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The Lived Experiences of Elderly Jury Members in Determining Verdicts

Debra Dix
Walden University

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Walden University

College of Social and Behavioral Sciences

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Debra Dix

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Review Committee

Dr. Jessica Hart, Committee Chairperson, Psychology Faculty

Dr. Sharon Xuereb, Committee Member, Psychology Faculty

Dr. Rolande Murray, University Reviewer, Psychology Faculty

Chief Academic Officer and Provost

Sue Subocz, Ph.D.

Walden University

2021

Abstract

The Lived Experiences of Elderly Jury Members in Determining Verdicts

by

Debra Dix

MA, Montclair State University, 2013

BA, Rutgers University 1999

Proposal Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

General Psychology

Walden University

February 2021

Abstract

Very little research has been done on elderly jurors who were age 55 or older when they served on juries. The research that exists suggests that older jurors are more likely to vote to convict than younger jurors, although the reasons for the higher conviction rates have not been studied in depth. This study explored the lived experiences of elderly jury members in determining verdicts while in the performance of jury duty and the defendant characteristics that influenced their verdict decisions. Story model theory and director's cut theory were used to attempt to explain how elderly jurors arrived at verdict decisions. Five participants who were 55 or older when serving on a jury were recruited through social media and Walden's participant pool. Participants were interviewed by telephone and asked what personal characteristics they considered when evaluating a criminal act and how they reached their verdict decision from the evidence presented at trial. Data from the interviews were analyzed and coded according to the interpretive phenomenological method. Three themes emerged from the data: feeling sorry for defendants, feeling sorry for victims, and feelings towards the criminal justice system. The findings were compared to existing literature that helped frame the factors impacting elderly jurors' decisions, and supported suggestions to gain deeper insight on avoiding extra-legal and biasing influences. A better understanding of this phenomena can lead to positive social change by lawyers balancing situational and personal motivations of the defendants and understanding that elderly jurors will look at the character of the defendants and the victims when arriving at their verdict decisions.

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Chapter 1: Introduction to the Study

Introduction

In the United States, the population of residents over the age of 65 grew from 35 million in 2000, to 49.2 million in 2016, accounting for an increase of 12.4% to 15.2% of the total population, respectively (U.S. Census Bureau, 2017). This increase is due in part to baby boomers, who began turning 65 in 2011 and will continue to do so increasing the median age in the country (U.S. Census Bureau, 2017). This older age group are all potential jury pool participants. There has been very little research and data examining juror age and trial outcomes, but the little that does exist suggests that elder jurors tend to convict more often than younger jurors (Anwar et al., 2012). The elderly population will continue to grow and, as a result, increase the number of potential elderly jury members. Therefore, it was important to explore how elderly jurors made their decisions in determining guilt and innocence. It was also important to look at what personal characteristics guided their decisions.

I present a brief overview of the research literature in this chapter, as well as an explanation regarding the importance of the study. I identify and discuss the problem statement in detail, along with the purpose of the current study. I then discuss in detail the conceptual framework of the study and the relationship between the framework and the research questions. I present the nature of the study, and I discuss the possible types and sources of data. Finally, I define the significance and potential contributions that the study may provide.

Background

Existing studies reflected that older jurors were more likely to convict than younger jurors (Anwar et al., 2012; Higgins et al., 2007). However, very little research was done on why older jurors tend to convict more than younger jurors. To reduce the potential effects of this higher conviction rate among older jurors, defense lawyers tend not to select older jurors, while prosecutors tend to choose older versus younger jurors (Anwar et al., 2012). Per Anwar et al. (2012), there is also evidence to suggest that the older jurors' social attitudes about defendants could influence their decisions on verdicts and the treatment of certain classes of defendants. The little research that exists have found that older jurors tend to view defendants as more responsible for the crime they committed, and therefore, tend to vote guilty more frequently than younger jurors (Higgins et al., 2007).

Older jurors also tend to make more dispositional attributions when negative outcomes occurred in particular cases (Higgins et al., 2007). One hypothesis for this is the activation of social schemas when processing defendant characteristics and traits. Per Higgins et al. (2007), certain schemas that may be more strongly present in older adult jurors include "drugs are bad, and it's important to serve your country (PTSD defense)" (p. 13). Violation of strongly held schemas may be attributed to character flaws by jurors of certain generations. Also, Higgins et al. (2007) found that defendants who had more self-inflicted excuses were found to be more responsible for their crimes in the viewpoints of older jurors. With older adults in particular, Ruva and Hudak (2011) found

that the more positive the biasing information presented, the more biased decisions older adults made.

Older adults seem to want to focus on positive information and show a preference towards positive rather than negative information (Ruva & Hudak, 2011). In addition, older adults are often more certain of the verdicts they rendered than younger jurors (Higgins et al., 2007). A deeper understanding of how older jurors reach verdict decisions is important because our legal system relies heavily on causal dispositions. Therefore, jurors are often asked to assume a defendant's reasoning for committing a particular crime.

Problem Statement

By the year 2050, people aged 60 or greater will constitute over 20% of the world's population (Agudo & Heredia, 2018). This worldwide trend is also present in the United States where the median age is getting older. Few studies have explored what characteristics jurors consider when determining verdicts in regard to the criminal acts that the defendants' have committed or are being accused of (Abwender & Hough, 2001).

Even less is known regarding the difference between older and younger jurors when arriving at verdict decisions. Given that there is the potential of elderly jury members constituting a larger percentage of juries, and the possibility that they will be more involved in legal proceedings in general, it is important to understand why and how they decide on guilt or innocence (Ruva & Hudak, 2013). It is also important to explore what personal characteristics play a role in their decision-making process (Abwender & Hough, 2001). This is important because the way our legal system works, and the juror

traits that defense attorneys and prosecutors look for may not hold up across all situations and variables. Because elderly jurors will make up larger portions of jury pools (U.S. Census Bureau 2018), and they tend to convict more often than younger jurors (Anwar et al., 2012), exploring their experiences as they evaluate evidence and extra-legal influences is valuable (Ruva & Hudak, 2013).

Purpose of the Study

The purpose of this qualitative phenomenological study was to explore the lived experiences of elderly jury members as they decided agreement or disagreement on criminal verdict decisions, and what defendant characteristics influenced their verdict decisions. For example, research has found that the higher the socioeconomic status (SES) of a defendant, the less severely punished they are (Esqueda et al., 2008). And, as the severity of a crime increases from petty theft to armed robbery, the level of punishment increases, especially if the offender is of a lower SES (van Prooijen, & Coffeng, 2013; Hunt, 2017). Less is known on how jurors' age influences thoughts on guilt or innocence or specifically how elderly jurors make their decisions (Higgins et al., 2007). In this study, I explored the themes that emerged from the lived experiences of elderly jury members, including the personal characteristics that guided the decision-making process regarding verdicts.

Conceptual Framework

Story model theory explains how individuals make sense of trial information in their minds. Story model theory is based on the belief that jurors create stories in their minds to help to make sense of trial information and to understand the motive and

relationships between events (Pennington & Hastie, 1992). Jurors' stories of the events leading to the crime are created out of their own stereotypes of defendant behavior as well as their own unique life experiences (Devine & Caughlin, 2014). Jurors assign meaning to trial evidence through the activation of stereotypes, life experiences, and their personal stories. The stories they create help them to understand what happened during events of the crime, or whether internal or external attributes may have influenced behavior (Pennington & Hastie, 1992; Robinson, 2017). Pennington and Hastie first developed the model that jurors developed stories based on trial evidence, their personal knowledge about similar events, and their knowledge of story structures (see also Huntley & Costanzo, 2003). Through the creation of stories which include defendant attributes, jurors better understand events, which enable them to better reach verdicts (Pennington & Hastie, 1992; Robinson, 2017).

The director's cut model expanded on story model theory. This model further explains how characteristics or attributes of defendants may influence jury decision making (Devine & Caughlin, 2014). Per Devine and Caughlin, some jurors may hold stereotypical images of criminal behavior. If these jurors' images and beliefs lead to an understanding of defendant behavior in the circumstances presented at trial, then jurors will be much more likely to convict based on the stories they have created for themselves (Devine & Caughlin, 2014).

The story model theory of jury decision making is one explanation of how jury members use trial evidence and their personal knowledge of similar events to fill in gaps of information not presented at trial. Trial evidence is viewed as a movie script and jurors

connect sequences of events to form a coherent picture of the crime and what they believe took place (Levett & Devine, 2017). Each juror will fill in gaps in evidence and in sequences of events in their own unique way based on their own life experiences and personal backgrounds. In short, they will create meaningful stories from what they have learned and experienced in their own lives.

Research Questions

The aim of the current study was to gain an in-depth understanding of the lived experiences of elderly jurors and what defendant characteristics influenced their verdict decisions. The research questions were developed along the lines of story model and director's cut theories. Other questions were developed based on the research available on what factors influenced elderly juror decisions. The research questions were as follows:

RQ1: What personal characteristics do elderly jurors consider when evaluating a criminal act?

RQ2: How do elderly jurors reach their verdict decisions from the evidence presented at trial?

Nature of the Study

The nature of this study was qualitative. The focus of this study was to understand the lived experiences of elderly jury members in deciding verdicts. The goal was to explore the themes that emerged from their experiences and what characteristics guided their decisions.

I collected data on the themes derived from the interview questions. The themes delineate how the jurors created meaning from their experiences that led to verdict decisions and the defendant characteristics that impacted their verdict decisions. I asked participants to respond to interview questions. I also asked them what personal experiences or attitudes towards defendants were aroused and how those attitudes and experiences influenced their behavior when they made verdict recommendations.

This study contributed to the literature by providing a deeper understanding of the “extralegal influences” that contribute to juror verdicts (see Devine & Caughlin, 2014). Common themes and patterns that existed in juror beliefs were discovered. The qualitative nature of the study allowed participants to describe developments and turning points in the process of verdict decision making and story creation, or how they came to understand the events that lead to the crime. Per Devine and Caughlin, this information will contribute to the understanding of how and why cognitive structures and individual differences lead to different stories and ultimately to different verdicts or even different policies regarding criminal behavior.

Definition of Key Terms

Elderly juror. A juror age 55 or older at the time of jury service (Ruva & Hudak, 2013).

Story model theory. How individuals make sense of trial information (Pennington & Hastie, 1992).

Director’s cut theory. How characteristics and attributes of defendants influence jury decision making (Devine & Caughlin, 2014).

Causal disposition. Why a defendant committed a crime (Higgins et al., 2007).

Sanctions. Punishment appropriate for the crime committed (Devine & Caughlin, 2014).

Verdict decision. A guilty or not guilty decision (Pennington & Hastie, 1992).

Self-inflicted excuses. An excuse for committing a crime caused by the actions of the defendant (Higgins, Heath & Grannemann, 2007).

Biasing inferences. Positive or negative information that influenced a juror (Ruva & Hudak, 2013).

Social schema. A cognitive system that helps to organize and make sense of information ((Higgins, Heath & Grannemann, 2007).

Defendant characteristics. Age, gender, SES ((Higgins, Heath & Grannemann, 2007).

Extra-legal factors. Attributes of the case that should have had no impact on the decision-making process for a juror (Klettke et al., 2015).

Assumptions

I made certain assumptions in regard to the design of the study. I believed these assumptions to be accurate, but they were unverifiable. I assumed that responses to the interviews yielded valid data that answered the research questions. I also assumed that an individual accurately reflected their experiences while serving on a jury and that they were truthful in their recollections of what they felt, thought, and experienced.

I also assumed that the participants did not try to meet my expectations about what they felt or what they thought I wanted to hear and that the participants did not

make assumptions about the type of information I sought in my questions. Also, I assumed that there were enough participants to provide sufficient data to identify all significant themes. I used an adequate sample size, which was important to identify emerging and unanticipated themes within the research project. To help achieve an adequate sample size, I conducted interviews until I believed that I reached data saturation. I also administered the interview in a consistent manner for all participants, and to the best of my knowledge, the interviews were bias free, and interruptions were kept to a minimum. I also asked interview questions in an open, nonjudgmental way to ensure participants felt supported, and that enabled them to hopefully be honest and open in their personal expressions. To help avoid the potential researcher bias, the data that I collected was read to participants to verify that transcriptions and my interpretations were correct.

Scope and Delimitations

In this study, I examined what defendant characteristics influence elderly jurors' verdict decisions, as well as elderly jurors' experiences during jury service. The participant selection for this study involved both males and females who served on a jury while age 55 or older. I used purposive and homogenous sampling because individuals had to have had similar experiences such as serving as jurors during a criminal trial while in the age group. The sampling allowed for the discovery of themes that I analyzed for similarities and differences. While more research needs to be done examining experiences and viewpoints of elderly jurors, I choose to focus on the defendant and juror traits that influenced the verdict decisions of this population. I used a qualitative

methodology to gather participants for semistructured interviews to understand what defendant characteristics influenced juror verdicts. Included in the study were participants who served on a jury during a criminal trial while age 55 or older.

Based on the depth of the interviews and analysis, five participants met the criteria for interviews from a fairly homogenous sample (Peat et al., 2019). These participants were sought through social media and Walden University's participant pool.

Age was a delimitation because elderly jurors were the subject of study, and homogeneity was supported. Jurors under age 55 were not included because their experiences could fall out of the experiences of elderly jurors and put homogeneity at risk. There is also research available on juror experiences in general, and I did not apply those results to the results I found on elderly jurors.

Limitations

Because in this study I attempted to gain information on human experience and behavior, certain limitations were noted. The selected participants were located in the United States and were gained through the participants answering inquires and requests for former jurors willing to share their experiences. This means that the data may not be transferable to states that the participants did not reside in, or countries outside the United States. Several limitations of this study resulted from the nature of the qualitative research design. Qualitative study often develops theories that are not generalizable but are transferable. The notion of transferability does not allow readers of the research to come to understand lived experiences as true, but rather to relate others' experiences to their own experiences (Peat et al., 2019).

The participants for this study were reached through advertisements placed on social media and in Walden University's participant pool. Therefore, the resulting data may not apply to individuals who do frequent social media or who are not college students. Furthermore, individuals who volunteer to participate in research studies may have different personalities and traits than those who do not volunteer, and the research may therefore be limited. The format and intent of the semistructured interview also had some limitations. I created the interview questions to help understand the lived experiences of elderly jury members, and that varied on the type of trial and the outcome. And, the interpretation of the data collected, was also limited since the questions were focused on participants' personal experiences, beliefs and opinions.

In regard to reflexivity, I made every attempt to remain mindful of my personal biases. Some of these biases could have included how I felt about the defendants and defendant behavior. I was aware that any unintended transmission of bias could impact the research. As I tried to keep the research questions as neutral as possible, there was still a chance of unintentional biased wording or reaction to experience through my interactions with the participants or in my interpretation and analysis of the responses.

Throughout the study, I attempted to remain neutral. In interpretive phenomenological research, the researcher is an instrument in the study itself, and just as participants had their own knowledge based on experiences, I also had my own knowledge, ideas, and biases from my experiences as well. Because I am in the process of completing doctoral-level education in psychology, I analyzed the research findings from this study through a psychological lens. Therefore, different themes may have

emerged if another researcher from another background with different experiences, education, and biases tried to replicate this study.

A small sample size is often used in phenomenological research. However, sample size may limit the knowledge obtained because random selection of participants will not be used (Peat et al., 2019). Based on Peat et al.'s (2019) research, a purposive sampling method is used based on knowledge needed by the researcher and experience with the phenomenon under study. In this research project, the sample comprised people age 55 and older who have served on a jury.

Another limitation of the study was the lack of research, and available resources to study the phenomenon in as much depth as was needed. Locating research on elderly jurors published in the last 5 years was difficult and limited. To address this, I had to reference some older studies, as well as studies that looked at juror behavior in general. Additionally, I reviewed a study regarding memory and cognitive processing in older adults (Kovalchik et al., 2005).

Significance

According to Ruva and Hudak (2011), by 2025 the number of United States citizens over the age of 60 is expected to rise to 82.5 million, which is an increase of 24.6%. Therefore, it is important to understand the elderly's viewpoints, and their process in making decisions about criminal verdicts. It may also help to understand how elderly jurors view personal characteristics of defendants and what, if any, personal characteristics guide their understanding of defendant behavior and verdict decisions. If justice is truly blind, then verdicts and understanding behavior should not change based

on the personal characteristics of the defendant. If personal characteristics bias jury decisions, verdicts may be disproportionately impacted based on how individual traits are viewed and experienced.

