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# Effects of Cinema on Juror Decision Making

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*Walden University*

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# Walden University

College of Social and Behavioral Sciences

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Walden University  
2018

Abstract

Effects of Cinema on Juror Decision Making

by

Jededia Higgins

MA, Lamar University, 2012

BS, Ashford University, 2010

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Psychology

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August 2018

## Abstract

Previous research has demonstrated how different forms of media, such as news, television, and music, can affect an individual's perceptions and attitudes. However, little research exists on how these effects may have an impact in the courtroom beyond pre-trial publicity. This could pose a threat to the constitutional right of a fair trial; and understanding this threat may be vital to impartiality in the trial process. Using cultivation theory and the CSI effect as a theoretical basis, this study examined how attitudes toward, and perceptions about, mock trial vignettes were affected by exposure to entertainment media in the form of film. A posttest only, randomized experimental design was employed. One-hundred-fifty-nine participants were recruited through social media based on their eligibility for jury duty and were then exposed to (a) a film about crime, (b) a neutral film about the human body, or (c) no film and then presented with 3 criminal trial scenarios and asked to rate their perceptions about the defendant, the severity of the crime, and the defendant's guilt. The vignettes produced 3 separate scores for each participant and the resulting data were analyzed using 3 separate one-way ANOVAs. Results of the study failed to show significant effects. This study may assist future researchers investigating this phenomenon by providing insight into the dimensional limitations of this phenomenon. For the everyday media consumer, this research contributes to the body of knowledge that helps to keep people informed of the many ways media can influence an individual's perceptions, attitudes, and ultimately, their decisions, which is vital to reducing the impact of biases created by an uncontrolled flow of selective, and at times inaccurate, information.

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## Chapter 1: Introduction to the Study

### **Introduction**

It has long been known that news media has the ability to affect people's attitudes and perceptions in many different ways. Exposure to biased news media, for example, has been shown to prime racial stereotypes (Arendt, Steindl, & Vitouch, 2015), disrupt an individual's ability to make accurate estimates of reality (Arendt, 2010), and even alter someone's perceptions of justice (Greene, 1990). Even when a news media outlet reports accurate information, it has the ability to create or stimulate biases based on what stories or facts it chooses to report on. It is possible for an individual who hears or reads more crime stories in a city to believe there has been a rise in crime, even though the crime rate may have actually dropped (Arendt, 2010). Jurors are not immune to this effect. News media are often a significant source of information (and misinformation) about crime and criminal cases on which a juror could deliberate at some point. If this information is broadcast before a trial, it is called pre-trial publicity, and is a significant threat to impartiality (Ruva & McEvoy, 2008). The justice system has recognized this issue and now uses both judicial instruction, where individuals are told to prevent themselves from being exposed to news media, and sequestered juries, where juries are isolated by the court to prevent exposure to news media.

However, research in the field has shown that courtroom policies may not be keeping abreast of the contemporary understanding of what it is that affects attitudes and perceptions and can compromise impartiality (Studebaker & Penrod, 1997). Researchers have determined, for example, that jurors who regularly watch forensic crime show

television have unrealistic expectations about, and an overreliance on, forensic evidence against defendants (Mancini, 2013). It has also been determined that even brief exposure to certain types of media, such as photographs, has the ability to prime stereotypes and affect an individual's attitude toward people and toward policies that affect those people (Johnson, Olivio, Gibson, Reed, & Ashburn-Nardo, 2009). Darnell and Cook (2009) determined that cinematic media could influence men's empathetic responses to women who have experienced street harassment.

### **Background**

It has long been known that news media can affect the attitudes and perceptions of jurors (Ruva & Guenther, 2014)(Greene, 1990). Over the last two decades, as the news media have become more widely available due to the emergence of new technologies and the now nearly universal scope of the internet, the debate over how exposure to these media can affect biases, attitudes, and perceptions has once again spurred a great deal of interest and research in the topic (Mancini, 2013). More detailed and specific theories have demonstrated the ways news media can affect perceptions, in some instances even going so far as to convince people to take positions that undermine their own personal, religious, or political values (de Zúñiga, Correa, & Valenzuela, 2012). However, any new research has little significance for the judicial system as courtroom policies have already taken steps to prevent the effects of exposure to news media by limiting it or forbidding it all together. The same is not true of entertainment media and it is generally unregulated in the court system. However, a significant amount of research indicates that other forms of media may be just as much of a threat to jury impartiality.

For example, Arendt (2010) conducted a study, which showed how participants who were regularly exposed to biased newspaper articles reported implicit and explicit attitudes that aligned more with the newspaper's attitudes than those who read neutral articles. More importantly the author showed that this effect occurred over a period of only 2 months and that participant's perceptions of reality based-estimates were skewed. This study operated on the theory of cultivation, whereby regular exposure to any sort of inaccurate version of reality will skew perceptions of the real world. Calzo and Ward (2009) conducted a study operating under this theory and found that those who watched mainstream television depicting homosexuals as main characters were generally more accepting of them in the real world.

Similar to the Calzo and Ward (2009) study, research conducted by Bissell and Hayes (2011) examined how aggregate entertainment media exposure affected children's attitudes about anti-fat bias. They also looked at how acute exposure to simple pictures of overweight individuals affected biases. The results demonstrated that being shown the images was a strong predictor of anti-fat bias, but that regular exposure to mainstream television mediated this effect. Similar to Bissell and Hayes (2011), Johnson et al. (2009) showed that acute media exposure in the form of photographs and music had the ability to affect attitudes and bias to the degree that participants lost significant support for social welfare policies aimed at the types of people portrayed in the media.

To expand upon the relevance of this, Darnell and Cook (2009) looked at whether viewing the film, *War Zone*, would affect men's attitudes about the street harassment of women. Though the effect was found to be dependent upon their prior attitudes toward

the issue, results indicated that the men who did not already condemn the behavior showed greater empathy for female victims after viewing the film.

Focusing in on jurors as a target population we can examine a study conducted by Mancini (2013) who investigated a phenomenon dubbed the “CSI effect.” The results of study, which was based on theoretical principles similar to cultivation theory (Arendt, 2010), showed that regular viewing of forensic crime television programming predicted unrealistic expectations of forensic evidence and an overreliance on it, which in turn, predicted a greater likelihood of acquittal.

A similar study by Hayes-Smith and Levett (2011) sought to expand on the original concept of the CSI effect (2010) by exploring whether an actual juror sample would be affected based on their crime show viewing habits. It was found not only that crime show viewing had a significant effect on evidence perception and judgment, but that television viewership in general was a strong predictor of [what exactly].

Ruva and McEvoy (2008) conducted a study on a mock juror sample, which could be likened to the work of Arendt (2010) in that they were exposed to newspaper articles containing either biased or unbiased coverage of the trial they would later be a juror for. These brief articles were read by participants and after 5 days they were exposed to the tapes of the trial. It was found that after the trial, participants were less able to accurately attribute a piece of evidence to either the news article or the actual trial and that, overall, reading the negative pretrial publicity predicted a higher likelihood of conviction. As entertainment media are currently unregulated by the courts, there is a very real

possibility that, left with few entertainment options, jurors are exposing themselves to media that could still cause bias, to the point that it could affect the outcome of the case.

Mancini (2013) examined the effects of forensic analysis in media on jury member bias and noted that future research should investigate how moderator variables interact with viewership measures to explain the influence of fictional (entertainment) media viewership. Calzo and Ward (2009) looked at whether media exposure affected attitudes and acceptance of homosexuality and suggested that future research (a) replicate this study due to the quick pace with which media trends change as well as (b) look at other forms of media that may have similar effects. In another study, Johnson et al. (2009) found that priming stereotypes, another form of bias, through media exposure could influence support for related welfare legislation and stated that future research could focus on how different forms of media could prime similar stereotypes.

Despite the wealth of evidence suggesting that an individual is very susceptible to influence from several different forms of media, the research has failed to examine how different forms of media may influence people in a courtroom/trial situation. Outside of news media and crime show television, very little research can be found on to this phenomenon and population. The importance of understanding how this influence may be affecting the justice process, in the context of jury impartiality, is a foundational principle inherent in our justice system, the right to a fair trial.

### **Purpose of the Study**

The purpose of the current quantitative study was to determine the relationship between cinema exposure and juror attitudes and perceptions.

### **Research Questions and Hypotheses**

RQ: What is the relationship between cinema exposure and a potential juror's attitude's and perceptions related to a mock trial vignette?

H<sub>0</sub>: There is no difference between cinema exposure and a potential juror's attitude's and perceptions related to a mock trial vignette?

H<sub>1</sub>: There is a difference between cinema exposure and a potential juror's attitude's and perceptions related to a mock trial vignette?

### **Theoretical Framework**

The primary concept that provided the theoretical framework for this study was the "CSI Effect." This concept was first coined and demonstrated by Mancini in 2010 when he discovered that individuals who regularly watched the crime drama *CSI* on television were more likely to have unrealistic expectations of forensic evidence during trials. Since this phenomenon was discovered, numerous studies have expanded on it, showing that the effects were present when people were exposed to multiple media types or during a variety of time frames (Darnell & Cook, 2000; Calzo & Ward, 2009). The original authors had based their hypotheses on a parent theory, known as cultivation theory (Arendt, 2010). This theory stated that the more time individuals were exposed to the inaccuracies of reality portrayed on television, the more likely they were to believe them (Chung, 2014). Generally, this referred to a biasing effect, where people become unable to attribute their knowledge or attitudes to experiences in reality or to television exposure. Such was the finding of Arendt (2010) in a study where the cultivation effects of a newspaper on readers' attitudes and perceptions of reality were examined. The study



found that the more time subjects spent reading a newspaper that overreported the occurrence of foreign offenders, the more likely they were to overestimate the frequency of foreigners committing offenses. Further explanation is provided in chapter 2.

