samuel Sommers and Phoebe Ellsworth (2001) tested the popular notion that jurors would show preference for others of their racial group when a crime involves race—as when it is a motivated hate crime or when attorneys “play the race card” in arguments to the jury. Yet they found the opposite pattern. When race was not an “on the radar” issue, white jurors predictably treated the defendant more favorably when he was white than when he was black. Yet when race was made a prominent issue at trial, the white jurors bent over backward not to appear prejudiced; hence, they did not discriminate. Other research as well has shown that jurors may, at times, be motivated to serve as watchdogs against racist tendencies, leading them to process trial information even more carefully when a defendant is black than when he or she is white (Sargent & Bradfield, 2004).