This study increased our knowledge as to how various defendant and juror characteristics inform elderly jurors' verdict decisions. It also aided in understanding the lived experiences of elderly jury members as they made those decisions. By better understanding the experiences of elderly jurors, and how they came to understand the defendant, fairer and more informed decisions can occur during trials. This information can be used in jury selection by the defense as well as by the prosecution. Through a greater understanding of how elderly jurors view a defendant's personal characteristics and how the jurors arrived at their understanding of events that impacted the criminal act, a deeper understanding of verdict decisions occurs.

Summary

Existing studies reflect the fact that younger and older jurors may view criminal acts and defendant characteristics differently. These differences in views lead older jurors to convict more often than younger jurors. It is therefore important to understand how older jurors view defendant characteristics and how they understand the situations defendants are in at the time a crime was committed. It is also important to understand how older jurors conceptualize the trial information presented and the path they take to arrive at their decisions. Because the elderly population of the United States is increasing and will continue to increase, there is a greater probability that jury members will also be older. Understanding the influences that elderly jury members

consider when determining verdicts is important to victims, defendants, and all those impacted by elderly jury decisions.

In the next chapter, I provide a brief overview of the literature search strategies. I also provide a conceptual framework that guided the study. In addition, the following chapter contains an overview of the current literature. It also details what is known and not known about elderly jurors and the benefits of having gained additional information on this topic.

Chapter 2: Literature Review

Introduction

The elderly population, usually defined as people 65 and older, is changing in size and composition (Rothman, 2004). Longevity is increasing as people are living to age 85 and older (Rothman, 2004). By the year 2030, there will be twice the number of elderly people that there are today, and they will compose 20% of the American population (Rothman, 2004). More older Americans are reaching retirement age and choosing to lead active lives. Because Americans are living longer, jury duty may be part of their experience as they age because there is no upper age limitation for serving on a jury. Therefore, it is important to understand the impact that older jurors have on the jury system.

In the United States, the population of residents over the age of 65 grew from 35.0 million in 2000, to 49.2 million in 2016, accounting for 12.4% and 15.2% of the total population, respectively (U.S. Census Bureau, 2017). The nation has an older population than it did 16 years ago. This is due in part to baby boomers, who began turning 65 in 2011 and will continue to do so, increasing the median age in the country (U.S. Census Bureau, 2017). This older median age group are all potential jury pool participants. There has been little research examining juror age and trial outcomes, but the research that does exist suggests that older jurors tend to vote to convict more often than younger jurors (Anwar et al., 2012). Because the elderly population will continue to grow and add to the potential jury pool, it was important to explore how elderly jurors make their decisions in determining guilt or innocence, and what personal characteristics guide their decisions.

There is also a punitive trend in the United States supporting more severe criminal justice policies (Cote-Lussier, 2016). This trend has resulted in expanding prison populations, and public attitudes towards crime may be partly responsible for this push towards harsher sanctions (Cote-Lussier, 2016). Abwender and Hough (2001) argued that more research needs to be done on how individual differences of jurors guide verdict decisions. Individual differences may lead to bias in jury decision making and disproportionately lead to more instances of guilty verdicts. Few studies have explored what characteristics jurors consider when determining the impact of criminal acts (Abwender & Hough, 2001). Given that jury members are responsible for determining verdicts in court proceedings, it is important to explore what demographic characteristics play a role in their decision-making process. Because elderly jurors tend to convict more often than younger jurors, exploring their experiences as they evaluated evidence and extra-legal influences was valuable.

In this chapter, I provide a brief overview of the literature search strategies and the conceptual framework that underlies the foundations for the study design. The literature review section contains an overview of the current literature. It also speaks to the benefits and limitations of the available research. At the end of the chapter, I provide a summary, conclusion, and discussion of how this study aids in filling gaps in the current literature.

Literature Search Strategy

I conducted a search of the literature to locate peer-reviewed journal articles through Walden University databases, including PsycINFO, PsycARTICLES, Criminal

Justice Database, PsycBOOKS, SAGE Journals, Science Direct, and SocINDEX. The terms used while conducting the literature search included combinations of *elderly jurors and sanctions*, *elderly decision making*, *older individuals and crime*, *elderly and crime perceptions*, *old and young jurors*, *elders*, *crime and the criminal justice system*, *elderly and perceptions of the legal system*, *jury sanctions*, *socioeconomic status and jury verdicts*, *biases and jury verdicts*, *trust in the legal system*, and variations of *old versus young juror sanctions*. In addition, I reviewed academic books on related topics to provide additional information on the various subsections of this paper. My search mainly focused on research between 2013 and 2018, but I used older publications if they contained information important to the foundation of the study.

Conceptual Framework

Story Model Theory

Story model theory explains how individuals make sense of that information in their minds. Story model theory is based on the belief that jurors create stories in their minds to help to make sense of trial information and to understand the motive and relationships between events (Pennington & Hastie, 1992). Jurors' stories of the events leading to the crime are created out of their own stereotypes of defendant behavior as well as their own unique life experiences (Devine & Caughlin, 2014). Jurors assign meaning to trial evidence through the activation of stereotypes and life experience. The stories they create help them to understand what happened during events of the crime, and whether internal or external attributes may have influenced behavior (Pennington & Hastie, 1992; Robinson, 2017).

Pennington and Hastie (1992) first developed the model that jurors developed stories based on trial evidence, their personal knowledge about similar events, and their knowledge of story structures (see also Huntley & Costanzo, 2003). Through the creation of stories, which include defendant attributes, jurors better understand events, which enables them to reach verdicts (Pennington & Hastie, 1992; Robinson, 2017). Although the best predictor of a verdict is the number of jurors favoring it before deliberation, the story model has been praised as the most accurate way that juries arrive at their decisions (Devine & Caughlin, 2014). Jurors construct their stories in three steps.

The first step is story construction, which begins when the juror first learns of the case, and it can continue through the trial and deliberation (Pennington & Hastie, 1992). Jurors construct the story of what happened and the sequence of events through their personal knowledge of similar events and their knowledge of what makes a story complete. Jurors engage in creating stories by arranging the evidence into events. People have motives that are followed by behavior, and behavior has consequences. The story events are arranged in hierarchical order by the jurors based on the value they place on each event. Trial evidence is often incomplete, and jurors must fill in any gaps with their own interpretations based on their personal experiences and knowledge. According to Pennington and Hastie (1992), each jurors' story may be unique given differences in personal experiences and/or how they interpret the evidence. Furthermore, it is not uncommon for jurors to create multiple stories to make sense of what occurred, and if this happens, story model states there are three factors that jurors use to choose the best story: coverage, coherence, and uniqueness.

If a story is high in coverage, then there is a large amount of trial evidence (Pennington & Hastie, 1992). The story is consistent if it does not contradict itself or the evidence. If the story is plausible, then it is realistic, and it is complete if it contains all the elements necessary for a story. If all these elements are present, then the story is likely to be high in coherence. Pennington and Hastie (1992) stated that the stories highest in coverage and coherence are the most likely ones to be picked as the best story. Uniqueness is the third factor, and if only one story is high in coverage and coherence, it is unique. But, if more than one story is high in coverage and coherence, neither story may be considered unique. Stories that are not unique are less likely to be chosen as the correct scenario.

The second stage of the story model is when jurors learn the verdict options (Pennington & Hastie, 1992). Sometimes jurors have preconceived ideas about what the verdict options are, and their ideas may make it harder for them to learn applicable laws. What makes the task of learning applicable laws even harder is that jurors are often given verdict options at the end of a trial. They must wait until the end of the trial before making a decision, and at that time the judge gives instructions on the laws that are applicable to the trial. The material involved with learning the verdict categories is very abstract, and jurors may have their own ideas coming into a trial of what constitutes first degree murder, manslaughter, armed robbery, and so forth. According to Pennington and Hastie (1992), during verdict decisions, the defining feature in each verdict decision is learned and is based on what combinations of critical features of the case such as identity, mental state, circumstances, and actions are allowed.

The third stage of the story model is jury mapping (Pennington & Hastie, 1992). Jury mapping refers to the jurors mapping their preferred story to the possible verdict options that they were given. Jurors' confidence in the verdict is influenced by how high the coverage, coherence, and uniqueness of the story was, and to what extent the verdict options matched the story the jurors' created. However, the story model does not explain how individual stories and verdicts are combined into a group verdict during deliberations.

Director's Cut Model

The director's cut model expanded on story model theory, and further explains how characteristics or attributes of defendants may influence jury decision making (Devine & Caughlin, 2014). If particular jurors have stereotypical images of criminal behavior and beliefs to support behavior in the circumstances presented at trial, then jurors will be much more likely to convict based on the stories they have created for themselves. Per Devine and Caughlin (2014), much like how a film director will move scenes and rearrange film to make a cohesive narrative, jurors similarly assemble facts into a narrative that makes sense of the "scenes" presented at trial. Testimony at trial can be disjointed, as a witness will give their view of events, then a forensic specialist will give an account of what they believe happened. The jurors must link all the evidence and testimony to understand what was presented and the sequences of events. The director's cut model puts more emphasis on individual differences of jurors and discusses a different cognitive mechanism that is used by jurors when they evaluate the stories they have presented at trial (Levett & Devine, 2017).

Jurors will form mental representations of a case as soon as they learn about it, and some of this learning involves pretrial publicity (Devine & Caughlin, 2014; Levett & Devine, 2017). Jurors' perceptions of how they make sense of trial information and their life experiences, which may be intertwined with their personal characteristics, are predictive of jury verdicts (Levett & Devine, 2017). Furthermore, pretrial publicity usually typecasts defendants negatively and thereby biases jurors as to the defendant's guilt before the trial began. In the courtroom when the jurors learn about what they will have to decide, mental representations are enhanced (Devine & Caughlin, 2014). In addition, through jurors' own personal experiences, what they have read and heard from media sources and the nature of the case itself, assumptions could be made about motives of the defendant, the sequence of events leading to the crime, and the consequences of the defendant's actions. According to Devine and Caughlin (2014), these assumptions and associations are likely to remain in place unless contradicted by the evidence presented at trial.

When an alternative version of events is offered by the defense, jurors construct a mental model to test the probability that the story is accurate (Devine & Caughlin, 2014). Mental models created by jurors are probably visual, and jurors can play out visually sequences of events or what happened during a crime. The visual model is based on the way jurors believe the world works, and for example can include visualizing how a person falls off a building, or a fight, traffic accident, or burglary into a home. If the prosecution is unable to provide a plausible mental model, then the jury is likely to reject their version of what took place. And, when jurors must choose between simple, complex

or rival stories, they will prefer simple stories where the motives of the defendant are clearly understood. Furthermore, jurors prefer motives leading to crimes be attributed to internal dispositional attributes, because people generally believe people's behavior is stable. Viewing a person as bad or evil is favored by jurors when violent behavior is involved since they look for consistency and intention in their actions.

The prosecution is the side that bears the greatest burden of proof in a trial. Devine and Caughlin (2014) believed that the narratives presented, and their degree of persuasion, are based on the principles of scope, credibility and singularity. Scope is the breadth of evidence on the defendant, and how meaningfully it can provide an explanation of the defendant's actions. It includes the level of precision which the crime was committed, the extent to which their motives are clear and understood, and the consequences of their actions. Most importantly, scope is not concerned with meeting legal criteria, but how well a complete story can be developed to present to jurors.

Credibility involves the degree to which witnesses are believed and trusted (Devine & Caughlin, 2014). Testimony may not be seen as believable if the witness is not believed, if the testimony is in contradiction to how the world works, or is disputed by multiple trusted sources. If multiple testimonies on facts are in dispute, the jurors may in the end believe the version of the story presented by the most trusted source or sources. Per Devine and Caughlin, singularity is the degree to which the prosecution and the defense stories all converge into one story. When the evidence on both sides fit together nicely, singularity is high, and there is more likelihood of a conviction.

The concepts of scope, credibility, and singularity describe what makes for strong evidence by the prosecution. In the director's cut model, jurors use mental modeling when considering story alternatives, and singularity is a focus of how many pieces of prosecution's evidence don't fit into the story created by both sides in the trial. The director's cut model also provides a possible explanation as to how jurors construct meaning out of evidence presented at trial. It also discusses how jurors assemble trial evidence based on their personal experiences and stereotypes of defendant behavior, how jurors develop stories of what transpired during criminal acts based on these experiences and stereotypes, and finally how jurors reach verdict decisions based on the above processes.

Review of Research and Methodological Literature

In reviewing the literature on jury decision making and the elderly, very few studies and books were found. However, a few studies were able to shed some light on how elderly jurors may have different conceptions of crimes and have demonstrated that they do indeed convict more often than younger jurors. Other studies discussed elderly views on crime and the criminal justice system, elderly peoples' feelings towards the police, and elderly decision making. However, since there is scarce information available, please understand that this information is only in its initial stages, and more research is needed to gain a deeper understanding of the material presented.

Crime and the Elderly

When some people think of the elderly and crime, they usually think of the elderly as victims and not as perpetrators of crime. For example, the old man or woman

being mugged on the street by a young criminal, or an elderly couple swindled out of their life savings by a Ponzi scheme, or other fraudulent investments (Rothman, 2004). People rarely think of the older person as an offender, and when that happens it is considered an anomaly. It is important to look at both elderly individuals as victims and perpetrators of crime, because both experiences can influence how as jurors they view the defendant, and the victim during trials.

Traditionally, criminologists have examined the criminal justice system and various aspects of crime focusing on race and ethnicity, while ignoring age as a demographic (Rothman, 2004). There has been very little focus on crime and criminality from the perspective of age, and specifically how age presents within the context of the justice system. Since the projected growth of the elderly population is expected to grow by 238% by 2030, the number of older people involved with the criminal justice system will increase as well, even if crime rates remain the same (Rothman, 2004). According to the U.S. Department of Justice (2018) the number of people 65 and older who were victims of violent crime characterized as a threatened, attempted, or completed crime of rape, sexual assault, robbery, aggravated assault, and simple assault, or who were victims of a burglary or motor vehicle theft in 2016 was 808,040, and in 2017 was 824,970. This age group of elderly people is the smallest group of victims of violent crimes per age group.

With the growing population of individuals over the age of 65, the elderly will be involved in all aspects of the criminal justice system, including as both victims and offenders. They will be judges, attorneys, witnesses, and jurors (Rothman, 2004). Per

Rothman, the number of older prisoners more than doubled between 1991 and 1998 from 34,845 to 83,667. Statistics also show that older people represent the fastest growing age group in state and federal prisons.

The Elderly, Socioeconomic Status, Gender, and Education

Not only is the elderly population increasing, but they are becoming more demographically and socioeconomically diverse (Rothman, 2004). Rothman stated that the older minority population will increase by 238% between 1997 and 2030. Also, in the last two decades, elderly peoples' education and income have improved. Due to increased educational attainment and improved socioeconomic status (SES), older Americans stay healthy longer, and the majority of people aged 65 to 74 when surveyed by the U.S. Bureau of the Census, stated that they were in good, very good, or excellent health.

These changes in the elderly population will flow through the criminal justice system. Due to increased health and better SES, the elderly are redefining the roles that they play in the justice system (Rothman, 2004). And Rothman stated that older people also have collaborated with the police in crime prevention and public safety programs, and not just as crime and abuse victims. Studies have not shown SES as a factor in confidence in legal institutions (Hamm, Wylie & Brank, 2018). According to Hamm et al., neither gender nor income affected confidence in the police or courts in a series of regression models.

Non-whites and poorer individuals are also more fearful of crime. This is due in part to their living in higher-crime areas which makes them more socially vulnerable than white people, and people in higher SES areas (Baker, Nienstedt, Everett & McCleary,

1983). However, per Baker et al. (1983), whites and the better educated are more likely to perceive rising crime rates. And, while whites and the better educated are not ordinarily fearful, they can become more fearful than non-whites and the less-educated, due to these perceptions. Also, per Baker et al.(1983), the elderly are more fearful than the young when it comes to victimization, and this fear may be due in fact to more perceived vulnerability than to actual risk. Men are victimized more often than women, although women and the elderly are more fearful due to feeling more vulnerable that they would not be physically able to fend off an attacker. Since the elderly will be involved in all aspects of the criminal justice system in greater numbers over the next few decades, how the elderly and elderly jurors arrive at their verdict decisions will be of value. Taken together, these factors indicate that understanding how the elderly perceive threats of crime, and the differences in perceptions of crime between non-white and poor individuals versus white and the better educated will help us to understand verdict decisions.