Cultivation Theory is rooted in the original works on social learning theory, which was later renamed as social cognitive theory, by Bandura (Grusec, 1992). These fundamental psychological theories suggested that much of the knowledge that one obtains during the course of her life—and thus the attitudes and behaviors resulting from this knowledge—is acquired through social observation and interaction, as opposed to a simpler trial-and-error model that was previously accepted. Though Bandura was more concerned with explaining human behavior, he did emphasize the role of cognition in performing behaviors, and beyond this, he noted that the uptake of social information came from many sources, including media (Grusec, 1992).

In a 2008 study by Nabi and Clark, it was found that, consistent with the predictions of social cognitive theory, participants had greater attitudes of acceptance and felt they had a greater likelihood of having a one-night stand after viewing an edited clip of *Sex and the City* where the main character has a one-night stand. This effect was mediated by personal experience.

Similar to Cultivation Theory, the *CSI* effect involves the idea that prolonged exposure to television can change one's attitudes and perceptions about reality. However, in this case, Mancini (2010) showed that the effect was specifically applicable to entertainment media and demonstrated the significance of the issue by showing how it could be influencing the one part of our social system that is guaranteed to be free of

bias: the justice system. The CSI effect and the concepts surrounding cultivation theory informed the current study, which examined cinema, an area that has not been fully explored, to determine whether the biasing effect in other similar studies was present when the exposure was acute rather than cumulative.

### **Nature of the Study**

Due to the established nature of the CSI effect and cultivation theory, and the abundance of exploratory research available on these fundamental concepts, the current research sought to determine if a statistical relationship existed between the variables and thus employed a quantitative research methodology. Participants were initially sought through the Walden University participant pool and screened for eligibility as a potential jury member. Participants were randomly assigned to a treatment group that was either to watch a neutral documentary film about the human body (*The Human Body; Pushing the Limits*, 2008), a fictional entertainment film about crime (*Ocean's Eleven*, 2001), or to watch no film all (independent variable) and then read a mock trial vignette and answer a questionnaire about their attitudes (dependent variable) immediately afterward. The questionnaire asked readers to consider the vignette, which contained information about a legal case, as though they were sitting on the jury. After reading each scenario, participants answered questions about the severity of the crime, attitudes about the defendant, and about whether they would convict or acquit the individual. This model is similar to the one used by Mancini. Items on the questionnaire have been successfully used by Maeder and Corbett (2015) in similar research.

In choosing the two cinematic interventions, the criterion for the neutral film was

that it did not concern crime in any way; its purpose was to determine whether the act of film watching, independent of content, had an effect on the dependent variable. The crime film, *Ocean's Eleven* (2001), was chosen based on the criteria that it both depicted crime and that it portrayed the criminals as protagonists. This theoretically offered the researcher the ability to elicit empathetic attitudes moving in the opposite direction of what would be a typical attitude toward criminals. This film choice was expected to allow for a more easily observable change in attitudes, and was more relevant to the theory that cinema could affect juror decision making. A film where criminals are portrayed negatively would provide the opportunity to examine this. A similar structure was used by Johnson et al. (2009), where the intervention content was in contrast with the typical support for the welfare policies described in the dependent variable.

During the Johnson et al. (2009) study, participants were shown pictures that of African Americans looting after a natural disaster or were shown pictures that were neutral and unrelated to the follow-up material. They were then asked to rate their support of social welfare policies that would help minorities and found that this support was weaker for those who had viewed the pictures of looting. The purpose of using pictures that cast African Americans in a negative light was to create contrast to the generally positive support of social welfare policies that affect these groups. In choosing the crime film, this author similarly needs to create contrast. Because crime is typically viewed in a negative light, a film was chosen that would cast crime in a more casual and positive way. In choosing the film about the human body, I sought to use unrelated material as a control, just as Johnson et al. had done.

After the questionnaires were scored, the data was analyzed using two ANOVAs to determine if differences existed between the groups' responses. It was expected that if the results of the current model remained consistent with those of similar studies, the author would have seen that participation in a particular film group would predict the likelihood of higher or lower scores. In this case, it was expected that those in the neutral or no film groups would have similar ratings of attitudes and perceptions and that these would be more negative toward the defendant with higher conviction ratings. It was also expected that those in the crime film group would feel more positively and more casual about the defendants and their respective crimes and that the scores would reflect this.

### **Definitions**

For the purposes of this study, the fictional entertainment film *Ocean's Eleven* (2001) and the neutral documentary film *The Human Body; Pushing the Limits* (2008) were two "interventions" and comprise the independent variable.

### **Assumptions**

This study relied on several assumptions. The primary assumption in this study was that selecting a pool of college students who met the criteria to be jurors, or who would not be excluded from jury duty, would be representative of jurors in an actual criminal trial. While the students were screened for the exclusionary criteria currently employed by the courts, the composition of any jury can be very diverse and is typically at the discretion of the jury selection process. Since the criteria used in jury selection differs from case to case, attorney to attorney, and can vary so greatly, it couldn't be known if any exclusionary criteria that is not of a legal manner existed. Thus it was

assumed that any potential jury member was just as likely as another to be representative of one who would be selected in an actual case.

It was also assumed that the mock-trial vignette could reproduce the necessary elements of actual court proceedings to the degree that similar results could be expected from jurors sitting on an actual case. The reliance on this assumption is based on the success of previous works employing a similar model.

Another important assumption was that the crime film would elicit positive attitudes toward criminals, if only temporarily, and was based on the fact that the protagonists in the film were criminals. It always a possibility of find that although some level of empathy for the characters might exist, that level would not translate into empathy for actual criminals.

It was assumed that jurors, whether or not they were sequestered, were regularly exposed to cinema in their free time during the case. Were it the case that most jurors read books instead, the current study could be challenged on relevance. However it could be argued that even the smallest impartiality was still important.

Finally, in this study it was assumed that jurors were not regularly instructed to refrain from watching certain types of films, or films in general, while serving on a jury. It is expected that judicial instruction included refraining from news media along with other common guidelines; however, judicial instruction can vary from courtroom to courtroom, depending on the judge. Without sampling the transcripts of a large number of court cases across the nation, we must rely on the lack of literature as evidence of this deficit.

### **Scope and Delimitations**

The research aimed to address what the author has shown to be potential barriers to a defendant's Sixth Amendment rights, barriers due to outdated court policies for jurors. By examining how potential jurors could be influenced by exposure to one relevant type of media, the focus could be given to the overall problem of court policies not consistent with our current understanding of bias.

From a legal perspective, this issue would only directly affect potential jurors. Thus, it was only sensible to align the inclusionary and exclusionary criteria with that of the court system. Potential participants were screened based on these measures, which should have represented a complete pool of potential jury members. The significance of the study, however, was relevant to the entire population of the United States, because while not all people in the nation are potential jurors, all are potential defendants, by some circumstance. Because of this inherent potential and the nature of the current U.S. court system, it was believed that the results of this study would be generalizable to the entire national population who fits juror criteria.

### **Limitations**

The current study was subject to a few limitations. One of the initial limitations was that actual jurors could not be used and instead college students were relied on and considered them potential jurors. As explained in the assumptions, it was assumed that potential jury members would be representative of actual jury members. Similarly, because actual juror members could not be used due to time restrictions, participants could not sit through a complete criminal trial to more closely simulate a real-life

scenario was unreasonable and was likely to suffer a high drop-out rate making the completion of the experiment difficult. As a result we relied on the mock trial vignette and a follow-up questionnaire.

Naturally, pre-existing biases could have occurred and influenced the results of the study. It was assumed that these biases were not so prevalent that they represented a significant presence in the population. However, because a jury selection process is not being used, this was a possibility. For example, someone who had a particular disdain for criminals could have been more likely to convict a person regardless of the circumstances than others. On the other hand, a criminal who still met the criteria to be a juror could be especially empathetic towards criminals. It may also be that those on trial for certain crimes elicit stronger emotional responses from jurors and thus the stimulus could have had a lesser effect. For example, jurors in a rape case may be more easily influenced by a stimulus than those jurors in a case involving the possession of marijuana.

### **Significance**

There has been a significant amount of research that supports cultivation theory and similar theories. However, the limits and provisions of this effect have not been fully tested and explored. As outlined, there is evidence that supports the idea that the impact of a cultivation effect exists when perceiving different forms of media over varying periods of time, and these include more immediate and brief effects that have yet to be described in terms of cultivation theory.

The current research has a great range of applications and significance beyond the courtroom, but the purpose of studying the effect in a sample jury was to provide

evidence of the issue for a population where this may have the greatest social significance. The sixth amendment to the U.S. Constitution guarantees the right to an impartial jury to all citizens, and it seems evident given advancements in understanding bias that court systems still adhere to outdated policies that do not reflect an application of these newfound understandings. While jurors are told not to expose themselves to news media during the course of a trial, the entertainment media remains an option.

