

The Jury Process: Racial Bias, Extraversion, & Leadership

Amanda Nusbaum; Adviser Dr. Benjamin Faber
College of Saint Benedict & Saint John's University

Abstract

This study explored the interactions between individuals' attitudes and group dynamics during the jury deliberation process. More specifically, whether implicit racial bias are correlated with pre-deliberation decision of innocence and which factors contribute to an individual's tendency to take on a leadership role in a mock jury setting. 10 mock juries, consisting of groups of 4 White undergraduate students, participated in this experiment. Each participant completed an Implicit Association Test (IAT) and a self-report survey to examine racial bias, a self-report personality survey to examine extraversion, and then participated in a mock jury deliberation. Results showed that implicit racial bias are negatively correlated with an individual's pre-deliberation certainty of innocence. Results also showed that regardless of a juror's extraverted or introverted personality typology, participants that were certain the defendant was innocent were most likely to become the leader during the deliberation. This study has implications for the field of Psychology and Law because these trends could potentially impact the way attorneys assess and select individuals during the *voir dire* (jury selection) process.

Introduction

Jury decisions have large implications for the lives of defendants, for public policy, and in turn the community. Although the judiciary system has checks and balances, such as the Sixth Amendment to the Constitution, which states, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an *impartial* jury of the State" (U.S. Const. amend. VI), the "fairness" of jury trials are often called into question (*U.S. v. Gupta*). The *voir dire* process, in which attorneys are given a chance to question potential jurors, was implemented in order expose potential biases that may hinder an individual's ability to objectively evaluate the facts of the court case (*Smith v. Phillips*). Many feel this method is only moderately useful because it is nearly impossible for an individual to be truly impartial. Discovering how individual attitudes influence mock jury decision making will help those involved understand the key components of the jury selection and deliberation process.

In previous attempts to understand the jury deliberation process many extralegal factors have been taken into consideration such as implicit and explicit racial bias, extraversion, & leadership tendencies (Greenwald, McGhee, & Schwartz, 1998; Clark, Boccaccini, Caillouet, & Chaplin, 2007; Judge, Bono, Ilies, & Gerhardt, 2002). Despite the immense amount of research on these topics, how these interactions impact the final verdict remains unclear.