There is a “youth” age discrimination in education which exists today (Nikolaev & Pavlova, 2016). According to Agudo and Heredia (2018), there is a need for a life-long learning as a right for elderly people, and there is also a progressive need for many in this population to choose their own life projects and personal development paths. Per Agudo and Heredia (2018), by having life-long learning available to elderly people they improve their physical and mental welfare, and are helped to eliminate solitude, as well as develop new competencies where they can assimilate new knowledge and skills on both a personal and social level. Federal legislation was created to ensure the rights of older

Americans. According to Nikolaev and Pavlova (2016), one of the guarantees in the legislation was to ensure that older people's educational needs were recognized, and to have in place in higher educational institutions voluntary youth organizations aimed at helping elderly people. Furthermore, in 2007 President Bush signed an executive order strengthening adult education, which was designed to help older Americans to get further in higher education. For example, over 50% of older Americans would like to take training courses, but they are prohibitive based on their cost. Per Nikolaev and Pavlova, additional guidelines can be put in place to offer free and low-cost courses at community colleges and universities, and governments can offer tax deductions and co-financing as incentives. There is a scarcity of literature on elderly jurors and education. However, better educated elderly jurors may represent a larger percentage of jury members given their better health both cognitively and physically, and higher SES. Therefore, they may make different assumptions than non-educated elderly jurors on a defendant's guilt or innocence.

Elderly Jurors

The role that jurors play in the criminal court system doesn't change based on age (Rothman, 2004). The tasks of any juror include evidence being presented over a number of days. This evidence is often presented in a disjointed question and answer format since witnesses typically testify to different pieces of evidence having to do with the chain of events of a crime (Pennington & Hastie, 1992). Witnesses are also not able to speculate of causes of events or why a defendant or other behaved in a particular way. According to Pennington and Hastie (1992), they are also not allowed to tell the emotional reaction of

how someone responded to a particular event. And, statement given in testimony can't be viewed in isolation and must be considered in the context of other related statements as proof in verdict considerations. Given that these tasks are often complicated age may be viewed as a disadvantage. And, according to Rothman (2004), what constitutes elderly can range from age 55 and up, and the category "older" can refer to people starting at age 45 in some parts of the criminal justice system. Per Pennington and Hastie (1992), jurors must engage actively and constructively in comprehending trial information, and to organize it into a coherent mental representation of what occurred. With age, some cognitive decline may occur, therefore making this task difficult for elderly jurors.

Age can be viewed in a positive light in that people can be seen as more experienced or wiser. However, older people can also be viewed as having diminished mental abilities and less physical strength than younger people. And, when it comes to elderly jurors, the opinion of the judge presiding over the trial in regard to how he feels about the jurors, may influence how the trial proceeds, since the judge controls the trial procedures (Rothman, 2004). In short, if a judge lacks confidence in jurors, then he may exclude more evidence, provide more instruction, and ask and answer more questions from jurors.

Age may also be a factor between judges and elderly jurors when it comes to whom the judge identifies with more (Rothman, 2004). According to Rothman, status, power, and other indicators of power are embedded in the patriarchal and hierarchical justice system. Educational and professional backgrounds will usually trump the same SES and age that judges and jurors have in common. In addition, elderly jurors who are

female may also be at a disadvantage with judges, since the bar and judiciary are mostly white and male.

Most states required that jurors be mentally and physically sound (Rothman, 2004). Rothman states that in order not to violate the sixth amendment rights of defendants, there should be a cross-section of the community represented as jurors, and there should not be an under representation of any group. Women, blacks, and Hispanics are classes that may not be underrepresented, but the elderly is not a group considered cognizable. If a person is age 65 to 70 or older, they can voluntarily excuse themselves from serving on a jury. In the state of Pennsylvania, PA Act 54 which is a statutory exemption that was passed in 2015, allows persons aged 75 or older to be excused from jury duty at their request. Per Rothman (2004), many courts do not uphold defendants' claims that excusing older people from jury service violated their constitutional rights to fair jury representation. Conversely, courts have upheld that younger people ages 21 to 30, are a cognizable group since the belief is that they have different values and perceptions, and these courts have been willing to say that their exclusion from jury service violates a defendant's right to a representational jury.

Decision Making and Elderly Jurors

Juror age is an important factor in jury decision making. Some research has found that older jurors, age 41 or older, are more likely to render a guilty verdict than younger jurors up to age 25 (Higgins et al., 2007). Higgins et al., stated that some studies also found that jurors gave older defendants aged 53 years, more severe sentences than they gave younger jurors aged 23 years, but other studies could not replicate these results.

Since there may be an increase of older jurors serving, it is important to understand the factors and influences that contribute to them voting guilty more often and giving more severe sentences to older defendants.

Another factor which contributes to how elder jurors decide on verdicts is how responsible they view the defendant for the crime they committed (Higgins et al., 2007; Rodriquez et al., 2018). If a condition such as cocaine dependence contributed to the crime, then older jurors tend to view the defendant as more responsible, and they render more guilty verdicts than younger jurors (Higgins et al). According to Higgins et al., older jurors make stronger dispositional attributions when a crime is committed. A reason for the stronger dispositional attributes may be the social schemas or the era in which they were raised. For example, older adults may be brought up to believe that drugs are bad, or a person should serve his country, etc. If these social schemas are activated during a trial, then the older juror may view the defendant's character poorly.

These dispositional attributes are important because jurors are often asked to decide the reasons a crime was committed by a defendant (Higgins et al., 2007). And therefore, the reasons or excuses that defendants give for why they committed a particular crime may impact elderly jurors' view of the defendant, and elderly jurors may blame the defendant more than a younger juror would for the same criminal act. Additionally, per Higgins et al., some experts believe that there is a rise in excuse defenses in courts. So, how the excuses are perceived by different age groups, can be important information that lawyers need to be aware of.

Older jurors are also more certain of their verdicts than younger jurors were (Higgins et al., 2007). According to the Five-Factor personality model, older individuals score lower on Openness to Experience, and were not as open to other explanations of a crime, and therefore, demonstrated more cognitive certainty. According to Higgins et al., deficits in cognitive processing has also been suggested as an explanation as to why older individuals believe that dispositional attributes are more sanguine than situational factors. That is, elderly individuals may not be able to process all the significant details surrounding a crime, and do not consider the situational details which may have led to or influenced the criminal behavior. This finding is important to legal decision making because jurors must listen many times to multiple witnesses over an extended period of time. Older jurors were found to provide less cohesive free recall of accounts presented at trial than were younger jurors. And, per Higgins et al., older jurors were not as able to recognize correct statements made during trials compared to younger jurors. However, it should be noted that college age individuals who were the primary participants described in the above studies do not in reality make up real-life juries, but older individuals do. So, the finding in regard to elderly jurors is particularly relevant.

Higgins et al., (2007) examined victim responsibility for a crime based on what an attacker suffered from. They created two vignettes in which they varied the victim as being attacked by someone suffering from PTSD and someone with Cocaine Dependency Disorder. The older mock jurors saw the victim as more responsible for being attacked by someone with PTSD than the younger jurors, whereas the younger jurors saw the person attacked by someone with Cocaine Dependency Disorder as more responsible for the

attack then the older jurors did. It is important to understand why older and younger jurors view victim and defendant behavior differently for the same crime. Generational experiences may influence these decisions and understanding older jurors' beliefs and views of events will help us understand how they arrive at their decisions.

Older adults have also been shown to perform more poorly on source memory tasks. This means that they may have a harder time distinguishing information that they heard in pre-trial publicity (PTP). And, they may also have a harder time distinguishing information that they learned through courtroom testimony as well, thus increasing biased verdict decisions, and decreasing the chance of a fair trial for the defendant (Ruva & Hudak, 2013). Per Ruva and Hudak, difficulty in source memory tasks may be due to the type of stimuli presented. The more realistic the situation presented is, and the more contextually rich, the less differences in source memory are found between older and younger adults.

Some stereotypes of elder people include them being more conservative, set in their ways, and having a dislike of risk taking (Kovalchick et al., 2004). Overall, Kovalchick et al. (2014) found that older and younger participants showed stability of decision-making behavior that did not fluctuate with age. Eighty-year-olds and twenty-year-olds made similar decisions on a theory of mind task where they learned to shift choices to more adventurous choices once they learned the task asked of them. None of the stereotypes noted above came into play in decision-making, and as long as the older populations of individuals were mentally healthy and showed no signs of cognitive

impairment such as frontal lobe injuries, Alzheimer's etc., they did not differ in their decision making strategies from the twenty year olds.

In summary, older jurors will render guiltier verdicts more frequently compared to younger jurors and will hand out more severe sentences to older defendants than younger jurors. Older jurors will also judge responsibility of a defendant differently than younger jurors, and different social schemas may be activated for older jurors who impact their views of the defendant. Older jurors may view excuses offered by defendants differently than younger jurors, and they may also be more certain of their verdicts, and be less open to examining all the different pieces of trial evidence, which may also be why they tend to lean towards believing in dispositional attributes as to the causes of a crime, and less in the situational factors that may have come into play. Older jurors may also have trouble remembering whether information learned was through trial evidence or through pre-trial publicity, however they do make decisions the same way as younger individuals as long as they are mentally healthy. Finally, older jurors may have less free recall of events than younger jurors.

All these factors are important to keep in mind so defendants and victims can have the fairest trials possible. For example, understanding how many elderly jurors will view defendants' and their behavior based on their social schemas can help attorneys, and judges point out other relevant factors that the older juror may not have considered. Attorneys and judges can also point to relevant situational factors that did influence behavior and should be part of the deliberation or the decision-making process. Finally, knowing that there may be some confusion around where information was learned or

what exactly was said, more specific instructions can be given as to only trial transcript information should be used to make decisions, and to encourage note taking.

Verdict Decisions and Elderly Jurors

According to Pennington and Hastie (1992), jurors use narrative story structures to organize and interpret evidence in trials. They assign meaning to evidence by integrating that evidence into stories. These stories describe what happened during the events depicted at testimony. Once a juror has a story, they have come to understand the evidence presented in their own unique way, and this enables them to reach a verdict.

The completeness of juror stories determines the verdict decision, and in addition, the order in which trial evidence is presented influences story construction and interpretation (Pennington & Hastie, 1992). Per Pennington and Hastie, the juror will use his or her long-term memory to link causal relationships among events, which occurred as presented at trial, facilitating their decisions and confidence in their decisions. And, the ease of story construction by jurors, increases their beliefs in the evidence, witness credibility, and confidence in their verdict decisions. Further, if a story is created by a juror rather than by a witness, the juror believes in it more strongly, and how well a juror remembers the evidence presented could impact their own story creation leading to greater confidence in their verdict decisions. According to Pennington and Hastie, the more explicit the story inferences provided at trial were, the more complete were the stories that jurors created.

Some research suggests that as jurors age so does the likelihood that they will vote guilty, although age statistics are not presently known (Ruva & Hudak, 2013). The

reason for a greater number of guilty verdicts among older jurors may have to do with the fact that in general older adults usually have more favorable perceptions of law enforcement than do younger adults. Therefore, guilty verdicts will increase due to greater perceptions of police credibility among the elderly.

Overall it has been found in the limited amount of studies available that jurors exposed to negative pre-trial publicity (PTP) tend to vote guilty more than jurors who have not been exposed to negative PTP (Ruva & Hudak, 2013). According to Ruva and Hudak, impression formation and source memory suggests that PTP may impact verdict decisions of older and younger jurors differently. Older and younger people may differ in how they remember and attend to positive and negative information. Both negative and positive PTP mediates guilty verdicts of younger jurors by causing them to form biased opinions of defendants. Per Ruva and Hudak, research on perceptions of people and how they form attitudes towards people, have shown that younger jurors pay more attention to negative information rather than positive or neutral information. However, older jurors tend to remember positive information more than negative information.

It is not known whether older jurors favoring positive information is due to increases in their processing of positive information or decreases in their processing of negative information. However, some research believes it is the latter (Ruva & Hudak, 2013). To summarize biasing effects, research has shown that when younger jurors are exposed to negative PTP it may influence their verdicts and impressions of defendant credibility, and positive PTP may influence older jurors' verdicts and impressions of defendant credibility. Per Ruva and Hudak, the effects of positive and negative PTP even

outweigh the effects of liberal and conservative attitudes and beliefs among both older and younger jurors.

Some theories suggest that older adults may be more motivated to regulate their emotions. Older adults tend to focus their attention on positive events and information, especially when time is perceived as limited, and cognitive functioning may be decreasing (Ruva & Hudak, 2013). Through this type of emotional regulation, enhanced memory may result for positive occurrences. These positivity effects have been found to influence older adult decisions and could therefore influence older juror decisions.

Older participants in research studies have also shown to be less believing of rape victims than younger participants, and younger participants held more favorable views of rape victims (Klettke et al., 2016). Differences in gender norms across generations may account for the differences in these types of beliefs among old and young participants. Some implications of differences in generational beliefs can impact court outcomes. According to Klettke et al., the impacts of verdicts influenced by extra-legal factors could be greater in trials where less evidence has been presented. Increased victim blaming could result in re-victimization of trial participants, as well as having negative psychological impacts on victims as well.

Older participants are more likely to hold traditional views of male and female roles, which may lead to a lower acceptance that a rape occurred (Klettke et al., 2016). However, how the victim of a rape behaves when giving testimony also influences older participants' rape belief views. For example, some of the extra-legal factors cues which older participants attend to are how distressed a victim is when giving an account of what

happened. Per Klettke et al., the less distressed the victim, the least older participants believed her, whereas younger cohorts believed that a victim could be truthful and not show distress while recounting an incident which occurred. These differences in generational cohorts could be due to gender stereotypical behavior associated with older cohorts holding narrower views of how victims of abuse should behave. And according to Klettke et al., some of the behavioral expectations of older participants include believing that tearfulness, showing distress when confronting the assailant, a consistent story, and exhibiting confident answers is the norm for female victims. If older jurors perceive female victims as less credible, then an increased awareness of juror's own beliefs in a victim's demeanor, and how rapid decisions are often made regarding a victim, would help ensure that justice was not undermined for the victim (Klettke et al.).

The Courts, Law Enforcement, and the Elderly

Trial content could be more or less personally relevant to older jurors (Ruva & Hudak, 2013). For example, elderly people may have different views of the prevalence of victimization, and perceptions of the criminal justice system, or different value systems all together than younger jurors who usually place more value on freedom. Older jurors may feel differently when it comes to victimization, especially surrounding vulnerability to crime, and feelings about perpetrators than younger jurors, and this may impact their verdict decisions (Finkel & Macko, 2004). Older jurors may also view victims and defendants differently based on their experiences and beliefs of their generation (Higgins et al., 2007). These differences in values between older and younger jurors also impact

how they feel about crime victims and perpetrators and will eventually at the end of the trial process, impact their decisions on guilt or innocence.

Police are usually the first responders when an elderly person is a victim or perpetrator. The police provide crisis intervention and psychological first aid (Rothman, 2004). And, when it comes to the elderly, they usually have more confidence in the police than younger people, and as a result are less fearful than would be expected (Baker, Nienstedt, Everett & McCleary, 1983). So, any increases in crime, would not necessarily increase fear among the elderly. In addition, some studies suggest that while older adults have the greatest fear of crime, they are least likely to be victims than other age groups (Ziegler & Mitchell, 2003). However, Ziegler and Mitchell found that older people were less afraid than younger people when shown a video of violent crime than younger people. They speculated that perhaps they were more jaded than younger people when it comes to viewing violence. Crossman and Rader (2011) found that a perception of health is also associated with a greater fear of crime. If a person in general perceives their health as poor, this increases their vulnerability, and this vulnerability leads to a greater fear of crime. And Abdullah, Marzbali, Woolley, Bahauddin & Maliki (2014) found that although the elderly's actual victimization rate is lower than other age groups, the elderly perceived lower levels of disorder than younger people but perceived higher levels of fear. They felt that this higher fear rate was due to perceived vulnerability and concluded that age is one of the most important predictors of fear. Sacco and Nakhaie (2001) found that as people age, they are less likely to engage in behaviors that indicate a concern for personal safety. According to Sacco and Nakhaie, some factors which increase fear

among the elderly include living in an urban area, poor health, being a victim of crime in the past, lower confidence in the police, and if they perceive that they live in a high crime area. Ziegler and Mitchell (2003) also found that the more educated and higher SES an elderly person had, the less they were afraid of crime. Only low income, low educated elderly individuals showed a greater fear of crime. Most findings do support a higher level of fear among the elderly; however, the reasons and perceptions as well as the manipulations they were subject to in the studies, impacted those findings. And if the elderly shows greater levels of fear of crime in general, and for a variety of reasons, then elderly jurors may tend to render more guilty verdicts.