Understanding the ways in which attitudes and biases can be affected during the trial process is important for maintaining impartiality, especially considering that research has shown that some people may not have the ability to disregard biased information or biased attitudes (Werner, Kagehiro, & Strube, 1982; Rind, Jaeger, & Strohmets, 1995). Evidence is clear in showing that entertainment media can have a significant impact on bias, but what has yet to be determined is if this effect can occur quickly enough and to a degree that it may affect the outcome of a juror's attitudes and perceptions that can change the outcome of the case. If evidence that this can occur is discovered, it could help support policy changes that would more accurately ensure jury impartiality and fairness in the justice system.

### **Summary**

It has been determined and shown that current court policies involving juror exposure to different types of media are not consistent with our current understandings of bias and thus pose a potential risk to every American's sixth Amendment right to an impartial jury. The purpose of this study was to determine whether exposure to fictional entertainment media, a form of media that jurors are permitted to utilize during an



ongoing trial, could affect a juror's attitudes and perceptions about the case. Though some assumptions were made and some limitations exist, the current model was expected to provide insight into how, and to what degree, exposure to cinema be affecting juror decision making.

Participants were recruited anonymously online from a third-party platform, and were randomly assigned to one of three treatment groups; crime film, neutral film, or no film. Based on the group they were redirected to the appropriate treatment, after which they completed a measure containing three mock trial vignettes that contained brief passages with information about a criminal court case. Participants then answered questions about each of these vignettes concerning various aspects of the case. Results were scored and analyzed

Chapter two will provide an in-depth review of the literature and will discuss aspects of media influence and the theoretical framework informing the study. Chapter three will review the research method and include the design, setting and sample, instrumentation and materials, and review experimental and data analysis procedures. This chapter also examines ethical considerations as well as limitations of the research. Chapter four will review results of the study and discuss how the results are applicable to the current hypotheses. Finally, chapter five will discuss outcomes of the study, offer an interpretation of the findings, and review implications and recommendations for future research.

## Chapter 2: Review of the Literature

### **Introduction**

The U.S. constitution guarantees to all citizens the fundamental right to a trial by an impartial jury of their peers (U.S. const. amend. VI). However, a review of current literature suggests that policies governing courtroom procedures are not reflective of contemporary understanding and knowledge about the ways in which an individual may become biased or primed for bias, which could compromise impartiality. It has been determined, for example, that individuals who are regularly exposed to certain forensic crime shows and serve as jurors in the courtroom tend to have unrealistic expectations for the presentation of forensic evidence in a criminal case (Mancini, 2013; Schweitzer & Saks, 2007; Hayes-Smith & Levett, 2011). These individuals tend to overrely on this type of evidence as opposed to more conventional evidence, such as witness testimony, which is a problem that did not exist prior to this type of TV programming (Mancini, 2013). Even being briefly exposed to certain types of media, such as photographs, can alter an individual's attitude toward subjects of the media and policies affecting them by priming biases and stereotypes (Johnson et al., 2009). When looking at film as a media source with a biasing effect, Darnell and Cook (2009) discovered that film was able to impact men's empathetic responses to female victims of street harassment.

As discussed in the previous chapter, certain deficits in research exist, such as the extent to which media may have the ability to affect our attitudes and decisions in the courtroom. Generally, the social and psychological constructs that are inherent in the

biasing effects are well studied; however, outside of news media they have very rarely been examined within the context of the legal system.

The purpose of this chapter was to provide a comprehensive overview of the literature on the biasing effects of media and how these effects alter our attitudes and decisions. In addition, this review should highlight the research deficits in this area. The first section briefly reviews the well-known phenomenon of news media bias as well as pretrial publicity. Further sections will explore the theoretical underpinnings of this concept as well as support for the theory that this phenomenon extends to forms of media other than news.

## **Theoretical Framework**

### **Cultivation Theory**

The idea underlying cultivation theory is that an individual's assumptions and perceptions about the real world can be affected by repeated exposure to alternate social realities, generally those portrayed in different types of media (Chung, 2014). In one study by Chung (2014), data from the Annenberg National Health Communication Survey (ANHCS) was used to help understand the relationship between medical drama viewership and attitudes and perceptions about health. The authors noted in their work that three popular examples of these TV shows, *Grey's Anatomy*, *Chicago Hope*, and *ER*, have mortality rates of fictional patients nine times higher than patients in actual hospitals. The authors analyzed data from a survey of more than 11,000 participants. The results showed that more frequent viewers of medical dramas not only underestimate the gravity of chronic illnesses, but they tend to take on a more fatalistic view of cancer than

less frequent viewers.

In another study exemplifying cultivation theory, Lull and Dickinson (2018) surveyed 565 college students about television viewing habits and had them complete the Narcissistic Personality Inventory (NPI). Analysis, along with additional effect testing, showed that daily television use, particularly by those with preferences for sports, reality television programming, political talk shows, and suspense/fiction/horror genres, predicted higher scores on the NPI. Preferences for news media showed a negative relationship with NPI scores.

In a study by Reizer and Hestroni (2014) students at a university in Israel who stated they were in a committed relationship were given a questionnaire asking about relationship commitment and satisfaction as well as about their media viewing habits. The purpose of the study was to examine correlations between relationships and media use. Results showed that higher television viewing predicted lower relationship commitment. More importantly, it was found that those who regularly were exposed to programming focusing on romantic relationships had a lower level of relationship satisfaction and had a stronger tendency to engage in conflicts with their partner (Reizer & Hestroni, 2014). The author's contend that consistent with the expectations of cultivation theory, romantic relationship themed programming can create unrealistic beliefs and expectations about relationships in general, thus skewing subjective assessments of one's own relationships, thereby causing lower satisfaction and leading to greater conflict.

## **The CSI Effect**

A more specific and commonly known phenomenon concerning entertainment media and attitudes is the CSI effect (Mancini, 2013; Hayes-Smith & Levett, 2011). This offshoot of cultivation theory was originally noted around 2007, and the phenomenon concerns how viewership of forensic crime television programming is affecting how actual jury members perceive evidence and their attitudes about various aspects of the case (Mancini, 2013). Using actual jurors for the study, Mancini had jurors view a recording of a real murder trial, after which the participants were questioned about things such as verdict preference, attitudes about the evidence and reasons, and perceptions of the evidence. Jurors also completed measures of forensic television viewership. Results concluded that, as hypothesized, viewership predicted verdict preference. Those that viewed such programming at higher rates were more likely to report an acquittal preference.

Hayes-Smith & Levette (2011) conducted a study in which jurors who reported for jury duty at a southern courthouse were randomly selected for participation and given a trial vignette to read which contained one of three levels of forensic evidence. Participants were then asked to render a verdict, give ratings about the evidence, and answer questions concerning their television viewing habits. The authors reported that an interaction effect was detected between television viewership and level of forensic evidence. Results indicated that, consistent with previous research in the area, those who reported the highest levels of crime show viewership and who were assigned a vignette with no forensic evidence showed a more pro-defense attitude.

The CSI effect is a specific theoretical application of cultivation theory and the underlying theory concerning the CSI effect is that the exposure to this type of television programming skews reality estimates of the availability or need for forensic evidence to produce reasonable doubt. Jurors who heavily view shows such as *CSI* may depend more heavily on forensic evidence or give such evidence greater weight when making decisions than those with lower viewership. In an expansion of this theory, the current study seeks to apply principles of the CSI effect to similar scenarios using a different form of entertainment media, showing a greater breadth of potential influence from this type of media exposure.

## **Review of the Literature**

### **Background on Juror Selection and Purpose**

The purpose of the jury is one that is commonly known; to give a verdict in a legal case based on evidence presented during trial (Miles & Cottle, 2011). The general purpose of jury selection, as it was intended, is used to create a jury that is impartial (Sommers & Norton, 2008). The term “jury selection” is actually an inaccurate representation of the process, as jurors are not actually selected. Instead, jurors are randomly chosen, typically by a computer, from a master list that is populated with information from certain state lists such as those kept by the department of public safety for state ID cards and driver’s licenses as well as state voter registration lists. Once potential jurors report for duty they are then eliminated, rather than selected, through various means until the required number of jurors meeting the necessary criteria remains. Jurors may be released from their obligation for various reasons such as no longer

residing in the jurisdiction, that serving would create undue hardship in their lives, or that they are aware of a personal bias they feel they are unable to set aside (Sommers & Norton, 2008). For example, a potential juror would likely be released if the trial involved a suspected rapist and the juror was a former rape victim as bias would likely exist.

Despite the intention of the jury selection process to maximize the impartiality of the jury, certain conditions exist that make this a more complex issue. One such condition is the potential and practice of exploitation of this process to instead retain or release jurors based on whether their bias aligns with one side's legal intentions. The study by Morrison, DeVaul-Fetters, and Gawronski (2016) used a simulated jury selection process where professionals were assigned as either the defense or prosecuting counsel of a black defendant. Results showed that the defense counsel was more likely to dismiss jurors with high levels of implicit racial bias while the prosecution was more likely to do the opposite.