Method

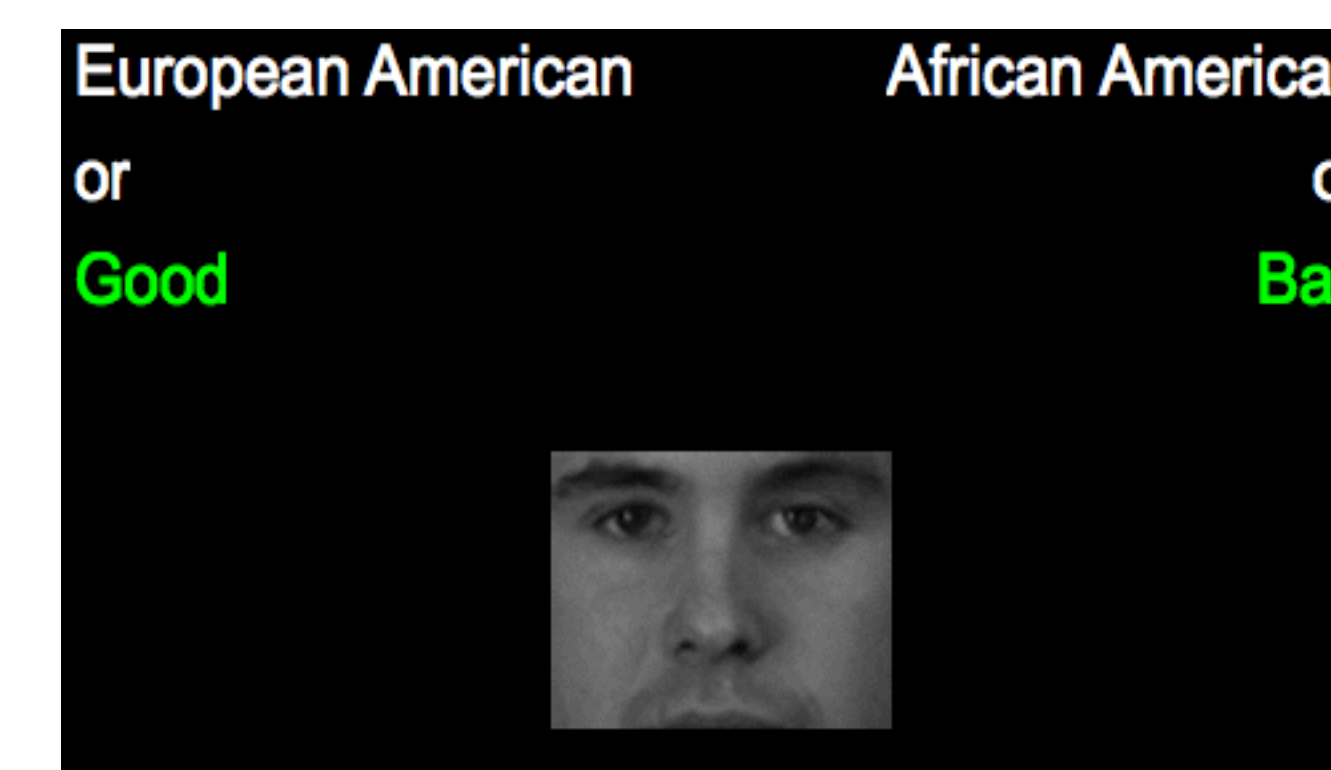
Participants

- 40 White undergraduate students
- 10 mock jury groups with 4 participants each
- 21 males, 19 females

Procedure & Materials

Part 1: Individual Juror Assessments

- **Race Implicit Association Test (IAT)**– computerized assessment that measures implicit racial bias (Greenwald et al., 1998)



- **Self-Report Racial Bias Survey**– 8 questions regarding racial opinions (Iyengar, Messing, Hahn, Banaji, & Dial, 2011)

4 overt racism items:

Ex: "We are interested in your opinions about different groups in society. Where would you place African Americans?"

Violent 1 2 3 4 5 6 7 Peaceful

4 resentment racism items:

Ex: "The Irish, Italians, Jews, and other minorities overcame prejudice and worked their way up. Blacks should do the same without any special favors"

Strongly Disagree Disagree Agree Strongly Agree

- **Self-Report Extraversion Survey**– 8 questions regarding extraversion personality traits (NEO)

Ex: "How well do you feel the following describes you: I am talkative..."

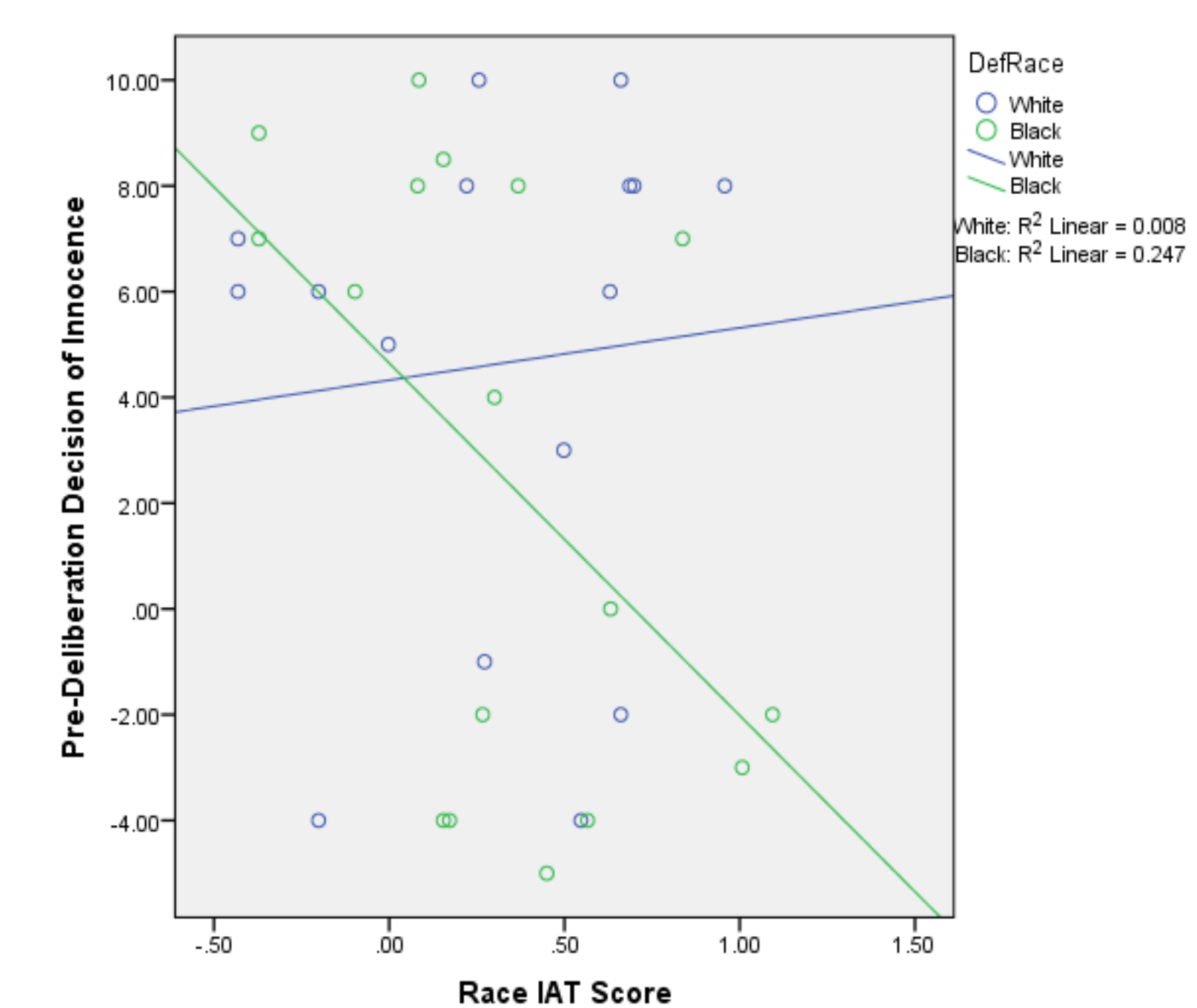
Strongly Disagree 1 2 3 4 5 Strongly Agree