Both the court system and law enforcement rely on positive public perceptions for their effectiveness (Hamm, Wylie & Brank, 2018). Per Hamm et al., having confidence in these two institutions means that people see events occurring as they expect them to occur, and when this does not happen, cooperation and compliance with these organizations lessen. Confidence in these institutions can come from common knowledge about how these institutions work, or how similar institutions work, and differ from confidence in individuals in that there does not have to be direct contact with the institution in order to gain confidence. Although research on the subpopulation of older adults is limited, it has been found that overall older adults have more trust in general in the courts than younger adults, but some data also suggest that older adults are less confident that the courts will hand fair judgements to them than younger adults. Hamm, Wylie and Brank (2018) suggest that some reasons for these findings could be experiences that baby boomers have had, which may have increased a distrust in

government such as the Vietnam war, and the Civil Rights Movement. Another reason could be that due to the age of the boomers, they have had more negative experiences overall with the justice system, and more time to realize its weaknesses. So, older adults may feel disempowered, be reluctant to use the justice system, decline jury duty, report crimes and instances of victimization or abuse. Baby boomers were born between 1946 and 1964 and are a heterogeneous group. The time which a baby boomer was born, such as during the Vietnam war, or during the Regan era, could influence their confidence in the legal system. And according to Hamm, Wylie and Brank (2018), studies have shown that the older boomers born during the Vietnam War do have less confidence in legal institutions than younger boomers.

Results of studies also show that older and more educated older adults, have more confidence in legal institutions than younger and less educated older adults (Hamm et al., 2018). The single most important factor for older adults in determining confidence in legal institutions was their level of cynicism. The more cynical they were, the less trust they had. When their perception was that the law was “against them,” evaluated by their responses to questions such as, “is the law used by the powerful to control people like you,” and “does the law protect your interests,” then obviously they were more cynical of legal institutions. Therefore, addressing these types of concerns in the elderly, increases their confidence in legal institutions. Elderly juror verdict decisions can be influenced by their confidence in the legal system. If they feel either a victim or a defendant is being treated unfairly then their verdict decisions are like to reflect those beliefs.

Summary

Overall, the existing literature shows that jurors create stories out of trial evidence to try to make sense of what took place, and the sequence of events leading to the crime. Jurors construct the story through their personal knowledge of similar events, and their knowledge of what makes a complete story including motivations of the defendant, and the actions that lead to the crime. Jurors will also be more likely to convict if they have stereotypical images of criminal behavior and beliefs that support that behavior which occurred in the circumstances presented at trial. There is a scarcity of studies on elderly jurors; however, the few that were found do point to elderly jurors having different conceptions of crime, and a tendency to convict more often than younger jurors. Literature has also suggested that jurors gave older defendants more severe sentences than they gave younger jurors and may have stronger dispositional attitudes towards defendants than younger jurors. They also have different social schemas from the era in which they were raised, so some of their beliefs towards crime, victims and defendants will differ from other eras with different social schemas.

While the existing literature has been useful in identifying and establishing some themes, characteristics, and behavior of elderly jurors, it has not been sufficient in exploring their experiences as they evaluate evidence, and extra-legal influences. Exploring elderly jurors' evaluation of evidence, and extra-legal influences was considered, since these factors may influence their decisions when deciding guilt. This study helped fill that research gap by speaking directly with elderly jurors. The next

chapter discusses the setting, sample, analysis, instrumentation, and methodology that were used to conduct the study.

Chapter 3: Methodology

Introduction to Methodology

The elderly population in the United States is changing in size and composition (Rothman, 2004). People are living longer. The elderly population in the United States, defined as age 65 and older, will continue to grow due to the baby boom cohort that began turning 65 years old in 2011 (U.S. Census Bureau, 2018). The U.S. Census Bureau (2018) estimated the number of people in the United States aged 65 and older as 49.2 million, and 58% were aged 65 to 74. The 75 to 84 age group was around 14.3 million or 29%, which is double those aged 85 and older (U.S. Census Bureau, 2018). Because Americans are living longer, jury duty may be part of their experience as they age, and there is no upper age limit for serving on a jury. It is therefore important to understand the impact that older jurors have on the jury system.

This older age group, individuals over the age of 65, are all potential jury pool participants. There has been little research and data examining juror age and trial outcomes, but the research that does exist suggests that elder jurors tend to vote to convict more often than younger jurors (Anwar et al., 2012). It is important to explore how elderly jurors arrived at verdict decisions, and what factors guided their thoughts and views. It is also important to explore the personal characteristics that guided those decisions.

This chapter includes the research design and rationale. It also covers the role of the researcher and a description of the study methodology. In addition, I discuss data

collection and data interpretation and analysis procedures. I also address issues of trustworthiness, and ethical considerations.

Research Design and Rationale

There were two research questions in this study. The research questions were the following:

RQ1: What personal characteristics do elderly jurors consider when evaluating a criminal act?

RQ2: How do elderly jurors reach their verdict decisions from the evidence presented at trial?

Central Phenomena of the Study

The central concept of this study was to explore the lived experiences of elderly jury members. In addition, I looked at what personal characteristics of defendants influenced how a criminal act was perceived by elderly jurors and what factors such as race, gender, and SES came into consideration when elderly jurors determined guilt or innocence. Individual differences may lead to bias in jury decision making, and disproportionately lead to more convictions. Few studies have explored what characteristics older jurors considered when determining their agreement or disagreement of potential charges and the verdicts applicable to the commitment of criminal acts (Ruva & Hudak, 2013).

Research Design

This qualitative study used the phenomenological research tradition, specifically interpretive phenomenological analysis (IPA). Phenomenological research is focused on

the overall experiences of a person to gain a deeper understanding of that person's personal experiences. Stated another way, phenomenological study focuses on how a person experiences a particular phenomenon (Miner-Romanoff, 2012). For this research, the phenomenon under study was how the personal characteristics of defendants were viewed by elderly jurors and what factors contributed to the verdicts that the jurors' felt were appropriate. This qualitative approach was a good fit for my study because it allowed me to gain more detailed information than I would through a survey. Creswell (2009) stated that when a problem or issue needs to be explored, and when a researcher needs to get to the root cause of the phenomenon, IPA research is the most appropriate research method. IPA research involves examining subjective experience that a specific group of people have all experienced (Alase, 2017). Because IPA deals with multiple individuals who have experienced a similar event, in this case elderly people who have served on juries, it was a good method to examine this particular phenomenon. It is a safe approach where multiple individuals can safely tell their stories without bias. Knowledge from multiple participants were incorporated to expand the knowledge base of the phenomena under study (see Pietkiewicz & Smith, 2014).

I examined how elderly jurors viewed particular characteristics of defendants, the factors that influenced their verdict decisions, and how these types of phenomenon were experienced first-hand by elderly jurors. According to Matua and Van Der Wal (2015), in IPA research, a deeper and broader understanding of the phenomenon under study is sought. In line with this, I explored how elderly jurors experienced the phenomenon through their own social and cultural contexts. In other words, I went beyond describing a

series of events and included how elderly jurors' experienced jury service and how their lives were impacted.

Role of the Researcher

In interpretive phenomenological research, the role of the researcher is to integrate or become part of the research findings to better understand what occurred (Matua & Van Der Wal, 2015). The researcher is tasked with not only describing, but also going through an interpretive process to understand and express the meaning described by participants (Alase, 2017). The theory is based on the belief that researchers come in with preexisting knowledge and their own set of beliefs. Therefore, any findings are viewed through the "lens" of that knowledge and belief system. When research is interpreted, researchers can be open, empathetic, and reflective because it is not possible for the researcher to unlearn their understandings of what led to their interest in the research in the first place. The researcher enters the participant's world and gains an understanding of the meanings of the phenomenon under study. Per Matua and Van Der Wal (2015), both the researcher's and participant's understanding as well as other data will help the researcher gain a relevant understanding of what occurred and what was experienced by the participants. That was the case in this research.

I made sure that I had no personal or professional relationship with participants, thereby ensuring that no dual relationships existed. I also made sure that there were no incentives for participants, and I conducted the interviews and research in a neutral place where I did not have any functional role. Because I hold personal beliefs and biases, I made sure that my beliefs did not influence or interfere with the beliefs of others and that

they did not interfere with the study. I have a strong belief that those who harm others physically and emotionally should be sanctioned, and depending on the severity of the crime, there are not many extenuating factors that would change my feelings. I kept a diary and recorded and monitored my feelings and any potential biases. This allowed me to discuss objectively with my committee members issues that could possibly interfere with data interpretation.

Data interpretation is a double hermeneutic stance in that the researcher is attempting to make sense of the participants' experience with the phenomena under study. Researchers cannot just put aside what they have learned and experienced themselves, but their interpretations will guide their understandings of findings and may make them more meaningful given they should be able to achieve deeper understanding of the phenomena (Matua & Van Der Wal, 2015). The hermeneutic circle was interactive in that I, as the researcher, attempted to make sense of what the participant experienced (see Peat et al., 2019). I remained cognizant that what the participant relayed as experience went through my personal filters that include how I viewed particular events or interpreted them. As the researcher, I asked pointed and specific follow up questions to make sure I had an understanding of the participant's experience for interpretation and coding of the data. Again, having a thorough understanding of my personal beliefs, experiences, and perceptions was necessary to not influence the participant's experiences, but to enrich them. I achieved this by being aware of the interplay my attitudes could have had with the participant (see Peat et al., 2019).

In IPA research, for participants to disclose their experiences to the fullest, trust is paramount (Miner-Romanoff, 2012). To create this atmosphere, I explained the study, kept in mind that participants could be intimidated, and did my best to ensure that this did not happen. I also expressed my genuine interest in the subject and my interest in learning about the participants' thoughts and experiences. Per Miner-Romanoff, I also stressed the importance to participants of their ideas and meanings to this study, and to the larger societal context.

Also, by establishing a trusting relationship, participants are more likely to “talk back,” and correct errors or let the researcher know when a topic was irrelevant (Miner-Romanoff, 2012). This type of dialogue is built equality and trust, sets the groundwork for participants' full disclosure, and produces richer and more meaningful responses. According to Miner-Romanoff, to increase trust and minimize social distances, it is useful for researchers to help participants understand that they are experts on the topic at hand. I pointed out to the participants that they provided the most insight and awareness to the subject under study because they had first-hand knowledge of the phenomenon because they experienced it. Also, by their having shared their experiences, others would be helped to gain insight into the topic.

Another way that social distance was diminished was I made a strong effort to minimize social class and status (Miner-Romanoff, 2012). Some participants could have viewed researchers as having a privileged status. Therefore, it was important that participants did not view researchers in a ranked order. I accomplished this by explaining that I am here to learn what the participant's experience was during the trial and the

importance of my understanding what they experienced. In other words, I let them know that they have knowledge and information that is important and valid, and that I was there to try and comprehend their experiences with the phenomenon. The knowledge that the participants had was what was important despite their different backgrounds and ethnicities. I also felt that it was important to stay engaged with the participant through verbal cues due to the interviews being conducted by telephone. Therefore, I relayed my understanding of their responses by paraphrasing what they said to ensure my understanding when necessary, and of course I never judged or made any inappropriate verbal comments or sounds.

Social distance can also be diminished by my being aware of participants saying what they think I would like them to say or behaving in a way that they feel I would approve of (see Miner-Romanoff, 2012). This behavior by participants can be brought about because of gender and ethnic differences and can include behaviors like flattery and social desirability statements. To minimize social differences and social desirability behavior among participants, I was respectful and let participants know how important their views and contributions were. Sharing an understanding of where the participant is coming from was important and is separate from whether I agreed with their point of view. When a participant explained what they experienced, I told them what I heard by giving an example or sharing how I experienced what they said to see if I captured what they tried to convey. Again, I always let participants know that their words were valued and that their contributions are what helped me to enter their worlds and create the meaning and understanding that was sought through the research.

I am an educated and professional Caucasian female. To help minimize social distance, I started the conversation by thanking the participant for their time, and willingness to be interviewed. This started my connection with the participant, and I continued to be friendly, and explained the interview process, and asked if they had any questions or concerns. I also used simple language, if appropriate, and showed a genuine interest in how they experienced the phenomena. I also spoke frequently of my interest in the participants' views and feelings.

I also made sure that I was not judgmental of any participants' response or their attitudes towards any aspect of the legal system, as well as the defendant, and the procedures during the trial. I ensured that I remained non-judgmental by understanding the participants' viewpoint to the fullest extent that I was able. I needed to understand why the participant felt and thought the way that they did, and what shaped those views. It was the participants' experience that I delved into for deeper meaning and understanding. In order to do that, judgement had to be put aside so a roadblock was not created that did not impede my interpretations and comprehensions.

I also was conscious of my tone of voice, and attention to details as these helped to express my interest in what participants said, and that I did not have my own agenda. I began the interviews slowly, asked again if it was ok that I recorded the conversation, and asked if they could hear me ok. I collected basic demographic information, and keep emphasizing that I am here to listen to their experiences, and learn from their involvement with the trial process. To the best of my ability, I understood participants' thoughts, and feelings, and my goal was to get participants to relax (Miner-Romanoff,

2012). I did this by maintaining professionalism, caring about the information the participants offered, and by maintaining an attitude of verbal neutrality. I felt that through these actions, I was able to minimize social distance, and elicit participants' most honest answers.

Methodology

Participants

A sample of participants who were aged 55 and over while they served on juries in criminal trials was chosen for this study. According to Peat et al. (2019), IPA focuses on small homogeneous samples who have experienced the phenomena under study. The sample size is relatively small such as under ten participants, as this allows deeper analysis of the subject matter. Participant selection consisted of three criteria: (a) Participants were aged 55 or older when they served on a jury, (b) Participants served on juries, and (c) Participants served on criminal trials. Participants were chosen and interviewed until saturation occurred. According to Ezeobele, Malecha, Mock, Mackey-Godine and Huges (2014), saturation occurs when repetitive themes emerge, and this was achieved.

Sampling Method

Creswell (2009) stated that it is very important that participants are homogenous and have similar lived experiences of the phenomenon under study. The sample was established through purposive sampling because I chose participants that met specific criteria. I first obtained permission from Walden's IRB. When permission was obtained, I

recruited participants through posting flyers on social media sites such as Facebook and also used Walden University's participant pool.

The participant screening criteria included men and women age 55 and older who served on a jury while they were age 55 or older. Also, the type of trial was a criminal trial, and not a civil trial. The participants also agreed to be interviewed, and audio recorded for accuracy, and transcription purposes. Once participants met the screening criteria and agree to be interviewed, consent forms were sent via email. The consent form included participants' written permission to be studied, identified the researcher, identified Walden University as the sponsoring institution, identified how participants were selected, the purpose of the research, benefits for participating, the level and type of participant involvement, risks to the participant, guarantee of confidentiality to the participant, assurance that the participant can withdraw at any time, and provision of names of persons to contact if questions arise (Creswell, 2009).

I conducted telephone interviews, and I aimed for a sample size of between 5 and 6 participants (Peat et al., 2019). Several studies have indicated that this sample size is adequate. Peat et al. (2019) stated participants should be fewer than 10 for IPA studies. Amyu VanScoy (2015) stated that it is not indicative of "better" if larger numbers of participants were used. Alase (2017) suggested that 5–10 participants be used. The smaller sample size allowed me to gain more detailed information than I would be able to do through a survey. Since I looked at the individual experiences of elderly jurors, and no two experiences were completely alike, so I was better able to examine the differences and similarities in experiences in order to see which themes and patterns emerged.

The actual sample size used was determined when saturation occurs. Saturation was reached once there was a redundancy of themes in the data. Sampling continued until no new information was obtained, no new themes emerged, and there were no new variations on themes (Walker, 2012). Walker (2012) stated that saturation is appropriate for IPA research since data is usually collected through interviews, and interviews can continue until the same stories are heard over and over.

Instrumentation

Data was collected through telephone interviews. The interviews were semi-structured and consisted of open-ended questions. According to Creswell (2009), the questions should be few in number, and designed to elicit views and opinions from the participants which was what occurred. In addition, in IPA, in-depth and semi-structured interviews allowed participants to go beyond the surface responses that questions elicited, and delved deeper, considering the factors and context which related to their experiences (Miner-Romanoff, 2012).