### **Policies Governing Courtroom Procedures**

Courtroom policy and procedures vary depending on several different factors. Most states employ some form of pattern jury instructions, a term used to describe a semi-standardized set of instructions for juries of certain types of courts in certain types of cases (Miles & Cottle, 2011). The use of pattern jury instruction is at the discretion of the presiding judge and was employed in an effort to curb variability in juror decisions by creating judicial consistency and improving impartiality (Cho, 1994). The contents of these models are typically determined by panels of judges within certain jurisdictions. It

is important to note, that although these patterns exist to provide some level of consistency, a great deal of variability is possible from state to state and county to county. No specific overreaching policy exists to mediate the contents of jury instruction from one jurisdiction to another, and judges are left to rely on samples and models to provide the necessary direction to jurors based on the circumstances of the case.

The purpose of juror instruction is to both provide rules for remaining impartial and discreet during the trial process as well as informing jurors of the legal requirements for sentencing, the applicability of the law in regards to the case, and the responsibilities and limitations of their task (Miles & Cottle, 2011). The following is a partial excerpt of jury instruction regarding the gathering of information from outside sources from Judge Dan Polster of the North District of Ohio in 2011:

[Y]ou absolutely must not try to get information from any other source. The ban on sources outside the courtroom applies to information from all sources such as family, friends, the Internet, reference books, newspapers, magazines, television, radio, a Blackberry, iPhone, Droid or other smart phone, iPad and any other electronic device. This ban on outside information also includes any personal investigation, including visiting the site of the incident giving rise to this case, looking into news accounts, talking to possible witnesses, reenacting the allegations in the Complaint, or any other act that would otherwise affect the fairness and impartiality that you must have as juror.

Though it has been discussed that jury instructions do vary from jurisdiction to jurisdiction, this serves as an example of common jury instruction. Note that although



jurors are instructed from obtaining information directly relevant to the case, entertainment media is not mentioned. Most courts have also begun including jury instruction on the use of social media while serving on the jury (St. Eve & Zuckerman, 2011).

### **Media Influence**

**News media.** It has been fairly common knowledge for some time that exposure to news media before or during a trial, often referred to as pre-trial publicity (PTP), has the ability to affect juror perceptions of evidence and attitudes about the parties involved in the case, particularly the defendant (Ruva & Guenther, 2014; Ruva & McEvoy, 2008). Our current understanding of this has been demonstrated in courtroom policies that forbid sequestered or un-sequestered jurors from exposing themselves to news media outlets of any kind. However, alternative forms of media that are allowed, and often suggested, by the courts, mostly consist of entertainment media such as movies or music that is not regulated in any way. As was discussed in the previous section though, research suggests that these forms of media can potentially pose just as much of a threat to jury impartiality and bias as the news.

During one study by Arendt (2010), it was demonstrated how individuals who regularly read a local newspaper tended to have attitudes that were more aligned with what the paper portrayed. Using Cultivation theory as his basis, the researcher examined the attitudes and perceptions of 453 students who regularly read a particular newspaper over the course of four months. Students were tested before being exposed to the newspaper and then again at the end of the experiment. Researchers conducted a content

analysis and identified two major biases within the newspaper during that time, which were an unrepresentative reporting of foreigners as criminal offenders and a negative view of the European Union. Results showed that individuals who read this paper, as opposed to a neutral paper used for a control group, had inaccurate reality estimates of foreign offenders and a more negative attitude concerning the European Union.

A notable aspect of this finding is that while most conventional theories necessitate a high level of exposure to a media source over a great period of time, Arendt (2010) showed this same effect could be found after only four months. This demonstrates that the media is able to influence the ability of the individual to attribute sources of knowledge and information accurately after only a short period, significantly impacting judgments and attitudes about the real world. Previous research in this area has rarely noted total length of exposure, but rather only the frequency of viewership.

It has been known that exposure to media material that runs parallel to our own belief systems has the ability to prime and reinforce personal biases and has also been shown to, at times, supersede our personal value systems (de Zúñiga et al., 2012). The authors of the study examined the interplay between political beliefs, news exposure, and support for restrictive immigration policies. Using data from a national survey conducted by UT Austin between 2008 and 2009, the authors analyzed the responses of more than 1159 participants in the areas of soci-political ideology, news exposure and support for Mexican Immigration. Results showed that republicans were more likely to watch FOX news, which was determined to portray a negative view of Mexican immigration. The republicans were found to support more restrictive immigration policies. However, it was

also determined that liberals, who generally are more supportive of Mexican immigration, became more supportive of restricted policies if they were exposed to FOX news.

**Entertainment media.** Johnson et al. (2009) demonstrated this in a baseline form by conducting two separate experiments where they investigated the role of different forms of media in priming racial stereotypes. In the first experiment, participants who consisted of an all-white sample were shown pictures of Black Americans looting after hurricane Katrina in an effort to prime a “black criminal” stereotype. Participants in the treatment and control groups were then asked to rate their support for certain public policies that would assist Katrina evacuees. Results showed that those who had been shown the images showed significantly less support for policies that helped black Katrina evacuees while support for policies assisting white evacuees was unchanged, indicating that biases were likely primed by exposure to the brief media.

The second experiment attempted to prime a “promiscuous black female” stereotype to a similar population of all white individuals by having participants listen to rap music that portrayed women in a promiscuous way (Johnson et al., 2009). Treatment and control groups were asked to rate their support for social welfare policies that supported pregnant women in need. Results showed that support for policies helping black women in need was significantly reduced while policy support for white women in need remained unchanged. These studies lend support to the idea that minor media exposure is able to prime biases and affect judgment to a degree that can alter the

outcome of judgment based decisions, similar to what would be seen in a courtroom. Though the media exposure is small and brief relative to the aggregate exposure that cultivation theory requires, the effect of this exposure is measurable and significant to such a degree it could affect the outcome of major decisions that necessitate impartiality.

Similarly, Bissell and Hayes (2011) conducted a study which results showed that supported the idea that even minor exposure to non-news media can affect attitudes while exploring third through sixth grader's implicit and explicit attitudes toward obesity. The study involved 601 elementary students in grades three through six who were given measures of implicit and explicit anti-fat bias in the hopes of better understanding the factors that may contribute to children's beliefs about weight bias. Results showed that exposure to an image of an overweight child was one of the strongest predictors of anti-fat bias. It was also found that greater television exposure was related to more favorable attitudes toward photographs of overweight subjects (Bissell & Hayes, 2011).

This was contrary to the author's hypothesis that greater TV exposure would likely result in higher anti-fat bias as it would reinforce stereotypes by depicting thin characters (Bissell & Hayes, 2011). It was later discussed however, that many of the shows that children reported watching were on children's networks or specifically meant for children and depicted characters that were more consistent with average body types. This is unlike what can generally be found in primetime broadcasting. The authors speculated that this type of programming then likely reinforced the positive attitudes toward overweight individuals as shows depicting similar people portrayed them in a favorable light.

In a study by Arriaga et al. (2015) the authors sought to determine whether playing violent or non-violent video games had an effect on aggression or sympathetic responses to violence victims by measuring pupillary dilation responses (PDRs). 135 participants were randomly assigned to either play a violent or non-violent video game, and then were shown images of violence victims in either a negative, neutral, or positive context. Results showed that a single violent gaming session was able to increase aggression responses and decrease sympathetic PDRs for victims of violence displayed in a negative context.

Shapiro and Rucker (2004) recognized how media forms can impact changes in attitudes and explored the applicability of that phenomenon in the context of doctor's bedside manner. In one of the only examples of the positive application of media primed bias, the study examined whether or not film might be used to help medical students develop appropriate empathetic responses concerning their patients. The study was undertaken after it was previously determined that fictional films concerning people with critical illnesses elicited greater sympathy than actual patients.

The results of the studies showed that when the medical students were exposed to heartwarming films with main characters that had illnesses or situations similar to those of their patients, empathy towards those patients rose (Shapiro & Rucker, 2004). The authors admit that this was not enough to create a permanent or lasting automatic response to ill patients but did suggest that the depth of the films characters could be used to help students learn to understand the patients better on a more personal level. They felt that this would ultimately lead to greater empathetic responses overall. Shapiro and

Rucker dubbed this concept “The Don Quixote Effect,” referring to the way the story book sidekick Sancho Panza became more empathetic and understanding of the delusional hero as insight into the depth of the character was revealed to him.

Xiao (2010) conducted a survey in an attempt to determine the origin of individual’s perceptions and beliefs about body image where more than 500 participants responded to a mail based survey. Results showed that for women, body image perceptions were greatly influenced by fashion and entertainment as well as health and sports magazines that they were regularly exposed to. Males typically reported that theirs came from sports and health magazines.

Calzo and Ward (2009) surveyed more than 1700 participants about their television viewing habits, particularly what programs they frequented and then asked them to complete a measure concerning attitudes toward homosexuality. It was found that more frequent exposure to television shows that demonstrate mainstream attitudes about homosexuality, typically by having a main character that was homosexual, predicted a more mainstream attitude about homosexuality by the individual.