Part 2: Court Case Testimony and Jury Deliberation

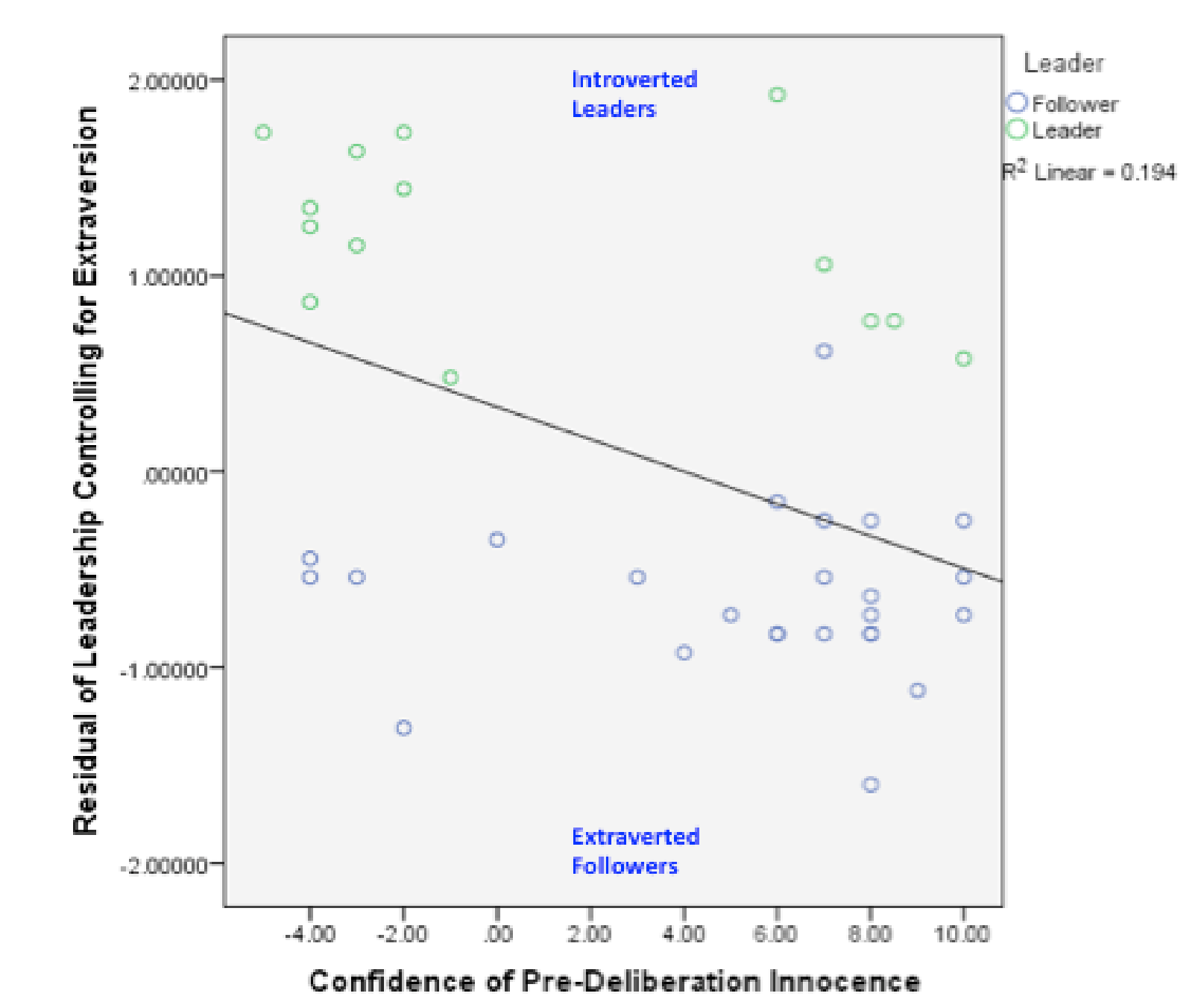
- **Testimony** - Participants read a simulated court case regarding a female who accused a male acquaintance of rape (Hymes, Leinart, Rowe, & Rogers, 1993).
- **Pre-Deliberation Survey** – Reading check as well as individual belief in the defendant's guilt or innocence and certainty about their belief.
- **Group Deliberation** – Juries were given 10 minutes to discuss and come to a group verdict