I began the interview by collecting demographic information from the participants: (Appendix A).

1. What is your current age? What was your age during the trial?
2. What year was the trial?
3. What was the defendant accused of?
4. What was the verdict?

Further questions were developed from the participants' experiences related to jury duty. These overall arching questions are: what personal characteristics did elderly

jurors consider when evaluating a criminal act (RQ 1; Appendix B), and how did elderly jurors reach their verdict decisions from the evidence presented at trial (RQ 2; Appendix B).

Procedures

Data Collection

I collected the data through semi-structured telephone interviews. The goal of the interviews was to engage the participant in conversation for up to one hour. I posted a flyer for my study on social media sites such as Facebook, and online in Walden University's participant pool. Participants contacted me via email at my Walden email account. When contacted I explained that I am conducting research on the experiences of jurors who were age 55 or older when they served on a jury during a criminal trial. I explained that the purpose of my study is to understand in as much depth as possible, what that experience was like for them, how they made sense of evidence, how they felt about the process of jury service, and that I would like to understand how they arrived at their verdict. If the participant met the study criteria, and if they were interested in participating, I explained that I wanted to conduct a telephone interview at a date and time of their convenience. I asked them to be in room where they would be able to speak freely and have limited interruptions. I explained that the interview will be audio recorded and made sure that they were comfortable with that. Prior to the telephone interview, I had sent participants the informed consent form, and asked them to sign and return the form to me, and to ask any questions that they had. No participants had any questions regarding the informed consent form. I explained that the form explained the

pros and cons of participating in the study, what the potential benefit of the study could be, and that they could withdraw from the study at any time with no repercussions. I reminded the participant as per the consent form that they agreed to be recorded and explained that I would be audio recording the interview, and again asked for their verbal consent as well. Participants were debriefed once the interviews were completed and were told again what the data was going to be used for. During the debriefing, participants were asked if they had any questions about the study, how the data will to be analyzed, and any publication information applicable. During the debrief participants were able to ensure that the clarity and fit of the summary equaled their lived experiences (Miner-Romanoff, 2012). . Follow up interviews will not be conducted.

Data Analysis Plan

The data collection techniques used were semi-structured interview questions that answered the research questions. As per Peat et al. (2019), each case was examined separately, and when first examining a case it was looked at closely for the development of themes, and the consideration of possible themes across the data sets. In IPA, a step by step approach was taken. The first step was to read and re-read the data of a single case in order for me to immerse myself in the data transcript. As the case was read, observations were noted in the margins of the transcript. As I identified emergent themes, these themes were then sorted and compiled, and the notes that were taken were also included with the themes as they presented themselves (Peat et al., 2019). This process continued from case to case, and the researcher continued to link themes by chucking together data and notes. It was important to note what the participants experienced with the phenomena, and notes

were taken on these textural elements (Alase, 2017). According to Peat et al., as each case was examined, the researcher observed how cases and themes related, but initially the themes derived from previous cases were bracketed in order for the next case to be looked at with fresh eyes. Each case was viewed separately enabling the researcher to stay open to what that case had to offer, and to be sure to not fit data into pre-existing themes.

The researcher continued to seek themes across data sets asking what qualities were identifiable across cases (Peat et al., 2019). These were highlighted along with any distinctive differences. To gain a deeper understanding of the data, themes, metaphors, and temporal differences were examined to further understand the data, and the meanings created by the participants. As per Alase (2017), I wrote a description of how the experience happened so I was able to reflect on the setting and context, or the structural elements in which the phenomena occurred. Per Alase, a composite was written per case, bringing in both textual and structural elements.

The final step was to bring in existing research and literature. This helped to further explore and understand the findings. IPA findings were presented in a comprehensive analytical account. The findings included relevant quotes, and a detailed interpretive narrative (Peat et al., 2019).

Trustworthiness

Trustworthiness involves addressing how the study's findings are credible, transferable, confirmable, and dependable, and each of these measures is addressed in this section. The trustworthiness of a study establishes the study's worth based on the

degree to which the four criteria have been met. It is important to ascertain the degree that each of the four criteria have been achieved, since qualitative research does not use instruments with established metrics on validity and reliability. Therefore, trustworthiness must be established through different means.

Credibility

Credibility in IPA research involves having confidence in the truth of the findings (Amankwaa, 2016). One way that this was established was by member checking. This involved explaining my understanding of what was said back to the participant for verification (Gill et al., 2017). I accomplished this by asking questions for clarification, and I did this continuously throughout the interview in order to verify that what I heard is what they expressed. Also, per Gill et al., (2017), engaging with the participant, and observing the participant go a long way in helping to make accurate interpretations of the information being relayed. I ensured that this was accomplished by using prolonged engagement and persistent observation of the tone and responses of the participants. This allowed me to spend adequate time with participants in order to put them at ease, develop rapport, build trust, and to focus in on the issues most important to the study (Cohen & Crabtree, 2006).

Transferability

Transferability refers to the researcher's ability to apply their findings from one context to another (Amankwaa, 2016; Gill et al., 2018). Even though individual experiences are captured, it is still possible to apply findings to other contexts and times in which they are studied if there is a strong degree of fit. One way this was achieved is

through thick description. Thick description was achieved by making sure that the phenomena was explained in enough detail so that a decision was made as to whether the information was applied to other settings and situations. It is also important not just to describe the phenomena, but to add enough detail as to create an understanding of what is significant in the specific context that the meaning was created in. I ensured thick description in my study by making sure that I understood the context that the participants' experienced, and that they described to me during the interview (Cohen & Crabtree, 2006). For example, the participants were in a court of law with certain rules, and expectations that they applied to their understanding of defendant behavior. Jurors' responses and reactions to defendant behavior occurred within the context of the criminal justice system. Therefore, my interpretations of what the jurors experienced, had to be described within that context in order for interpretations to be understood and explained to readers. So, I asked questions focused on how elderly jurors came to understand defendant behavior, and also to what extent the court system supported their view of the events that transpired, and how their decisions were influenced by the court system, and the laws that they operate within.

Dependability

Dependability deals with consistent findings and delves into the process by which the research was conducted (Gill et al., 2017). Consistent findings were achieved through the way the data was gathered, how the data was analyzed, and how the data was interpreted. One way to achieve consistent findings was to collect data from different sources which in turn provided a variety of experiences and perspectives. This allowed

the establishment and divergence of data which allowed the research to be more understandable, and therefore more dependable. It was important that I verified the validity of the research (Cohen & Crabtree, 2006). I did this by summarizing my initial findings, and then comparing those findings to the data again to make sure that my interpretation was accurate. I then compared this data to subsequent data that I gathered and interpreted to continue to ensure that I relayed accurate findings. Through this process, I ensured that my interpretations and conclusions were correct, and that they were supported by the data, and not by my own subjective interpretations.

Confirmability

Confirmability is a way to establish that the research findings are based on the participants' responses and not the researchers' hopes, beliefs or biases. Every researcher has assumptions, preferences, and tendencies when it comes to the data and their interpretations (Gill et al., 2017). A researcher must be aware of their own assumptions, in order to address these issues, to ensure that interpretations are correct. Techniques such as journaling and audit trails are used to ensure the accuracy of data interpretation. I kept a journal where I recorded my thoughts before and after data collection sessions, ensuring I was aware of any bias that I brought into the data. The journal also helped me to monitor my learning process as I engaged in the process of data analysis and provided a reflective tool where I noted my own personal thoughts and beliefs (Cohen & Crabtree, 2006). I had several participants to help ensure a rich variety of data, and the sample of participants was homogenous. As part of an audit trail, I had clearly defined steps once participants were secured, such as collecting, coding and analyzing data. I described in

detail how I collected and analyzed the data, and I also described the coding process, and how I clustered codes to uncover themes. This process explained to readers how I made the decision that I made as far as uncovering themes and traced the logical steps that I made from the narratives that the participants provided.

Ethical Procedures

I obtained Walden University IRB approval (number 03-05-20-0574318) before I began data collection. I ensured that there was no pressure to respond to my participant advertisements. I had no prior or pre-existing relationships with any of the participants. Participants who were qualified to participate in the study were sent a consent form. Once participants consented, they were assigned an identification number in lieu of the participants' name. This number was used going forward in all correspondence to ensure anonymity.

At the beginning of the interviews I reminded participants verbally of the right to confidentiality, and my duty to protect their right to privacy. One exception to this right to privacy would be if the participant told me of their intent to harm a defendant. In that case I would have to notify the police. An explanation of the limits of confidentiality can be found in the consent form.

Participants were asked to choose a quiet room for the telephone interview where they would be able to speak freely and have a minimum of interruptions. This is to ensure that participants feel comfortable conversing in the setting of their choice without fear of being overheard. Participants could control how and if they responded to interview

questions. And, if intimate, personal information was disclosed during the interview, participants were ensured that confidentiality would be maintained.

All interviews were audio recorded, and no names were used. Participants were only identified and coded as Participant #1, Participant #2, etc. All the interviews were uploaded to an encrypted external drive to ensure further privacy. When not in use, the encrypted drive was kept in a locked file cabinet in the interviewer's office and will be kept for the allotted five years. After five years the data will be destroyed by reformatting the drive. No participant names were used in the dissertation. I only collected basic demographic information such as current age, and age during the trial. Consent forms were emailed and included identifying information.

According to Creswell (2009), interview interactions can be stressful for participants. In order to minimize this, participants will be reminded that they will be able to read my summaries and interpretations and make any corrections or changes they feel are necessary. I provided a list of resources to all participants. That way if any questions or concerns arose from the interview, or if participants experienced any effects from the interview questions, they had resources available. Three crisis lines were included: The Warm Line in Bucks County, PA, 1-215-355-6000, Philadelphia County Suicide and Crisis Intervention Hotline, 1-215-686-4420, and Philadelphia Crisis Hotline, 1-215-879-4402.

There have also been some benefits of interviewing noted in qualitative research. Participants may view the interview as an opportunity to help others, and this was explained to them as part of understanding the phenomena in general. Participants may

also find that when they discuss their experiences, and how they were impacted by them, they may process some of the emotions that they experienced connected to these experiences. This may be helpful to participants since some of their emotions may have been upsetting or difficult to cope with (Labott, Johnson, Fendrich, & Feeney, 2013).

Summary

In chapter three, the proposed study was described in detail. The chapter started with a description of the research design and rationale, which was followed by the role of the researcher who become part of the research findings and interpreted participant meanings. The methodology that was used was also outlined in detail, and the methods that were used to address trustworthiness were also described. Finally, the chapter concluded with the procedures which were put in place to address ethical concerns.

Chapter 4: Results

Introduction

In the United States the median age of its citizens is getting older, and therefore potential jury pools will contain a greater number of jurors age 60 and above. Only a small number of studies have explored what factors impact elderly jury decision making when arriving at verdict decisions (Abwender & Hough, 2001). Research has shown that elderly jurors vote to convict more often than younger jurors (Anwar et al., 2012), so exploring the lived experiences of elderly jurors and the extra-legal influences that impact them is valuable (Ruva & Hudak, 2013). The purpose of this study was to learn how the personal characteristics of defendants were viewed by elderly jurors and what factors contributed to the verdicts that the jurors' felt were appropriate. In this study, I applied the story model theory and the director's cut model to try to understand the lived experiences of elderly jury members. The research questions were:

RQ1: What personal characteristics do elderly jurors consider when evaluating a criminal act?

RQ2: How do elderly jurors reach verdict decisions from the evidence presented at trial?

In this chapter, I discuss the setting in which the interviews took place and describe participant demographics. I also discuss the data collection methods and data analysis techniques as well as explore issues of trustworthiness that emerged from the research. I also present the results of the study.

Setting

The interviews were originally going to be face to face or via Skype, but due to COVID-19, all interviews were conducted via telephone; due to the age range of most of the participants, they were not comfortable with other technology. There were no interruptions in four of the five interviews; however, in the fifth interview, there was a baby that continued to cry softly throughout the interview, which would not have been too much of a distraction except that this participant had a very heavy accent, so I had to ask her some of the same questions several times. The repeated asking of questions did not seem to interfere with the interview dynamics and seemed to clarify some of the participant's responses. I had never spoken to four of the participants prior to the interview. The fifth participant was a member of a fiction writing group I belonged to about 5 years ago. I had not spoken to the participant in the 5 years since I stopped attending the writing group. I was not aware of any external factors that may have biased or influenced any of the participants or their responses when interviewed. I presented a \$10 gift card to Walmart to participants at the conclusion of the interview. This did not seem to be a large enough sum to incentivize participation. Only two participants accepted the gift card, and one participant declined the card, because she did not want it sent to her by mail. Two of the other participants said to give the gift cards to someone in need, that they were participating to help me and did not want to be compensated in this way.

Demographics

I interviewed a total of five participants. All were age 55 or older at the time they served on a jury during a criminal trial. Two participants were male and three were female. The participants' current ages ranged from age 57 through age 83. The average age of the participants was 68.3 years old. Trial dates ranged from the year 2003 through 2017. Defendants were accused of the following crimes: attempted murder, murder, murder, assault, and murder. The verdicts in the same order were: not guilty of attempted murder but guilty of assault, guilty, guilty, not guilty, and guilty. The participant demographics and their verdict decisions are displayed in Table 1:

Table 1

Participant Demographics, Verdicts, and Defendant and Victim Genders

Participants' gender & current age	Verdict	Defendant and victim gender
Participant 1: Female, 71	Guilty of a lesser charge	Assault male defendant, male victim
Participant 2: Female, 62	Guilty of first-degree murder	Male defendant, female victim
Participant 3: Male, 70	Guilty of first-degree murder	Male defendant, male & female victims
Participant 4: Male, 83	Not guilty of simple assault	Male Defendant, female victim
Participant 5: Female, 57	Guilty of first-degree murder	Male defendant, male & female victims

Data Collection

The participants were asked to put aside 1 hour for the interview. The interviews lasted an average of 54 minutes. One participant interviewed for exactly 1 hour, two were over the 1 hour mark, and two were slightly under the 1 hour time frame. I obtained

informed consent from the participants prior to the interview. After I received a response from participants to my email account, I sent them the informed consent form as the next step in the interview process and asked them to sign and return it to me via email. The informed consent form explained to participants that their responses would be confidential and no identifying information would be used. I also explained that participants had the right to stop the interview at any time with no repercussions. All participants' responses to the semistructured questions were audio recorded. The informed consent form explained that participants would be asked to agree to be audio recorded, but prior to the interview I asked participants again if they were amenable to me audio recording the interview, and they all agreed. I had hard copies of my questions, which I read to participants, and I also jotted notes on during the interview process.

The only variations in data collection procedures as described in Chapter 3 were that interviews were conducted over the telephone and not face to face or via Skype as stated. Also, in addition to flyers being posted in various businesses, flyers were distributed on social media to over 55 communities, newspapers, and in Walden's participant pool. These changes were brought about due to COVID-19, which created the need for a wider selection pool of possible participants as well as the mode of communication that the age group I was interviewing would be the most familiar with and comfortable using.

Data Analysis

I collected data from five participants, and saturation seemed to be achieved. I used IPA guidelines as discussed in Chapter 3 as I analyzed the data. First, I transcribed

the audio recordings one at a time, and read each several times before coding. This enabled me to begin to identify unique and common themes within each interview. I reread each transcript several more times and started to color code on my laptop each theme detected for each interview one at a time. I then read each theme again and tried to cut each sentence to a few words or even one word if applicable. I went through this process for all the interviews. I also had a journal where I wrote my thoughts and reflections on the interviews to lessen any personal bias that may have impacted how I viewed the participants' lived experiences (see Alase, 2017). As themes emerged, I created a spreadsheet, and listed all the applicable themes per interview. I then created a Word document where I was able to see replicated themes in each interview, as well as unique themes in interviews (see Alase, 2017).

Once the themes emerged across interviews, I wrote a brief summary of the themes that appeared across data sets. The data produced three themes and 10 subthemes. The themes are displayed in Table 1. The three themes were present in most of the participants' interviews, and the subthemes were present in quite a few.