### **Measurement**

Research examining the CSI effect is still limited, and the different ways of measuring the construct are still being explored. In some of the most prominent and well known works examining the CSI effect, validity and reliability studies were not conducted on the instruments that were developed, as noted by the authors (Mancini, 2013; Schweitzer & Saks 2007), and often relied on face validity alone. For the measure to be used in the current study, Maeder and Corbette (2015) adapted items and item

scales that were used as a combined score to create a juror questionnaire that resulted in successful reliability. Subscales and reliability coefficients include: Perceived influence of DNA evidence ( $\alpha = .66$ ), Perceptions of the eyewitness ( $\alpha = .83$ ), Perceptions of experts presenting evidence ( $\alpha = .87$ ), Attitudes toward eyewitness memory ( $\alpha = .80$ ), Defendant impressions ( $\alpha = .89$ ), and finally a Continuous verdict variable that coded a dichotomous guilt or innocence rating and multiplied it by a self-reported confidence rating.

### **Summary**

Though none of these studies demonstrates a causal relationship, it seems evident that support for the idea that various forms of entertainment media, to include cinema, can affect individuals attitudes and perceptions, exists. In terms of population, it has been seen how the effects of various forms of media, such as television shows, video games, news, and cinema (Calzo & Ward, 2009; Arriaga et al., 2015; Ruva & Guenther, 2014; Shapiro & Rucker, 2004) can affect various populations, such as medical and other college level students, children, and actual jurors. Despite the fact that research in the area provides evidence of these effects, we do not necessarily see this knowledge reflected in guidelines for judicial instruction or general guidance made to jurors during court cases. During a time when the population has growing access to an ever-expanding array of media sources and outlets, it is important that we are able to contain, or at least address, issues and threats to our most fundamental rights and responsibilities as citizens. Greater awareness to these constructs and how they may impact the individual in some of the most serious of circumstances may draw attention to the need to examine our

application of these principles to courtroom guidelines. Previous research concerning similar concepts has provided insight into methods for approaching the measurement and analysis of this type of media influence.

Chapter three will discuss will review the research method and include the design, setting and sample, instrumentation and materials, and review experimental and data analysis procedures. This chapter also examines ethical considerations as well as limitations of the research.



## Chapter 3: Research Method

### **Introduction**

The purpose of the current study was to determine whether exposure to film affected participants' scores on a mock-trial vignette designed to measure attitudes and perceptions concerning aspects of the cases presented.

If, during the course of a mob trial case, for example, a juror were to watch a film that depicted mobsters committing violent crimes, could the juror become biased against the defendant in the case? Conversely, if a juror watched a film portraying criminals as protagonists or romanticizing crime, could a juror have more sympathy for the defendant, feel that she or he was more trustworthy, or view certain crimes they allegedly committed as less severe? Although previous research has shown similar effects, the effects of cinema have not been examined with regard to this population or to simulating a courtroom scenario.

Previous research identified the ability of various forms of entertainment media to affect people's attitudes and perceptions, and although the court system has recognized and taken steps against similar biases, contemporary policy has yet to address these media issues (Mancini, 2013). Typical judicial instruction for sequestered and non-sequestered jurors (generally regulated to some extent by the state) does not exclude the use of entertainment media, thus exposing jurors to any potential influence it might have. Based on the concepts founded in prior research and a thorough review of the literature, the author hypothesized that exposure to cinema with congruent themes, such as crime,

could have an impact on attitudes and perceptions about a case (Hayes-Smith & Levett, 2011).

The research question and hypotheses for the current study were as follows:

RQ: What is the relationship between cinema exposure and a potential juror's attitude's and perceptions related to a mock trial vignette?

H<sub>0</sub>: There is no difference between cinema exposure and a potential juror's attitude's and perceptions related to a mock trial vignette?

H<sub>1</sub>: There is a difference between cinema exposure and a potential juror's attitude's and perceptions related to a mock trial vignette?

This chapter will discuss aspects of the research approach, participants, instruments and materials, as well the procedures and any other considerations about the experimental process.

### **Research Design**

As the current study sought to establish a statistically significant relationship between the two variables and because it used higher order data, a quantitative approach was used to explore the research question. A posttest-only, randomized, experimental design is a very strong design and significant patterns are easily found when assessing and analyzing data (Campbell & Stanley, 1963). What is particularly useful about this design is that it makes it possible to look at both control and experimental groups while controlling for testing effects, essentially showing pretest and posttest effects (Campbell & Stanley, 1963). When applied to the current research question, this design offered the ability not only to examine any effect the treatment may have on bias, but the strength

and duration of that bias, in order to get an idea about whether the effect could have had the potential to impact the outcome of the case.

### **Setting and Sample**

The nature of the setting for this experiment was congruent with the more overreaching nature of the institution for which it is being conducted. Since the University is composed primarily of online students and for lack of any formal facility within a reasonable distance, the author attempted to utilize participants from the university participant pool in an online forum.

As this study sought to examine the impact of biasing factors on potential jurors, only criteria that would exclude a potential juror from participation was reflected in exclusionary criteria. As such, a majority of most non-vulnerable populations were eligible for inclusion. However, resource limitations required that the researcher utilize a convenience sample that was to be drawn from the Walden University participant pool. Although some participants may have been excluded due to criminal history or citizenship issues, the overall population was expected to be well stratified given the diversity of ages, ethnicities, and socioeconomic status.

The Walden University IRB notes that as the participant pool is open to all Walden students, the population of the pool should be treated as the population of the university. Available statistics for the university and accounting for international students that are assumed not to be citizens of the U.S. approximate the eligible population to be 44,000 (Walden, 2015). Although this estimate does not exclude individuals with a criminal history that would meet exclusionary criteria, an accurate approximation could

not be done due to the lack of reporting of this factor. Recruiting was to be conducted via posting the study to the list of those available to the participant pool. Informed consent was to be provided electronically through email or another Walden platform. Only basic demographic data, requested through the same platform as the informed consent, was to be collected and included age, gender, and education level. After participation was confirmed, each person was randomly assigned to either an entertainment film, neutral film, or no film group. After viewing each treatment, or in the case of the no film group immediately, participants completed a follow-up questionnaire containing three criminal case vignettes where they were asked to rate perceptions of the crime, attitudes about the parties involved, and vote on the guilt of the defendant. These results were submitted electronically to the experimenter. An electronic message informed the participant of the conclusion of their participation and included information about when the study was expected to be complete and when a full debriefing could be expected.

This sampling strategy offered advantages over other strategies that could be used. Random sampling, for example, though theoretically more ideal, was not an option for using the Walden participant pool. It does not allow a researcher to seek out participants and while it may be possible to randomly select students in general, time restrictions prevent this. As this is data from primary sources and not based on other independent groups, stratified random sampling was not a sensible choice. Though systematic sampling was possible, it offered no real advantage over the current chosen strategy and takes more time to complete (Frankfort-Nachmias, Nachmias, & Dewaard, 2008).

**Parameter estimates and power analysis results.** Three one-way ANOVAs were to be used to assess the impact of film on the attitudes and perceptions of the potential jurors. To estimate the appropriate sample size, a power analysis was conducted using GPower software (version 3.1; Faul, Erdfelder, Buchner, & Lang, 2007).

Based on similar previous analyses conducted by Mancini (2013) where a medium effect size was utilized, based on Cohen's conventions (1988), a medium effect size for Cohen's  $d$  (.25) was used in the current calculations. The power level was set to a typically acceptable level of .80 and the alpha level was set at .05. The ANOVA model used three predictor variables and thus the groups parameter was set to 3.

As the researcher was looking for an  $F$ -ratio the test family was set to  $F$  tests and since the analysis was conducted prior to the actual study the analysis type was set to *a priori*. These parameters yielded a result that estimated a minimum sample of 159 participants with an actual power of .805. See Table for parameter settings (labeled input) and results (under output).

Table 1

*Power Analysis Estimated Parameters and Results*

Analysis Inputs		Statistic
Test Family =	F Tests	
Statistical Test = ANOVA: Fixed effects, omnibus, one-way		
Type of Power Analysis = <i>a priori</i> compute required sample size		
Effect Size <i>d</i>		0.25
(Significance Level) <i>α</i> error probability		0.05
Power (1 - $\beta$ error probability)		0.80
Number of Predictors		3
<hr/>		
Analysis Output:	Noncentrality parameter $\lambda$	9.94
	Critical F	3.05
	Numerator df	2
	Denominator df	156
	Total sample size	159
	Actual power	0.805

**Instrumentation and Materials**

Research examining the CSI effect is still limited, and the different ways of measuring the construct are still being explored. In some of the most prominent and well known works examining the CSI effect validity and reliability studies were not conducted on the instruments that were developed, as noted by the authors (Mancini, 2013; Schweitzer & Saks, 2007). Typically, face validity was discussed and as the nature of the tools were generally all direct self-report measures, face validity was sufficient. For the measure to be used in the current study, Maeder and Corbette (2015) adapted items and item scales that were used as a combined score to create a juror questionnaire that resulted in successful reliability. Subscales and reliability coefficients include: Perceived

influence of DNA evidence ( $\alpha = .66$ ), Perceptions of the eyewitness ( $\alpha = .83$ ), Perceptions of experts presenting evidence ( $\alpha = .87$ ), Attitudes toward eyewitness memory ( $\alpha = .80$ ), Defendant impressions ( $\alpha = .89$ ), and finally a Continuous verdict variable that coded a dichotomous guilt or innocence rating and multiplied it by a self-reported confidence rating. This measure was used in a study utilizing a similar participant population of university students. Not all items and corresponding subscales were used for the current study, such as Perceived Influence of DNA evidence, as they were not applicable, and thus were eliminated on a group-wise basis so as to maintain the reliability of other subscales.