Results

Correlation of pre-deliberation certainty of innocence and Race IAT for White and Black defendants



Effect of pre-deliberation certainty of innocence on residual of leadership, controlling for self-report extraversion



- IAI scores are negatively correlated with pre-deliberation certainty of innocence, $r(18) = -.497$, $p < .05$, for Black defendants. No relationship for White defendants $r(16) = .091$, $p = .783$.
- Pre-deliberation certainty of innocence predicted leadership in the mock jury after controlling for extraversion, $R^2 = .194$, $F(1,38) = 8.913$, $p < .01$.

Discussion

The moderate negative correlation between pre-deliberation certainty of innocence and high Race IAT scores calls into question the construct validity and predictive validity of the IAT. If the IAT does in fact measure implicit bias, which are acquired slowly, are inflexible, and are inaccessible to consciousness, it would be assumed that participant's bias would have either no impact or some impact on a participant's assumption of innocence. However, it would not be logical to assume that the data would show the opposite result, just because the participant was consciously they were being tested for racial bias (Cortina & Liotti, 2007).

Although numerous amounts of research insist that introverts are less likely to become leaders (Rotenberg, et.al., 1998; Clark et.al., 2007), our legal system may be the source of this uncharacteristic occurrence. The Fifth and Sixth Amendments were implemented to protect the innocent and sparked the American legal philosophy "innocent until proven guilty." Therefore, people may feel they have a duty to fight for those they believe are truly innocent.

References

- Cortina, M. & Liotti, G. (2007). Approaches to understanding unconscious processes: Implicit and explicit memory systems. *International Forum of Psychoanalysis*, 16, 204-212.
- Clark, J., Boccaccini, M.T., Caillouet, B., & Chaplin, W.F. (2007). Five factor model personality traits, jury selection, and case outcomes in criminal and civil cases. *Criminal Justice and Behavior*, 641-658.
- Greenwald, A.G., McGhee, D.E., & Schwartz, J.L.K. (1998). Measuring individual differences in implicit cognition: The Implicit Association Test. *Journal of Personality and Social Psychology*, 74(6), 1464-1480.
- Hymes, R.W., Leinart, M., Rowe, S., W., Rogers. (1993). Acquaintance Rape: The effect of rape of defendant and race of victim on white juror decisions. *Journal of Social Psychology*, 133(5), 627-634.
- Iyengar, S., Solomon, M., Hahn, K., Banaji, M., & Dial, C. "Explicit and Implicit Racial Attitudes: A Test of their Convergent and Predictive Validity." American Political Science Association 2011 Annual Meeting Paper.
- Judge, T.A., Bono, J.E., Ilies, R., & Gerhardt, M.W. (2002). Personality and leadership: A qualitative and quantitative review. *Journal of Applied Psychology*, 87(4), 765-780.
- Rotenberg, K.J., Hewlett, M.G., & Siegart, C.M. (1998). Principled moral reasoning and self-monitoring as predictors of jury functioning. *Basic and Applied Social Psychology*, 20(2), 167-173.
- Smith v. Phillips, 455 U.S. 209, 217 (1982)
- United States v. Gupta, 650 F.3d 863 (2011)