Table 2

Themes and Subthemes

Feeling sorry for defendants	Feeling sorry for victims	Feelings towards criminal justice system
Defendant treated unfairly	Victim did nothing wrong	Disrespect of jurors
Defendant's reality ignored	Victim tried to do the right thing	Lawyers inexperienced or not prepared
Victim just as guilty	Victim was young & trying to move on	Questionable courtroom procedures
		Questionable behavior from legal professionals

Evidence of Trustworthiness

I was able to ensure trustworthiness by confirming that I had established dependability, credibility, transferability, and confirmability. I achieved dependability by gathering data and interpreting it as outlined in Chapter 3. I collected data from different sources, which revealed a variety of different experiences and perspectives (see Gill et al., 2017). Because I collected data from a number of sources, it could be considered more divergent and understandable and therefore more dependable (see Cohen & Crabtree, 2006). I also verified the validity of the research by summarizing my initial findings several times to make sure my interpretations were correct (Cohen & Crabtree, 2006). I also compared my data with each interview to all subsequent data from interviews after each interview was coded and interpreted. Through this process I ensured that my interpretations were as accurate as possible and that they were based on the data and not on my subjective interpretations.

I established credibility of the data by repeating back participants' answers to them initially and then again if they tweaked or elaborated what they said (see Gill et al.,

2017). I also asked questions for clarification, and summarized participants' responses after each question. I asked additional questions based on responses and summarized those responses to participants as well. Furthermore, per Gill et al. (2017), I engaged with the participants and noted any hesitation in responding, or responses that differed from previous responses, and then inquired about them. I interpreted participant responses and asked the participant if my interpretations were accurate. I used prolonged engagement with participants by spending as much time with them as possible and did not end the interview until they wanted the interview to end. I believe that spending adequate time with participants helped put them at ease, developed rapport, and built trust, and I was able thereby to focus on the issues most important to the study (see Cohen & Crabtree, 2006).

Transferability refers to the extent to which findings can be applied from one context to another (Amankwaa, 2016; Gill et al., 2018). I captured the individual experiences of the participants through thick description. I believe I captured enough detail of individuals' experiences in the courtroom settings to explain the phenomena under study, so that it can be applied to similar settings. The context of the participants' experiences described to me during the interview appeared to have a strong degree of fit across studies and can be applied to other situations and settings (see Cohen & Crabtree, 2006). For example, defendant and victim behavior was understood by the participants in the context of the criminal justice system, and I explain how that behavior was viewed by participants in the results section of this chapter.

Confirmability is a way to establish that the research findings are based on the participants' responses and not the researchers' hopes, beliefs, or biases. I used reflective journaling to list my thoughts and reactions to the participants so I was aware of how I was responding to the interviews and to ensure that my responses did not interfere with my interpretation of what participants said (see Gill et al, 2017). I also followed clearly defined steps when I collected, coded, and analyzed data, thus ensuring an audit trail.

Results

The purpose of this study was to understand the lived experiences of elderly jurors in determining verdict decisions. I conducted semi-structured telephone interviews with five individuals, lasting an average of 54 minutes. The interview questions were designed to answer the following research questions: "What personal characteristics do elderly jurors consider when evaluating a criminal act", and, "How do elderly jurors reach verdict decisions from the evidence presented at trial?" Once the interviews were completed and coded, the analysis of the data exposed three major themes across all interviews: Feeling sorry for the defendants, feeling sorry for the victims, and feelings towards the criminal justice system. How the participants felt towards the defendant was present in every interview. In addition, while there were similar experiences and meanings across the data sets, the main focus was on the content and details of how the defendants, and the victims were viewed in relation to verdict decisions. This information adds to the current literature in that it gives elderly jurors a somewhat larger voice in the sparse literature that exists on elderly jurors, as well as giving some insight into what

characteristics and factors elderly jurors attended to when arriving at their verdict decisions.

Theme 1: Feeling Sorry for the Defendant

A theme that ran through three of the five interviews was participants feeling sorry for the defendants, and when this occurred, one participant voted not guilty of assault, one participant voted guilty of a lesser charge which was aggravated assault in lieu of attempted murder, and one participant still voted guilty of first degree murder. Participants felt that cultural influences, or life circumstances, or even the victims themselves, were partly responsible for getting defendants into the situation they currently faced. When verdict decisions were discussed, how participants viewed and felt about the defendant in combination with the crime that was committed, influenced their verdict decision. However, even if they felt sorry for the defendant that did not necessarily mean that they would vote not guilty. The only not guilty verdict was when there was no proof of injury. With proof of injury or death of a victim, guilty of a lesser charge, or guilty were voted. When participants felt sorry for defendants, three subthemes ran through the interviews: defendant treated unfairly, defendant's reality ignored, and victim just as guilty.

Subtheme 1a: Defendant Was Treated Unfairly

In three of the five interviews, the participants viewed the defendants as not getting fair treatment. P1 (Participant 1) stated, "I couldn't understand why the defendant was sitting there with headphones on." The participant was not sure why he had to wear headphones but felt that the defendant may have been hearing impaired or since English

was not his native language, the headphones were a translation device. The participant felt that this put the defendant in a disadvantaged position and made him look “different.” At one point the defendant had to tell his lawyer that his batteries died, and his lawyer had to ask for more batteries.

P1 also noted that the stabbing occurred a year ago, and the defendant was now married, had a good job, and had moved on. So, P1 felt that this was all “water under the bridge,” this case should never have gone to trial. Also, as far as the charge of attempted murder, P1 felt that the defendant was probably “punked” or set up by the victim’s sister, who was jealous that the defendant broke up with her and had moved on to a new relationship. P3 also stated that the defendant “was pretty much getting set up by the two accomplices or maybe a stool pigeon, and more clearly than not being set up for this murder which he probably did commit.” So even though the participant felt that the defendant was guilty, he stated that he was led astray by the other members of his gang, and really just wanted to fit in.

P3 said, “He [defendant’s gang member] was really a manipulator who got the whole thing going because there was so much evil in his eyes.” And, “They [defendant’s gang members] had already shown up in court, and had real powerful attorneys and got lighter sentences, and a plea bargain agreement where they wouldn’t have to serve any time. And, the African American guy who was their accomplice, but it became more apparent as the case went on that he was probably just going along with his buddies and did what they told him to do.”

P3 continued, “He [defendant] wanted to be part of society, wanted to be part of this friendship, oh it’s heartbreaking because it’s such a deep and holistic problem.” P3 said, “[Defendant] had fear of getting killed, and his family getting killed because he owed them money.” The participant said at one point that the defendant was only protecting himself and his family.

P3 stated, “Yeah, he [defendant’s gang member] was actually the ring leader of the three, and he needed money for the Vietnamese mafia.” P4 stated that “The woman [victim] was very angry and it sounded to me based on the testimony that she wanted to get this guy [defendant] the best she could.” P4 also stated that “he shouldn’t have been charged to begin with, that there was not enough evidence.”

Subtheme 1b: Defendant’s Reality Ignored

Three of the five interviews stated that there were situations and circumstances that were part of the defendants’ lives, but they were never brought up at trial, and the jurors were not expected to consider.

P1 said that, “He did it [the defendant] but didn’t intend to do it, it was, um, the way they tried to put it, it was a fight between two people.” Also, “So I think that he [the defendant] defeated himself, and used a knife, I don’t know what happened.” And, P1 felt that the prosecutor didn’t take into account that everyone involved in the crime knew each other and were friends, “I don’t think I understand what happened because it seems like people took the guy that got stabbed to the hospital were the same friends of the guy who claimed stabbed him. They were all friends. You know what I’m saying?”

P1 felt that, “It was just something where they lost their tempers.” And as far as verdict considerations regarding the charges, P1 felt that what occurred was self-defense, so the jury found the defendant guilty of assault, but not attempted murder.

P3 stated, “You see a black man accused of murder it kind of goes, well you think he is probably guilty. The jury saw that people just assumed a black man was guilty, so it made the verdict decision tougher.” And, since P3 felt that the defendant was just going along with his gang members for acceptance, he stated that the trial, “Seemed like a real miscarriage of justice on so many levels.”

P3 also felt that since the other gang members were just as guilty that they should have been charged the same way and weren’t, because they were white and could afford high-priced lawyers. P3 stated, “I felt so very sorry for our society that would lead people to this place in their life without even having a life.” P3 also felt that there were better ways to deal with social situations, and society needs, “A proper and more in depth understanding of the social problem.” The defendant just wanted to fit in, came from an impoverished environment, had low intelligence, and was easily manipulated, and wanted to please his fellow gang members.

P4 viewed the charges against the defendant from a historic perspective:

Do you always take the woman’s point of view; we did in the past. That used to be the situation. It used to be the situation that if a woman complained, the man was arrested. This eventually over a period of time changed because um, there were too many trumped up charges being made by the other, and we can’t be in the position of knowing what is correct.

Also, P4 was concerned that there was no evidence, no witnesses, and no injury to the victim, and the victim did not go to the hospital as far as he knew. “We’d have to take her word for it, and this guy’s life is ruined? I know he’s a house painter, I don’t know if he paints for himself or if he had an employer, he may have lost his job.”

Subtheme 1c: Victim Just as Guilty.

Three of the five participants felt that the victim instigated the criminal act, and that was viewed in a very negative light. This made it more difficult for the participants to really sympathize completely with the victims.

P1 said, “The other thing that I might add is that the person who got stabbed, he is no angel either, because they brought up the fact that he had charges before this happened, he had charges on him for credit card theft.” P1 also stated, “So, it’s like the pot calling the kettle black. How are you going to tell what to do when you’re doing something yourself.” P1 also said in relation to the victim, “Then, he doesn’t remember this because he was knocked out, and listening to the doctor who said he has a blood alcohol of what is it, .8 it was very high, and they had to give him medicine to bring the alcohol level down, and they said that may have contributed to the bleeding to less bleeding, something to do with the bleeding, because alcohol helps something.” So, the participant did not view the victim as credible since he was so intoxicated that he did not know what happened to him, or who had injured him.

P3 also said that most jurors felt that the defendant was doing society a favor because he killed two drug dealers. P4 stated, “We only had the woman’s word on this, and she had a grudge against this man.” Also, per P4, “As I recall our associates led us to

believe that she was the one with the anger problem.” P4, “She didn’t have any evidence but she had anger.” P4 said, “These two people were antagonistic to each other, and the woman was very angry, and it sounded to me based on the testimony that she wanted to get this guy the best she could.”

Theme 2: Feeling Sorry for the Victim

Three of the five participants felt sorry for the victim to some degree. In two of the five cases the victims lost their lives, and this tragedy was felt by the participants who voted guilty because they felt the victim absolutely did not bring any of what happened on themselves, or what happened to them simply should never have happened. In the third case, the participant felt sorry for the victim to the extent that he had severe enough injuries to have to be operated on and was in intensive care for a period of time.

Subtheme 2a: Victim Did Nothing Wrong

In two of the five cases the participants felt that the victims did nothing wrong. In P2’s case the victim was murdered by the defendant. P2 stated, “She [victim] had broke off with him [defendant], and he had refused to let the relationship go. He [defendant] went up to see her one evening, and the two of them got to arguing, and he pulled out his gun and he shot her 4x’s in the head.” P2 stated, “So, she had no idea, because obviously she wouldn’t have opened the door to let him, there wasn’t a struggle, he didn’t break the door down.”

P2 stated that something was off with the defendant that the victim was not responsible for. P2 said before he killed her, “The defendant made the victim take her robe off, and she was naked when he killed her, maybe some kind of power thing. Yeah,

it was something wrong. That's just my own opinion, there was something [some kind of mental illness].”

P5 also felt that the defendant inserted himself into other peoples' lives: “I felt it was an awful thing, and it was violent [the murders], and he infringed on other people's rights.” P5, felt that the victims were just in the wrong place at the wrong time: “He [defendant] was in jail before, and he wanted to go back, that is what I felt. He wasn't going to let anyone stop his mission.” And, as far as the crime which was armed robbery and murder: “Um, he came in without warning [into a convenience store], and he rushed to where the register was, and grabbed the cashier by the neck, and she tossed the money out, and he told her to put it in a bag that he brought.” So, the victims were at his mercy, and were doing what he said.

Subtheme 2b: Victim Tried to Do the Right Thing

Three of the five victims were perceived as trying to do the right thing to some degree. P1 tried to do the right thing in that he, the victim, thought he was standing up for his sister, and defending her in what both he, and she perceived to be a slight. The victim's sister did not like that the defendant broke up with her and married someone else. And, since they all had the same group of friends, and socialized in the same places, this was even more problematic since both the defendant and the victim, and their friends were the same ethnic group and culture. So, even though the victim behaved in a negative way, he thought he was doing the right thing for a family member.

P2 also stated that the victim thought she was doing the right thing, since she knew that the defendant was upset, and therefore agreed to let the defendant in to talk.

She [victim's sister] had talked to her sister earlier in the day, and "she [the victim] knew he was coming over."

P5 stated that the victims "were blocking his escape in that one of the victims was on his cell phone calling for help, and the defendant shot him and the woman standing next to him." So, the victim that was trying to call the police was trying to do the right thing by trying to stop the robbery, and he was shot and killed. The defendant also shot and killed the woman standing next to him because the defendant thought that they were together. P5 said that "he [defendant] wanted to protect himself, so he shot the man who was making a phone call, and the women that was next to him."

Subtheme 2c: Victim was Young, and Trying to Move On

In two of the five cases, the participants felt that the victim had moved on or was trying to move on from the defendant. P2 stated, "Well, because I think it's difficult for men, some men to receive rejection, and after the facts began to come out, he [the defendant] was rejected by her [the victim], and she was a very pretty young woman. I don't think he took that well, and I think some men really have a problem with being rejected."

P2 said, "Um, the only thing that the sister [victim's sister] said that what truly stood out was that her sister had decided that she didn't want to be in the relationship with this young man anymore, she was very adamant about that." Part of what contributed to the defendant not accepting that the victim had moved on was he was possibly dealing with mental health issues. P2 stated that the prosecutor showed that the defendant had mental health issues because "he was rejected, and he also spoke that he

had been rejected before by a woman.” P2 said, “Yeah, to me I thought he was jealous, and he did not receive rejection, he refused to accept the fact that she had moved on. There was a third person involved and she had moved on. He just refused to accept that.”

In P4’s case the victim was thought to be the defendant, and the jury did not believe that there was a true victim. P4 stated, “These two people were antagonistic to each other, and the woman was very angry, and it sounded to me based on the testimony that she wanted to get this guy the best she could. And, I’m not sure that the charge against the man was justified.”

Theme 3: Feelings Towards Criminal Justice System

All of the five participants had comments on the criminal justice system, including the behaviors and practices of the lawyers and judges, as well as courtroom and judicial practices, that they encountered, and felt were problematic. In two of the five cases, participants felt that the defendant should never have been charged, and that the case was a waste of time. Also, in two of the five cases, the participants felt that either incorrect charges were brought against the defendant, or other people involved in the crime should have been held equally responsible. However, in two of the five cases, the participants felt that the court worked the way it was meant to work, and two killers were found guilty. But, in one of those two cases a participant still did not understand why the defendant did not have legal representation with so much at stake.

Subtheme 3a: Disrespect of Jurors

Two of the five participants felt that the jurors were being disrespected as far as the time that they were asked to spend on cases that they felt the charges were

unwarranted. P1 said, “The whole system is being utilized every day. Every day they had to get a judge and lawyers, and it’s costing money, because some people when they take off they don’t get paid.”

P4 stated that they wasted three days with a trial, and that jurors “had to take the day off, and didn’t get paid for the day, and so it’s a bad deal for the work system to allow the parties to go and get away with stuff like that in my opinion.” P4 also said, “some people have to take time off of their jobs, and we were paid as I recall, \$15 a day and some people ----I was paid my salary, but some people were docked. They had to take the day off, and didn’t get paid for the day, and so it’s a bad deal for the work system to allow the parties to go and get away with stuff like that in my opinion.”

P1 added, “the judge had to take off, that delayed it another day, and another person on the case they had childcare problems, so that we had to use a pool of people to take their place even though they listened to what was going on, so it dragged it on even more.”

Subtheme 3b: Lawyers Inexperienced or Not Prepared

Three of the five participants stated that some of the lawyers were not prepared, and did not provide good cases, or conversely if the opposing lawyer did provide a good scenario of what had happened, then the opposing attorney did not provide any explanation or alternative story of what may have transpired or why.

P1 stated, “Nobody knows nothing, that’s why I found it to be lame. Why would somebody take a case like this? Confusing.” “And, P1 continued, “We didn’t see no knife, there were no pictures, no evidence, no nothing. It was a very strange case

that we spent three weeks at.” And, the trial went on so long because, “They were trying to get more evidence, trying to get more pictures. Trying to see if they could get more witnesses, trying to see to come with a better information on the guy who got stabbed, but they couldn’t get any better information, so the judge said look you’re going to have to take this information, and gave us guides to go by, and come up with a verdict.”