Scores for items 5–11 comprised the Defendant Impressions subscale and were added to create the Defendant Impressions Score (DIS). Items three and four comprised the Action and Punishment Impressions subscale and are added to form the Action and Punishment Impression Score (APIS), while item one, which asked participants to determine guilt on a dichotomous scale (guilty/not guilty) was scored separately. Items 3, 4, 6, and 9 are reverse score items. Participants were also given a demographic survey for statistical accountability purposes. An example item is shown below:

Using the following scale, indicate the extent to which you believe the defendant, Mike Bautista, is trustworthy:

Not at all				Somewhat				Very Much	
1	2	3	4	5	6	7	8	9	10

## **Procedure**

Individuals selected for participation were randomly assigned to either the crime film, neutral film, or no film (control) group. Participants in the crime film and neutral film groups watched excerpts from the films *Ocean's Eleven* (Weintraub & Sorderbergh, 2001) or *The Human Body* (Discovery Communications, 2007) respectively. Participants were then be asked to read three sample court case vignettes and to complete a follow-up measure that examined their perceptions of the crime, attitudes about parties involved, and asked the participant to make decisions about guilt in the case. For film groups this will take place after viewing the films and for the no film group this will take place immediately.

The crime film *Ocean's Eleven* was chosen in an attempt to maximize the likelihood of eliciting a detectible change in attitudes. When examining the origin of the CSI effect (Mancini, 2010), the media content relates to the forensic examination of evidence of crime in the justice system and then is found to influence the attitudes toward actual forensic evidence. To keep consistent with this pattern, the content of the film intervention related to crime similar in ways to those committed by the characters in the mock trial vignettes. Further, it was expected that as the characters in the film are well known and are portrayed as protagonists despite being criminals, that this would create the greatest opportunity for influencing attitudes. The neutral film *The Human Body* was chosen due to availability and as it relates in no way to crime or content presented in the mock trial vignettes.



### **Data Analysis**

Due to the established nature of the foundational theory and abundance of exploratory research available on the fundamental concept, the current research sought to statistically demonstrate a causal effect and thus employed a quantitative research methodology. Participants were assigned to a treatment group that either watched a neutral documentary film about nature, a fictional film concerning crime, or watched no film all (independent variable) and completed the mock trial vignette immediately. The mock trial vignette asked readers to consider three criminal trial case scenarios as though they were sitting on the jury. The scenarios depicted aspects of the case, and after reading this they answered questions about the crime, credibility of the defendant, attitudes about the defendant, and about whether they would convict or acquit the individual (dependent variable). This model is similar to one used by Mancini (2013) in his experiments in this area. Items on the questionnaire have been successfully used by Maeder and Corbette (2015) in similar research. A one-way ANOVA was used to determine if differences between groups' scores existed. Should differences have been detected, a Tukey's range test was to be performed to determine their nature relative to the hypotheses. If results could then conclude that those who viewed the crime film were more likely to convict, have skewed perceptions of the evidence, or more negative attitudes toward the defendant than the no film or neutral film groups, then the author would have been able to reasonably conclude that a relationship between cinema and juror attitudes and perceptions exists that has the potential to threaten the impartiality of jurors.

### **Threats to Validity**

Internal validity of the study is predominantly sound. The experiment was designed to take place over a relatively short period of time in a single sitting, meaning that the likelihood of history, maturation, or experimental mortality being an active threat was minimal. Selection, in terms of a threat to validity, had to be considered. Although the nature of the participant pool creates some common interests among participants, random assignment to treatment or control groups should alleviate any threat of selection related validity issues. As the research design includes no pretest, testing effects were not expected to be a concern. There was some concern about repetitive viewing of the treatment group films, specifically the crime film. Though the film was released in 2001 it can still be found playing on various television and cable or satellite channels. Considering the popularity of the film at the time, it is not unreasonable to believe that some, perhaps even most of the participants had viewed the film before. It is difficult to say what type of effect this may have on the outcome of the study, but since it is expected that the film is not viewed regularly, then having seen the film before should not have upset the significance of the relationships between the variables.

Threats to external validity were also minimal. In fact, the only applicable threats were reactive effects of experimental arrangements. Though the experiment did not attempt to conceal its purpose, the anticipated or theoretical effects of the treatment should not have been immediately discernible, and it was expected that the overall impact of this should be negligible if there is one at all. The design of the study inherently defends against most threats to construct validity, however, with an even simpler and more direct

intervention, the current study should demonstrate greater construct validity than what was presented in similar studies by Mancini (2013) and Maeder and Corbett (2015).

### **Ethical Considerations**

Volunteers were recruited randomly via the Walden University participant pool. The study was approved by the Walden University Institutional Review Board (Approval No. 11-30-17-0399828) to ensure it met requirements for ethical practices. Ethical concern for the current study were low given that any demands made of the participants are tasks that they may often be presented with in their daily lives. Watching film excerpts, particularly of the nature of the proposed films, is not a particularly taxing task and neither contains any particularly brash or offensive content. If basing this on the rating content the entertainment film is rated PG-13 and the neutral film is rated G.

Data collection from subjects was anonymous and results were stored and kept on an external drive, under lock at the researcher's home, to further avoid privacy issues. Materials used are non-offensive and questions or items are content relevant only. Demographic data was collected anonymously so no ethical threat would exist there. Should the participant have become uncomfortable, they were informed they could withdraw from the study without penalty, though any credit they may have received from the university may not be granted. The researchers contact information was provided in case there were any concerns and contact information was made available for resources in the event a participant felt they had experienced trauma as a result of the study.

### **Summary**

The current study intended to employ a posttest only randomized experimental design to test the hypothesis that a relationship exists between cinema exposure and attitudes and perceptions related to a mock trial vignette. A convenience sample of 159 participants was to be drawn from the Walden University participant pool as potential jurors and was randomly assigned to either a crime film, neutral film, or control group and film groups watched excerpts of the aforementioned films. Following this, groups were given a juror questionnaire adapted by Maeder and Corbett (2015) to assess their attitudes and perceptions about the case as well as a demographic questionnaire for cross analysis purposes. A one-way analysis-of-variance run on SPSS software was to be used to identify differences between groups' scores if any exist. It was expected this procedure would produce results that effectively and accurately reflected the potential for cinema to influence juror attitudes.

Chapter four offers an analysis of the data collected during the study. Descriptive statistics are discussed first, including data from each separate group, then statistical analyses, and finally the application of the results to the hypothesis and summary.

## Chapter 4: Results

### **Introduction**

The current research sought to determine whether exposure to certain types of cinema affected the attitudes and perceptions of participants in regard to evaluating aspects of a mock court case. The research question and hypotheses for the current study are listed below.

RQ: What is the relationship between cinema exposure and a potential juror's attitude's and perceptions related to a mock trial vignette?

H<sub>0</sub>: There is no difference between cinema exposure and a potential juror's attitude's and perceptions related to a mock trial vignette?

H<sub>1</sub>: There is a difference between cinema exposure and a potential juror's attitude's and perceptions related to a mock trial vignette?

### **Data Collection**

The author initially created and opened the study shortly after IRB approval within the Walden University participant pool as originally planned. However, after approximately 3 weeks with no participants, it became evident that a new method of recruitment was necessary. A change of procedure was submitted to the IRB, which detailed the use of social media, namely Facebook, as a source of participants and SurveyMonkey as the platform for the dependent measure. An unaffiliated account was created for the study, under the name of the study, and a brief description about the research was presented. Random profiles were selected from the unaffiliated account and the link for the study was shared. The procedure then picked up as discussed in previous

sections. It was determined after the creation of the study in the Walden participant pool that film could not be directly embedded within the study, so the selected film clips used as interventions were created under a new, unaffiliated YouTube account, and the links were placed in the appropriate places with corresponding instructions to guide the participants. Using this method, after approval from the IRB, participant recruitment accelerated and it took approximately 2-3 weeks to gather the necessary data.

## **Results**

### **Demographic Information**

Demographic information was requested of the user on the second screen of the study but was made optional. As less than 30% of respondents provided this information, it is not reported here.

### **Descriptive Statistics**

The Juror Questionnaire gave each participant three separate mock-trial vignettes (cases) with the same 11 items following each one. Scores for items 5–11 comprised the Defendant Impressions subscale and were added to create the Defendant Impressions Score (DIS). Items 3 and 4 comprised the Action and Punishment Impressions subscale and were added to form the Action and Punishment Impression Score (APIS), while Item 1, which asked participants to determine guilt on a dichotomous scale (guilty/not guilty), was scored separately. Items 3, 4, 6, and 9 are reverse-score items. Table 2 below shows means and standard deviations of the DIS and APIS listed by treatment group. Table 3 shows the results of the verdict item for each of the three cases by treatment group and also includes the mean for each case.