P2 stated, “He [defendant] was emotionally rejected, he was stressed, he was depressed at the time, and he didn’t really go to do any bodily harm to her, he went to discuss getting back together. So, I don’t think that the lawyer did too good of a job on that.”

P3 stated, “Also, the prosecutor was very zealous in wanting a conviction, and the defense lawyer as not as good since he was a court appointed attorney.”

Subtheme 3c: Questionable Courtroom Procedures

Four of the five participants complained about the procedures that were in place in the courtroom. P1 was skeptical of the doctor who operated on the victim, and who testified frequently for the court, and said, “Are you here for your patient, or are you here for money?” P1 also didn’t want to spend time delving into the facts present in the trial more, because she thought the trial was a waste of time due to lack of evidence, and witnesses, etc. P1 stated, “I didn’t even ask any questions because to be honest with you I just wanted to----I didn’t know it would be as long as it was, I just wanted to get in there and get out.”

P1 had also served on other juries as the floor person before, and said where they seated her this time, confused her, “Where I sat I found it to be strange. I don’t know if

they wanted me to have more of a focus on the defendant you know focus on him, you know sometimes they can put you in a situation where you're looking . . . you know, he's looking at you, you're looking at him or her and [garbled word], but I don't know, I just found it to be strange."

P3 commented on the defendant not having as good representation as his accomplices. "They [the accomplices] had already shown up in court, and had real powerful attorneys, and got lighter sentences, and a plea bargain agreement where they wouldn't have to serve any time, and the African American guy who was their accomplice [the defendant], even though he did do it, had to serve time."

P4 stated that there was a sign clearly posted on the door leading to the courtroom that no guns were allowed in the building, yet they allowed an armed officer to be present in the courtroom for three days. P4 said,

We resented some of the tactics used in the courtroom, the cop with the gun who sat there for three days next to the plaintiff, and the judge's interference in this situation, and that left a bad taste in our mouths, but we reached a verdict in spite of those things.

P4 went on to say,

After we reached this conclusion [their verdict], the judge came into our jury room, and he wanted to know how we were coming along with our deliberations. We had only been deliberating an hour, and um, we expressed our disapproval of a couple of things, one we didn't think he should have been charged in the first place with that [assault charge], and we were going to render a verdict of not

guilty. So, the judge said he would find the defendant guilty of harassment, now we were not told anything about that, that was not part of the charge, we were only told about the assault charge.

P4 continued,

And, one thing we resented was the judge's interference. I'd been on juries before and a number of juries in the past, and never had a judge come into a jury room, to inquire about our deliberations, never. So, we saw that as an act of intimidation. It left a bad taste in our mouths, but we reached a verdict in spite of those things.

P5 spoke about the defendant having no representation, and he was allowed to testify with no lawyer representing him. "Um, he had no defense actually. That was the funny thing." And when P5 was asked why this may have occurred, and why this was permitted, she said, "I don't think he was able to afford, he wanted to go back [to jail], he just wanted to be in prison."

Subtheme 3d: Questionable Behavior From Legal Professionals

In two of the five interviews, the participants felt that the behavior of the legal professionals was incompetent or bordered on unethical. P1 stated, "Nobody knows nothing [lawyers, witnesses], that's why I found it to be lame. Why would somebody take a case like this? Confusing." P1 also said of the prosecutor that he "He tried his best, but he did not [have his "ducks in a row]."

P4 said of the prosecutor, "Well, our feelings were that he shouldn't have been charged to begin with, that there was not enough evidence." P4 went on to explain how he viewed the prosecutor:

“As I recall he was a man who didn’t appear to have a lot of experience. And when the final arguments, when the defense attorney stands up and faces the jury the prosecutor stood up and he turned his back to us and faced the judge and we couldn’t hear him. We were all looking at each other, and finally I raised my hand and the jury is not supposed to say anything, but I raised my hand and said we could not hear, he should turn and face us and the judge ordered him to do that, and we could hear him after that. That was just so poorly run, and the judge should have seen that the prosecutor should not be addressing the judge. Right, the prosecutor should have been facing the jury. I just felt that this was a shoddily run trial and so at any rate, that’s my opinion.

P4 continued,

And the stupid judge came in and he was a young guy and was very, very nice and very congenial, and we indicated that we essentially reached a verdict, and he wanted to know what it was and we said we found him not guilty, and he indicated that he didn’t agree with the verdict, but didn’t try to talk us out of it, and that would have been grossly inappropriate and probably would have been grounds for a misconduct charge against the judge if he had done that. He came very close to the line on this, but I don’t think he quite stepped over it, but almost he should have not visited us to begin with. To us it was an act of intimidation that alone we should have reported to the chief judge, but we didn’t because the case was so minor, but even if it is a minor case but if it was a major case would the judge have interfered in that?

Summary

The purpose of the study was to help to understand the lived experiences of elderly jurors in determining verdict decisions, and to answer the following research questions: What personal characteristics do elderly jurors consider when evaluating a criminal act, and how do elderly jurors reach verdict decisions from the evidence presented at trial. Five participants were interviewed, and all were aged 55 or older during jury service during a criminal trial. The data analysis identified three themes and ten subthemes. The major themes were: feeling sorry for the defendant, feeling sorry for the victim, and feelings towards the criminal justice system. The subthemes helped to further flesh out how the participants' felt about the defendants and their circumstances, how the treatment of the jurors, the court system, and the behavior of the legal professionals influenced the participants' feelings surrounding jury service. In Chapter 5, I discussed the results further, and interpreted the results, the strengths and limitations of the current study, recommendations, conclusions, and implications for social change.

Chapter 5: Interpretation, Limitations, and Implications

The goal of this interpretive phenomenological study was to gain a deeper understanding of the lived experiences of elderly jurors when determining verdicts. In this study I also sought to provide an understanding of what factors and defendant characteristics contributed to verdict decisions, as well as how the evidence presented contributed to their verdict votes. The little research that has been done on elderly jurors' verdict decisions showed that elderly jurors vote to convict more often than younger jurors (Ruva & Hudak, 2013). Some studies suggested that gender norms vary across generations and can create differences in beliefs of older and younger jurors (Klettke et al., 2016). Also, per Klettke et al. (2016), extra-legal influences may come into play when there is little evidence in a trial. And an increase in guilty verdicts may in part be due to elderly jurors having more confidence in legal institutions and their level of cynicism (Hamm et al., 2018). Also, older jurors tend to attribute criminal behavior to dispositional attributions rather than to situational factors (Higgins et al., 2007).

The five participants in this study tended to lean more strongly towards dispositional attributions of both the defendants and the victims but took into consideration situational factors as well. Three main themes emerged: feeling sorry for the defendant, feeling sorry for the victim, and feelings towards the criminal justice system. Ten subthemes also emerged from the analysis of the interview data. In this chapter I review the data in relation to the existing literature. In the following sections of this chapter, I provide a summary of the research results, insight into and suggestions on

how elderly jurors may view courtroom proceedings and evidence, the limitations of the current study, and suggestions for future research.

Interpretation of the Findings

A review of the literature revealed that only a very small amount of research has been conducted on elderly jurors (Abwender & Hough, 2001). The few studies that were available suggested that elderly jurors convict more often than younger jurors and were more certain of their verdict decisions (Higgins et al., 2007). Also, how responsible jurors felt the defendant was for crime they committed, dispositional attributes ascribed to the defendant by the juror, and exposure to any pretrial publicity all contributed to verdict decisions (Higgins et al., 2007; Rodriquez et al., 2018; Ruva & Hudak, 2013).

Four out of five participants in this study found the defendant guilty. This is consistent with the existing literature that elderly jury members are more likely to convict (Higgins et al., 2007). All four of the participants who voted guilty were sure that the defendant committed a crime, and three of the four found the defendant guilty of first-degree murder. The participant of the last guilty verdict was sure the defendant injured the victim but did not feel that the defendant was guilty of attempted murder, only aggravated assault.

All four participants who voted guilty felt that the defendant's dispositional attributes contributed to the crime in some way. For example, the defendant showed up at a bar frequented by his old girlfriend and his brother with his new girlfriend, or the defendant was unable to get over feelings of rage and jealousy, or the defendant was a follower and not able to fit in except to do what others wanted, or the defendant killed to

go back to jail. It is also interesting to note that the participants who voted the defendant not guilty, viewed the victim as having attributes that contributed to the defendant committing the crime. In these cases, the victim's dispositional attributes were viewed as more negative than the defendant's dispositional attributes. Behavior in general was viewed as being driven by internal wants and needs, as well as the catalyst that set into motion all the events which took place.

Theme 1: Feeling Sorry for the Defendant

Most of the participants did not feel that the defendants received fair treatment. This stemmed from not believing that the defendant was able to fully participate in his defense, to the crime happening so long ago that the participant felt the trial was a waste of time, to viewing the defendant as a different person now than they had been then, with the defendant now a contributing member of society. In some of the cases, the participants felt that the defendant was set up by the victims or other people who were involved in the crime.

The participants recognized that the circumstances surrounding the crime contributed to why the crime was committed, but at the same time the reasons surrounding the circumstances were not strong enough to overlook the fact that they felt the defendant still committed the crime. In other words, participants sympathized with the reasons and circumstances that created the crimes, but still could not overlook the fact that a murder or serious injury took place and that the defendant was the one responsible. This fits in with research findings that older jurors tend to base their verdicts on how

responsible they feel the defendant is for the crime that they committed (Higgins et al., 2007; Rodriguez et al., 2018).

Per Higgins et al. (2007), some experts believe that there is a rise in excuse defenses in courts, but there were no generalities given by Higgins et al. about how excuses were perceived by different age groups. Some of the participants interviewed mentioned feeling sorry for the defendants, and some of the reasons given included life circumstances that the defendant faced, including feeling that the defendant did not have many life choices. In addition, the defendant basically adopted a criminal family that they were trying to impress. Also, when friends were involved in the crime, the situation was viewed as “all in the family,” and the participant felt that the defendant should not have been charged at all. However, if an injury occurred or if someone was killed, the participants still held the defendants responsible for the simple reason that they did the crime, and the participants found them responsible or dangerous enough that the participants didn’t want them to harm anyone else.

In the one case where the participant found the defendant not guilty and felt sorry for the defendant, the participant did not trust the victim’s testimony, and there was no evidence of any injury. This is somewhat in line with current literature in that extra-legal factors may have come into play because there was a lack of evidence and the victim was viewed as very angry (Klettke et al., 2016). When there was lack of evidence as in this case or confusing or inconsistent evidence, the defendant was found not guilty or guilty of a lesser charge. Also, when this happened, the participants felt it was a waste of time and money for these cases to be tried. In two of these trials the participants felt that these

were personal situations that did not rise to the level of an arrest and/or a trial. The literature states that cynicism was the single most important factor in predicting if older individuals trusted the legal system (Hamm et al., 2018). If older individuals felt that the law was against them or it was used by the powerful to control them, then they were less likely to trust the legal process (Hamm et al., 2018). The participants who voted not guilty or guilty of a lesser charge expressed that they did not trust the legal process. They felt the court and legal professionals were out to get the defendant, or they did not respect the jurors and even the defendant enough to provide a fair trial.

When family and friends were involved, the participants were more likely to feel that the victims had ulterior motives, and that the defendant may have just acted in self-defense. Also, if the defendant was part of a minority, the participant felt that most people would assume that the defendant was guilty without looking at the evidence. The participant in this study emphasized that the jury made sure there was sufficient evidence, and they had a confession, ballistics, fingerprints on the murder weapon, and witnesses.

When the participants felt that the victims were just as guilty as the defendant, they could not sympathize completely with what had happened to them. The participants took into account prior criminal charges against the victims and the state the victim was in such as being intoxicated, which they felt may have instigated the attack against them, or they may have instigated the attack against the defendant because they were intoxicated. Either way, the condition that the victim was in or their frame of mind only complicated matters, and led the participants to believe that the defendant was not guilty or not as guilty as charged. Elderly jurors do tend to hold defendants more responsible for

their crimes than younger jurors (Higgins et al., 2007; Rodriguez et al., 2018). Therefore, it makes sense that if the jurors viewed the victims as partly responsible, then jurors would be more likely to hold the defendants not as responsible for the crime and to vote not guilty or guilty of a lesser charge. In other words, because older jurors take responsibility for crimes very seriously, they tend to look not only at how responsible defendants are for the crime, but how responsible victims are for the crime as well. Hence, if they feel the victim was responsible in some way, then this will impact their verdict decisions in favor of the defendant.

In addition, if there was not an injury to the victim, and the victim was not believed, or was believed to be the aggressor with the agenda to harm the defendant, the defendant was found to be not guilty. The jury could not sanction supporting what they felt was an unsubstantiated claim. When the victims were considered to be bad people such as drug dealers, the jury felt that the defendant was doing society a favor in killing them. However, the fact that the defendant had the same occupation was viewed the same way by the jury, and they felt obligated to put him in prison to prevent any harm to citizens and because they felt he would continue to follow whatever orders that his gang gave him up to and including murder again.

Theme 2: Feeling Sorry for the Victim

When participants felt sorry for the victims, they either found the defendant guilty, or guilty of a lesser charge if it was unclear what role the victim played in their injury, or it was suspected that they had a role in the crime. In all three cases where the victim was murdered, the defendants were found guilty of murder, and in all but one of

those cases, the victims were sympathized with and the participants were very sorry about what had happened to them. However, if the victims were criminals themselves, there was no sympathy towards them, and the defendant was found guilty anyway. In these situations, the defendant was viewed as “a criminal,” and his internal attributes were viewed as fixed in the sense of who he was, and the circumstances were not taken into consideration. The reason for this could be that per the research, the participants’ social schemas may have been activated in that they may view criminal behavior as just bad regardless of the circumstances, or as one defendant stated it, “like the pot calling the kettle black.” Again, they focused on dispositional attributes and not as greatly on the situation or circumstances (Higgins et al., 2007).

If it was felt that the victims did nothing wrong, and they were viewed as innocent bystanders, or if it was felt that they had good intentions or no intentions at all if they knew the defendant, then the defendants were found guilty of either murder or aggravated assault. It seems that in these situations the circumstances of the victim were taken into greater consideration, and the disposition of the defendant and their intent was weighed more heavily in the minds of the participants. These situations were described as the victims’ behaviors as either above board or not contributing at all to the defendant’s bad behavior. In other words, the victims were viewed as really victims in that they could not foresee an armed robber coming into the convenience store they were shopping in and robbing it, or an ex-boyfriend coming over their apartment with the intent to kill them. This again harkens back to the defendant being viewed as the most responsible in these types of situations (Higgins et al., 2007).

The victims were also sympathized with more when the participants felt they were trying to do the right thing such as letting an ex-boyfriend in because he was upset over the breakup, or trying to call the police during a robbery, or standing next to the person calling the police, or when a relative was trying to stand up for his sister. In all these cases, the motives of the victims was understood and shared, and it was felt that for the most part they did not deserve to die, or did not deserve to be severely injured, and this impacted the verdict decisions. In most of these cases the defendant was viewed as more “cold blooded,” then if the victims were thought to be somewhat responsible for what happened to them as in the case of the angry ex-girlfriend, or the drug dealers that were killed.

In the cases where the victim was young and trying to move on from the defendant, it was clear that the defendant was also thought to be mostly or completely responsible for what they had done. The defendants in these cases were viewed as having mental health issues, and in general not being able to cope in society, and basically taking their anger out on their victims for selfish motives. For example, the motives that the prosecutors ascribed to the defendants were believed over the defenses ascribed motives. Participants believed that defendants had intent to kill from the start due to their own personal needs to go back to jail, or not being willing to live with an x-girlfriend’s new relationship, or even not being smart enough to see a set up coming.

Theme 3: Feelings Towards the Criminal Justice System

Only one participant had no comments at all about the criminal justice system, and felt the system worked the way it was intended. And, in all the cases regardless if

there were comments on unfair practices, or inexperienced lawyers, or suspect behavior from judges or courtroom practices, the participants felt that the right verdicts were rendered due to the hard work of the jurors.

When participants felt disrespected over the time that the trial was taking, or what they viewed as needless delays, they also had the general feeling that charges should not have been brought against the defendant, and that the trial was a waste of time for that reason. It seems that the general feelings of irritation that they were involved in trials that they felt were unnecessary or that they did not take too seriously were exacerbated by any courtroom delays or inappropriate behavior by judges and lawyers, and courtroom procedures.