Table 2

*DIS and APIS Means for Each Case from Individual Treatment Groups*

Film Group	<i>N</i>	<i>Mean DIS</i>	<i>SD</i>	<i>Mean APIS</i>	<i>SD</i>
Crime	53	112.02	13.17	28.11	8.10
Neutral	53	116.34	12.89	29.13	7.36
Control	53	112.60	12.06	29.95	9.95

Table 3

*Verdict Results for Each Case from Individual Treatment Groups*

Treatment Group	<i>Case 1 Guilty/Not</i>	<i>Case 2 Guilty/Not</i>	<i>Case 3 Guilty/Not</i>	<i>Total Mean</i>
Crime	7/46	7/46	3/50	2.70
Neutral	7/46	5/48	3/50	2.72
Control	8/45	6/47	2/51	2.70

### **Data Analysis**

All participants completed the dependent measure (Juror Questionnaire) either immediately or after completing the assigned film clip assigned to their respective group. Each survey then produced a Defendant Impressions Score (DIS), an Action and Punishment Impression Score (APIS), and three verdicts, one for each case. Three separate one-way ANOVAs were then conducted to examine differences between groups' DIS, APIS scores, and verdicts. The first ANOVA examined differences between DIS, the independent variable, and film group (crime film, neutral film, no film/control), the

independent variable. Table 4 below displays these results. No significant differences were found between DIS score,  $F(2, 156) = 1.80, ns$ .

Table 4

*ANOVA Results for Defendant Impressions Score between Treatment Groups*

Source	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>
Treatment Group	582.43	2	291.21	1.801
Error	25219.55	156	161.66	
Total	25801.98	158		

\* $p < .05$

The second one-way ANOVA examined differences between APIS scores, the dependent variable, and film group, the independent variable. Results of this analysis are shown in Table 5 below. No significant differences were found between the APIS scores,  $F(2, 156) = .40, ns$ .

Table 5

*ANOVA Results for Action and Punishment Impression Scores between Treatment Groups*

Source	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>
Treatment Group	57.71	2	28.86	.396
Error	11374.53	156	72.91	
Total	11432.24	158		

\* $p < .05$

These results indicate that film viewing was not a mediating factor in participant's ratings of their attitudes and perceptions concerning the case details and the described



defendants.

A final one-way ANOVA was used to determine if statistically significant differences existed among verdicts between treatment groups. No significant differences were found between verdict scores,  $F(2, 156) = .04, ns$ . Results of this test are shown in *Table 5* below. Results indicate that film viewership was not a mediating factor in participant's verdicts.

Table 6

*ANOVA Results for Verdicts between Treatment Groups*

Source	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>
Treatment Group	.04	2	.02	.038
Error	77.47	156	.50	
Total	77.51	158		

\* $p < .05$

Another ANOVA was run to determine if differences may have existed for verdicts between the individual cases, however, no significant results were indicated.

### **Application of Data to Hypothesis**

The current study sought to determine if a difference existed between groups' attitudes and perceptions concerning mock trial vignettes among university students eligible for jury duty. Analyses of the collected data lend support to the null hypothesis that there is no difference between groups' attitudes and perceptions concerning mock trial vignettes among university students eligible for jury duty, and thus, this is unable to be ruled out.

### **Summary**

A sample of 159 participants were asked to complete the Juror Questionnaire online either immediately or after viewing a film clip lasting approximately 20 minutes. Items from the questionnaire were combined to create the Defendant Impressions Score, The Actions and Punishment Impression Score, and verdicts were analyzed separately. Three separate one-way ANOVAs were used to determine if differences existed in verdicts, DIS scores, or APIS scores between film groups. Results failed to show any significant differences among scores for the three dependent variables, thus leaving us unable to rule out the null hypothesis that no differences exist between these groups.

Chapter five will discuss outcomes of the study, offer an interpretation of the findings, and review implications and recommendations for future research.

## Chapter 5: Discussion, Conclusions, and Recommendations

### **Introduction**

The purpose of the current quantitative study was to determine if a relationship existed between cinema exposure and attitudes and perceptions related to mock court cases. A wealth of evidence has previously shown that perceptions about various aspects of court cases could be influenced by different types and sources of media (Ruva & Guenther, 2014; Greene, 1990; Arendt et al., 2015). This evidence included a good deal of exploration into the CSI effect to describe the effects of viewership of forensic television on attitudes and perceptions of jurors. This study sought to determine whether that relationship extended to cinema viewership because cultivation effects, whose theory served as a foundation for the CSI effect and the current study, had been demonstrated over very short periods of time (Johnson et al., 2009). Using methods employed in prior research in this area, participants completed mock-trial vignettes. If participants were in the control group, scoring was done immediately. If the participants were assigned to one of the two treatment groups, scoring was done after watching one of two film clips. After scoring, the data were analyzed using three separate one-way ANOVAs. No differences were found for the independent variable, film group, for any of the subscale dependent variables.

### **Interpretation of the Findings**

According to the literature, repeated exposure to different forms of media can result in lasting changes in attitudes and perceptions, including in jurors, through such phenomena as the *CSI* effect and cultivation effects (Arendt, 2010; Mancini, 2013).

Arendt (2010) for example, examined subjects who regularly read a newspaper with articles that contained certain biases. The author was able to demonstrate that those who were regularly exposed to the biased newspaper were more likely to have both implicit and explicit attitudes that aligned with the biases of the newspaper than those who read neutral articles from other sources. Mancini (2013) questioned participants on their attitudes and perceptions about evidence in a court case as well as their television viewership habits. The author showed that higher reported rates of viewership of *CSI*, the crime drama television show, predicted a greater likelihood of unrealistic expectations of forensic evidence presented in a court case.

The literature has also shown that exposure to a single picture can, through bias priming, can alter a person's attitudes or perceptions from one moment to the next (Johnson et al., 2009). The study by Johnson et al. (2009) consisted of an all-White sample who were shown an image of either a neutral nature or of African Americans looting after a natural disaster. Participants were then asked about their attitudes toward social welfare policies that would support African Americans. Results showed that those who viewed the images of looting were less likely to support these types of policies. In another study conducted at the same time, participants were played either "neutral" music, or music that, according to the authors, primed a promiscuous black female stereotype. Results showed that those exposed to the treatment music were less likely to support social welfare policies to help pregnant women in need. It was believed that any common ground between the concepts of cultivation theory/*CSI* effect and bias priming

could be found by exploring the influencing effects of a brief form of entertainment media: cinema.

However, like many studies before it, including those with what might be considered a more powerful treatment, this study did not support the notion that single episode cinema exposure can have a strong enough influence on attitudes and perceptions to change verdicts in a mock court case. Even studies whose results have shown the greatest amount of attitude change have failed to show that this effect is strong enough to influence the outcome of a court case (Mancini, 2013; Hayes-Smith & Levett, 2011). Mancini's (2013) study was able to demonstrate a great deal of perceptual differences between those with different rates of forensic crime viewership, but this fell short of showing that this could ultimately affect the outcome by way of verdicts. Similarly, research by Hayes-Smith and Levett (2011) were able to show a strong relationship between television viewing habits and evidence perception in an actual juror sample, but could not demonstrate that verdicts were affected.

Similar results have also been found more recently. Hui and Lo (2017) administered 10 variations of a questionnaire to 528 local people at a Hong Kong University. The variations provided a two page summary of a sexual assault case and then asked questions about perceptions of evidence, likelihood of conviction, as well as their television viewing habits. Though evidence was found that even mild viewership can have an effect on attitudes and perceptions concerning the reliability of evidence, no differences were found between groups for likelihood to convict. Another study by Hawkins and Scherr (2017) found similar results during their research using mock jurors.

While being engaged in crime drama television shows affected verdict confidence in some situations, viewership and engagement were not shown to predict verdicts.

### **Limitations of the Study**

The research had a few limitations that may have affected the ultimate findings. In the current study, multiple short vignettes were used to provide information to the participant about the cases, as opposed to full length trial transcripts, evidence summaries, or videotaped testimony. This method was likely not as effective as those that provide greater sensory input in producing strong attitudes concerning a defendant. Had differences been found it would have been reasonable to generalize findings to more advanced simulations or live courtroom scenarios, however, given the results and in consideration of the limitations of the measure, it may not be expected that future research supports these findings given a different measure.

The method of participant recruitment also resulted in some limitations as well. In particular, the sample was drawn utilizing social media and was completely anonymous. In addition, fewer than 20 percent of participants provided the voluntary demographic data that was requested. Although the use of social media as a medium for recruitment has its advantages, such as reaching a broader, more diverse audience, in this case it is impossible to say whether that was actually the case. Though some assumptions may be able to reasonably be made about the participants, without supporting data generalization of the study results should be made cautiously and conservatively.

### **Recommendations**

If future research in the area continues to examine the relationship between cinema's influence on attitudes, researchers should ensure good alignment between the treatment, dependent variable, and the response that they are looking to produce. One of the biggest limitations to nearly all of the studies in this area is the use of mock courtroom scenarios. On rare occasion a taped trial or full trial transcript are used (Mancini 2011), but this rarely provides the intensity or power of influencing factors that one would experience as part of an actual trial. It would be ideal to use actual jurors during an actual trial, though obvious logistical and ethical barriers exist as a matter of practicality.

Future research may also look at attempting to tease out the possibility of cinema influence, or any other entertainment media, by considering other applicable domains of social importance outside the courtroom. It is likely that researchers would find simpler ways of testing effects in a way that more closely resembled natural scenarios and would be able to overcome the barriers that seem to limit the possibilities of research on jurors. Future research on cinema influence on attitudes might also take steps to ensure exposure to the media is substantial and exhaustive. For example, limiting distractions by showing the film in person in a group setting where the environment is better controlled may be more ideal when possible. Offering a novel film as a treatment may help garner interest and hold attention for the duration of the film.