Especially noted as disrespect towards the jurors was the lost wages of the jurors, or childcare issues that the court could not help with and did not take into consideration. According to Rothman (2004), judges seem to favor younger and more educated and powerful jurors because they perceive them to be more like themselves. This could be a partial reason as to why jurors felt disrespected, especially older female jurors whom they may perceive as less powerful in a patriarchal system (Rothman, 2004).

In addition, the inexperience of lawyers, and cases not being prepared for thoroughly before the trial were noted by participants to be problematic. Participants stated that they felt that some lawyers did not prepare at all because they felt the verdicts would be “slam dunks.” In a few of the trials the judge and/or prosecutor commented to the jurors that they felt they arrived at the wrong verdict, and stated that they were retrying the case or were going to still hold the defendant responsible in some sort of

way. One judge even introduced a lesser charge when he found out what the verdict was going to be, but the jurors were not given that choice before deliberations. Rothman (2004) also noted that in regards to elderly jurors, the judge's feelings towards the jurors would influence how he ran the trial, and controlled the trial proceedings. So, if the judge felt that the jurors were missing or disregarding specific pieces of evidence, this could possibly account for the judge's behavior to some extent.

Participants also mentioned delays due to lawyers not being prepared and having to spend jurors' time while they looked for witnesses, or spoke to individuals who they thought could give better information as to what happened to the victims. Participants also noted when either the prosecutor or the defense lawyer did a good job in creating a story of the crime that the participants believed or thought plausible, and when they did not.

One participant became confused because the courtroom set up for the floor person differed from previous courtrooms that she was in. Participants also questioned witnesses who seemed to be on the courts payroll, just wanting the trial to end so they could go home, and the legal system working better for people with money than those without money, and specifically some defendants getting charged and others not for the same crime because of having the ability to pay for better lawyers. All of these issues really bothered the participants a lot, but they all also stated that they spoke about the issues among themselves, sorted through evidence and discussed evidence, and despite what the legal professionals were doing, came to their own conclusions, and felt very confident and secure in their verdict decisions. They seemed proud of the fact that they

did not let “shenanigans” interfere with studying the evidence and coming up with a verdict that made sense. And, this held true for participants even when they felt that they were clearly being manipulated or when the legal system was trying to intimidate them. The participants recognized the manipulation or intimidation for what it was and focused on their jobs as jurors. The limited research available indicates that older jurors have more faith in the legal system and the police than younger jurors with the exception of the baby boomers born in the Vietnam era (Hamm, Wylie and Brank, 2018). The reason for the mistrust for this generation of boomers, is the lack of faith in government, and their policies and procedures. This can be where the level of cynicism comes into play, and feelings that the powerful are trying to control the less powerful (Hamm et al., 2018).

Conceptual Framework

The story model theory and the director’s cut theory both guided this study (Devine & Caughlin, 2014; Pennington & Hastie, 1992). In the story model theory, the jurors create stories which include defendant attributes and this story creation helps jurors to better understand events, and enable them to reach verdicts (Pennington & Hastie, 1992; Robinson, 2017).

If a story is high in coverage, then there is a large amount of trial evidence (Pennington & Hastie, 1992). In the cases where there was a lot of trial evidence, including credible witnesses, fingerprints on murder weapons, witnesses present, ballistic evidence, and competent medical and/or police testimony, the defendants were found guilty. However, both sides, the defense and the prosecution argued what the trial evidence meant, and the motives for the crimes. This is when the participants filling in

the gaps in the prosecutors' and defense's stories, based on their own knowledge, experiences and beliefs (Devine & Caughlin, 2014). For example, in one case the participant felt that the reason for the fight between the defendant and the victim occurred was because the two men involved were immature, and this is the way men fight when women are involved. This was not brought up in court as the reason for the fight or the motivation. The participant stated that there was no motivation mentioned at all, but the participant created the motivations based on how men behaved in her experience.

The director's cut model further explains how characteristics or attributes of defendants can influence jury decision making (Devine & Caughlin, 2014). If particular jurors had stereotypical images of criminal behavior and beliefs to support behavior in the circumstances presented at trial, then jurors will be much more likely to convict based on the stories they have created for themselves.

Two participants viewed the defendants as cold, and not having any response to murdering the people they killed. They were viewed as totally detached from the crime, and not caring, or actually happy or at least satisfied that they did what they did. Per the director's cut model, jurors will be more likely to convict if their mental representations of stereotypical criminal behavior fit what the defendant did (Devine & Caughlin, 2014). For example, one participant felt that the defendant was emotionless now, but at the time of the crime, was out of control due to a bruised ego like many men have when jilted. This participant created a "scene" in her head, and connected other testimony such as from the victim's sister, who testified that the defendant was going over her sister's house the evening of the murder. The participant connected the sequence of events into a

cohesive story, that there was irrational behavior such as stalking, and premeditation in that the defendant went to the victim's home armed, and that he forced her to undress which was perceived as feeling powerful.

The only testimony given was that the defendant could not get over the breakup. All the other information with the exception of bringing the gun was filled in by the participant's belief in gender roles, and how someone who is mentally unstable would behave. In addition, the participant mentioned that the defendant drew in a notebook throughout the trial and showed no emotion whatsoever even when the crime scene photos were shown. The story that the participant created in her head to explain this behavior, was that the defendant was satisfied that no one else would have the victim if he could not. Again, this was never mentioned in the trial, but created in the participants understanding of the detached and emotionless defendant who accomplished his goal.

Another participant also stated that defendant showed no guilt or remorse for the crime, but knew that he was a wife beater because this was in the media prior to the trial, and he laughed on the stand when asked about killing two people. According to Devine and Caughlin (2014), jurors will form mental representations of a case as soon as they hear about it. In this case, the participant had heard pre-trial publicity that the defendant had served five years in prison for spousal abuse prior to these new charges of armed robbery and murder. Pre-trial publicity in combination with personal characteristics are predictive of verdict decisions (Levett & Divine, 2017). Furthermore, pretrial publicity usually casts defendants in a negative light, and biases verdict decisions (Devine & Caughlin, 2014). This seems to be the case here since the participant had strong negative

feelings towards the defendant due to the previous crime, and created a story in her mind that his motive was to go back to jail since he could not cope or hold a job on the outside.

It would be hard to ascribe any good intent to robbery and murder, and the defendant in this case did not have an attorney but seemed pleased about his behavior when asked about the murders on the stand. The point however is that the participant's mind may have been made up before the trial, and the participant may have used the trial evidence to underscore her beliefs before the trial started. Again, the decision appeared to be the correct one, and the defendant was dangerous, and probably needed to be away from society. But, if there was less evidence, or a lesser crime committed, it would be hard for lawyers to overcome such strong bias at the start of a trial. In summary, there were no good traits or intentions mentioned for these two defendants, and even when they were described as being calm as both of them were, that behavior was read negatively in that they were viewed as not caring, cold, and callous.

Some participants viewed the defendants as partially victims themselves, whether it be their life circumstances, or being set up by others, or being victims of outdated gender roles. If the defendant was viewed as defending themselves to some degree, and not being fully responsible for what happened, or a victim themselves in the sense that they were set up or used by someone else, that was understood by the participants and noted. In these cases, if there was no injury, the defendant was found not guilty. If the victim was injured the defendant was not held as responsible and was found guilty of a lesser charge. In these cases, alternative versions of the crime were presented, and the participants constructed mental models of what could have taken place, and probably

visualized how events occurred based on their knowledge of how the world works (Devine & Caughlin, 2014). Jurors prefer simple stories, and if the stories become complex, or the crime was not a result of internal dispositional attributes, they are more likely to vote not guilty as was the situation in one of these cases, and guilty of a much less severe crime in the other case (Devine & Caughlin, 2014).

But, if the victim was killed regardless of the defendant's traits, they were found guilty. Devine and Caughlin (2014), also note that when violent behavior was involved as in the case of murder, jurors prefer to view the defendant as bad or evil, since most people believe that behavior is stable. So, consistency and intention may have been attributed to the defendant in the murder case.

In summary, if someone was killed, the defendant's traits took precedence over any situational variables, and the defendant was found guilty. If there was no injury, and the defendant was thought to be a good person, or even viewed neutral, neither bad nor good, they were found not guilty. But, if the defendant seriously injured someone, and was viewed with a mix of good and bad traits, they were found guilty of a lesser charge.

Limitations of the Study

Certain limitations were inherent in this qualitative design. Trustworthiness helped to ensure that the research was valid and reliable, and certain themes that were discovered may also be transferable even though they may not be generalizable due to the fact that broad claims are not being made, but readers are invited to relate the findings of the study to their own experiences (Amankwaa, 2016; Gill et al., 2018).

Another limitation of the study was in the nature of the volunteers. All the volunteers in this study chose to participate, and they met inclusion criteria. However, some individuals who also met inclusion criteria chose not to participate in the study. For example, several potential participants when asked to sign the informed consent form, never responded back even after several follow ups and further explanations of the nature of informed consent was explained. So due to self-selection bias, there may be differences in responses received from participants who participated then those participants who chose not to participate.

Additionally, since states differ in legal laws and procedures, it may be that the findings of this study may not be able to be applied to all states in the United States. Two participants noted that they were familiar with the legal system and policies in Texas courts, and stated that no other courts in the country conducted themselves in the same judicial manner. However, since the nature of this research is exploratory, it still adds to the field of elderly jurors' verdict decision processes by exploring the general feelings and thoughts involved with verdict decisions.

Finally, due to the fact that the interviews were telephone based due to Covid-19, a lesser rapport with participants may have occurred. It is possible that face to face interviews would have produced more in-depth answers due to establishing a more personal connection with participants. Also, if answers to questions were sparse, being prepared to ask more probing follow up questions may have assisted in obtaining more information. Sometimes, participants hesitated in answering questions they felt would not paint them in a positive light. When participants became uneasy with questions, they

quickly stated that they only considered the evidence when making verdict decisions. For future studies, how to elicit more information when participants have uncomfortable feelings can be explored.

Recommendations for Future Research

As mentioned several times in the study, there is very little research on how and why elderly jurors reach verdict decisions. It appears that while elderly jurors do consider situational factors, more research needs to be done on the conclusions that elderly jurors draw from the perceptions they have of the internal attributes of defendants. The participants viewed the defendants that had committed the most serious crimes such as murder the most negatively. It would be interesting to see if the same personal attributes that participants attributed to defendants would hold up against lesser crimes such as assault, or simple robbery.

Also, more comparative studies should be done with younger and older jurors in order to gain a deeper understanding of why and how situational versus attributional factors are considered one over the other. In other words, discovering why younger individuals tend to take situational factors into more consideration, and where they place the responsibility for the crime would be beneficial. And, gaining more information about if elderly jurors' feelings toward defendant characteristics hold true across various situations, and types of crimes is also important. In addition, discovering if there is a cut-off point that both young and old jurors switch view points from attributional to situational and vice versa based on the type of crime, and defendant characteristics and background would be an important point to research further. Studies of this sort could

add greatly to the current literature. Additionally, studies that take into account juror SES, ethnicity, and experiences could also help gain a greater understanding of how juror demographics interact with defendant and victim demographics. Studies that help to gain more knowledge of when situational variables become more prevalent than internal attributes would be useful to study among elderly jurors. Further, studies that examine the factors that make elderly jurors trust the system more could help negate any cynical views about the legal system that influence feelings towards defendants. Also, examining what public policies would help to prevent criminal behavior before it begins since once a crime is committed this age group will tend to hold the defendant responsible.

Implications and Social Change

Several important implications for social change emerged from this research. All participants reported that the internal attributes of the defendants and the victims are what swayed them the most in reaching a verdict decision. The level of responsibility was clearly placed on how the defendant responded in a situation based on his perceived character, more than the circumstances of the situation itself. It is therefore important to note that internal attributes of the defendants and the victims were the strongest indicator of the story that participants created to make sense of the evidence presented, and what exactly happened to cause or led up to the committed crime. Therefore, an implication for social change would be for legal professionals to realize that dispositional factors are going to be weighed more heavily by elderly jurors and will carry more weight in regards to their verdict decisions. It may also benefit legal professionals to try to dissuade elderly

jurors into believing that the negative behavior of the juror was not a permanent personality trait, but perhaps an anomaly brought on by the pressure of the situation.

Social schemas also seemed to be enacted when male/female relationships impacted the crime, in the sense that how male and females react in certain situations was considered by participants and helped them to understand and create their stories of the motive for a crime. So, an implication for social change would be to understand the social schemas that may be enacted in elderly jurors, and to present evidence that is incongruous or supports those beliefs. These social schemas add to the story creations that elderly jurors create to understand crimes and motivations. So, since internal attributes are attended to more than situational factors, having an understanding of how to prevent or minimize the impact of personal attributes being considered during a trial would be important. More balanced information given at trials allowing both situational and personal motivations to be considered may lessen the chance of juror biases and personal experience to influence verdict decisions. Granted there will always be cases where the crime was so severe that no situational or dispositional attributes will matter, and that is good since some people are too dangerous to not be found guilty. These types of cases would probably be similar to the murder cases described here by three of the five participants where the defendant murdered the victims.

However, in less severe crimes where people were not killed or injured, understanding that elderly jurors will still look to the character of the defendants and the victims will be helpful. Both the defense and prosecution can work on neutralizing any potential biases by taking into account how the defendants and victims may be viewed by

elderly jurors, and if any other people should bear some responsibility for what happened, and to understand the generational differences in gender roles, and other social schemas which may be enacted.

These findings suggest that while aspects of the criminal justice system may be found lacking in professionalism, or viewed with skepticism, the main focus of the participants was the defendants, and the crime they committed, the victims and how responsible they were for what happened to them, and how the witnesses and the evidence helped them draw conclusions about what type of person the defendant was. Some of the literature indicated that society was tired of “excuse defenses.” So, perhaps more of an emphasis on taking responsibility, and restitution for crimes committed would go further in how defendants who have committed non-violent crimes are viewed by elderly jurors.

Conclusion

This study attempted to extend the current literature on how elderly jurors reach verdict decisions, and what personal characteristics of defendants impact those verdict decisions. Detailed responses from a specific set of participants was able to be achieved through IPA. The three main themes which emerged from the research included: feeling sorry for the defendant, feeling sorry for the victim, and feelings towards the criminal justice system. These themes can help to guide future research for both qualitative and quantitative studies, and can help inform legal professionals on what characteristics, and other factors influence jury decision making. Hopefully, this research will aide in filling the current gap in the literature on how elderly jurors reach verdict decisions, and

specifically when social schemas are enacted, and how personal attributes are viewed in both defendants and victims. The main recommendation of this study is to keep in mind that elderly jurors will reach verdict decisions by their interpretation and analysis of the defendants and the victims personal attributes rather than the situations that led to the crime. Personal attributes were viewed as the most important factor which impacted verdict decisions.

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Appendix A: Demographic/Trial Background Questionnaire

DEMOGRAPHIC/TRIAL BACKGROUND QUESTIONS

I will begin the interview by collecting demographic information from the participant:

1. What is your current age?
2. What was your age during the trial?
3. What year was the trial?
4. What was the defendant accused of?
4. What was the verdict?

Appendix B: Interview Questions

INTERVIEW QUESTIONS

RQ 1: What personal characteristics did elderly jurors consider when evaluating a criminal act?

1. Please explain how you viewed the defendant.
2. Please explain how you viewed the act that the defendant committed.
3. How did the defendant's age factor into your understanding of the crime and the verdict decision?
4. How did the defendant's occupation factor into your understanding of the crime and the verdict decision?
5. How did the defendant's gender factor into your understanding of the crime and the verdict decision?
6. Can you explain if any of the defendant's personal characteristics influenced how and why the crime was committed?
7. What factors weighed more heavily in your mind in coming to your decision?

RQ 2: How did elderly jurors reach their verdict decisions from the evidence presented at trial?

8. Could you explain how you made sense of the evidence presented at trial? For example, what techniques did you use to sort through all the evidence presented if any?
9. Could you explain how you arrived at an understanding of how and why the defendant behaved the way they did from the evidence presented?

10. Could you explain how you arrived at an understanding of the events that occurred which led to the crime from the evidence presented?
11. What feelings or thoughts about the defendant helped you to reach a verdict?
12. What feelings or thoughts about the crime helped you to reach a verdict?
13. What influenced your verdict decision the most?