### **Implications**

Although results of the current study did not show any significant effects of the treatment, there are still some important considerations for positive social change. For instance, this research contributes to the body of information that may assist policymakers, local or otherwise, in ensuring that current courtroom procedures are adequate for maintaining a fair process. At an individual level, the knowledge gained from this study may help others to further their understanding of how media may affect their perceptions and the limitations of this effect.

One important implication of the current study from a conceptual perspective is that the reach of the theoretical constructs used as the foundation for this study, such as cultivation theory and the *CSI* Effect, have certain limitations. Results would suggest that a certain magnitude of exposure, whether that be based temporally or on content, must be reached to affect the types of influence described in previous research. This inherently has future methodological considerations for further research in the field, particularly with regards to designing a treatment.

Results of the current study do not necessarily provide evidence for or against the foundational theories discussed previously, as both cultivation theory and The *CSI* Effect both relied on repeated exposure to content to produce the described effects. However, results do support the idea that these theories do not necessarily operate in the same way other biasing effects might, such as those described in the studies by Johnson et al. (2009) and Bissell & Hayes (2011).



## **Conclusion**

Although the current study failed to demonstrate that cinema could affect attitudes and perceptions as hypothesized, the social implications of research in this area persist. Maintaining jury impartiality is a paramount task in ensuring a fair and just due process. With ever-expanding forms of media and the increasing rates of exposure, it has likely never been more important to understand the effects that that subscribing to this type of viewership can have on an individual and on society as a whole. With the rising use of social media and video streaming services as primary and seemingly limitless sources of various media exposure, research in the field must keep abreast of the various ways that these mediums influence our attitudes and perceptions so policy, in many different forms, does not fall too far behind. Social implications for this type of research can go well beyond the courtroom and can likely be realized on an individual level, particularly in a world where people are ever more in control of their own media experience.

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## Appendix A: Juror Questionnaire

INSTRUCTIONS: Please respond to the items with regard to the evidence and observations presented in their respective vignettes.

- A. You are a juror in the case of John Ashby vs. the City of Pinehurst. John is being charged with 2<sup>nd</sup> degree assault for striking his former employer in the face after being told his employment at the company was being terminated. John alleges that he was provoked. John has stated that when he asked why he was being terminated the employer made several disrespectful comments about John's two young children, who often come visit him at work, as well as disrespecting John personally. At one point, the employer chuckled while referencing John's wardrobe, which is when John reached across the desk and struck him. In the State of Oregon, the law does define assault within the context of an intentional physically harmful act. The law also vaguely makes some reasonable allowances for provocation, though in the description it talks about provocation in a physical sense. John claims the disrespect was emotionally provocative. If convicted, John will spend at least 30 days in jail and have to pay a \$5,000 fine.

1. How do you find the defendant, John Ashby? (Circle one)

GUILTY

NOT GUILTY

2. How confident do you feel in your verdict? (Circle the appropriate number)

1	2	3	4	5	6	7	8	9	10
Not at all confident				Somewhat confident				Very Confident	

3. How severe do you feel John's actions were? (Circle the appropriate number)

1	2	3	4	5	6	7	8	9	10
Not severe at all			Somewhat severe				Very severe		

4. In the event John is convicted, how appropriate do you believe the punishment is for his actions? (Circle the appropriate number)

1	2	3	4	5	6	7	8	9	10
Not appropriate			Somewhat appropriate				Very appropriate		

5. Using the following scale, please indicate the extent to which you feel the defendant, John Ashby, is

	Not at All				Somewhat				Very Much	
Likeable	1	2	3	4	5	6	7	8	9	10
Aggressive	1	2	3	4	5	6	7	8	9	10
Trustworthy	1	2	3	4	5	6	7	8	9	10
Responsible	1	2	3	4	5	6	7	8	9	10
Unfriendly	1	2	3	4	5	6	7	8	9	10
Heroic	1	2	3	4	5	6	7	8	9	10
Caring	1	2	3	4	5	6	7	8	9	10

- B. You are a juror in the case of Mike Bautista vs. the State of Oregon. Mike is being charged with felony Grand Theft Auto. According to prosecutors, Mike waited for the victim, Shiloh Greene, who is also his neighbor, to leave his residence so that he could steal his car. When Shiloh left the house one morning, Mike allegedly went to Shiloh's 1967 Mustang that was parked in the driveway of Shiloh's residence and drove off in it. The keys were inside the glove box and Mike knew this as he had seen the neighbor put them there in the past. When Shiloh returned home to see the vehicle missing, he contacted the police. Mike claims he and Shiloh have always allowed each other to use whatever the other needed of theirs and that this was the dynamic of their relationship. Mike stated he only used the car to go to the auto part store to get something to repair his own vehicle, which was not operational at the time. Mike acknowledges that he should have waited until Shiloh returned to ask for a ride, but says he felt at the time that he truly wouldn't mind. The vehicle was returned without incident, and though Mike says he knows he was wrong, he feels a felony charge is too harsh, as this would cost him his job. If convicted, Mike will spend at least 1 year in prison along with a \$10,000 dollar fine.

1. How do you find the defendant, Mike Bautista? (Circle one)

GUILTY

NOT GUILTY

2. How confident do you feel in your verdict? (Circle the appropriate number)

1	2	3	4	5	6	7	8	9	10
Not at all confident				Somewhat confident				Very Confident	

3. How severe do you feel Mike's actions were? (Circle the appropriate number)

1	2	3	4	5	6	7	8	9	10
Not severe at all				Somewhat severe				Very severe	



4. In the event Mike is convicted, how appropriate do you believe the punishment is for his actions? (Circle the appropriate number)

1	2	3	4	5	6	7	8	9	10
Not appropriate			Somewhat appropriate				Very appropriate		

5. Using the following scale, please indicate the extent to which you feel the defendant, Mike Bautista, is

	Not at All			Somewhat				Very Much		
Likeable	1	2	3	4	5	6	7	8	9	10
Aggressive	1	2	3	4	5	6	7	8	9	10
Trustworthy	1	2	3	4	5	6	7	8	9	10
Responsible	1	2	3	4	5	6	7	8	9	10
Unfriendly	1	2	3	4	5	6	7	8	9	10
Heroic	1	2	3	4	5	6	7	8	9	10
Caring	1	2	3	4	5	6	7	8	9	10

- C. You are juror in the case of Antonio Garcia vs. the State of Oklahoma. Antonio is being charged with theft over \$5,000 and under \$10,000 as well as grand larceny. According to prosecutors, Antonio went to Samuels Auto World, a business owned by the victim, Brendon Samuels, one Sunday while the business was closed and broke into the main office building. There he took from an unsecured file cabinet a little less than \$7,500 from a deposit bag, leaving another \$8,000 in the bag and placing it back in the file cabinet. Antonio does not deny this account, but says he was simply getting back what he was owed. He alleges Brendon personally sold him a car the week prior that he said was in great condition, even listing recent certified repairs made to the vehicle. Antonio says that these claims were false, as the car broke down only a few days after the purchase. Antonio stated he took it to a local reputable mechanic, where it was discovered the vehicles engine would need to be replaced and in fact clearly had serious damage from before the purchase. Antonio says he contacted Brendan to try and recoup his loss, but Brendan declined offering him any relief, citing fine print in the sale contract that exempted him from any liability once the car left the lot. Antonio claims he only wanted what was his, and despite the law, he was feels morally justified. He also claims that Brendan Samuels should be charged for false advertisement and failure to comply with the Oklahoma Lemon Law that protects consumers from this type of fraud. The judge notes to Antonio that had he pursued a legal remedy in with the courts, he would have had a good case, but breaking the law to recoup the money himself actually exempted Brendan Samuels from paying those damages. Antonio stated that he could

not wait on the court system as he is the sole provider for his family and had no other means of transportation to work, and no other fund with which to purchase a new vehicle or pay for repairs to the one he bought from Samuels. If convicted Antonio will be sentenced to 3 to 10 years in prison and pay damages to the business.

1. How do you find the defendant, Antonio Garcia? (Circle one)

GUILTY

NOT GUILTY

2. How confident do you feel in your verdict? (Circle the appropriate number)

1	2	3	4	5	6	7	8	9	10
Not at all confident				Somewhat confident				Very Confident	

3. How severe do you feel Antonio's actions were? (Circle the appropriate number)

1	2	3	4	5	6	7	8	9	10
Not severe at all				Somewhat severe				Very severe	

4. In the event Antonio is convicted, how appropriate do you believe the punishment is for his actions? (Circle the appropriate number)

1	2	3	4	5	6	7	8	9	10
Not appropriate				Somewhat appropriate				Very appropriate	

5. Using the following scale, please indicate the extent to which you feel the defendant, Antonio Garcia, is

	Not at All			Somewhat				Very Much		
Likeable	1	2	3	4	5	6	7	8	9	10
Aggressive	1	2	3	4	5	6	7	8	9	10
Trustworthy	1	2	3	4	5	6	7	8	9	10
Responsible	1	2	3	4	5	6	7	8	9	10
Unfriendly	1	2	3	4	5	6	7	8	9	10
Heroic	1	2	3	4	5	6	7	8	9	10
Caring	1	2	3	4	5	6	7	8	9	10