JUROR DECISION-MAKING: THE IMPACT OF WITNESS CREDIBILITY ON PERCEPTIONS OF VICTIMIZATION IN THE COURTROOM

CLE Credit: 1.0
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Galt House Hotel
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THE PRESENTER

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DR. JONATHAN M. GOLDING joined the Department of Psychology at the University of Kentucky in 1988. His primary research interests are psychology and law and memory. Dr. Golding received his B.A. from Temple University and his M.A. and Ph.D. from the University of Denver. He was named the 2011 Kentucky Professor of the Year by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education. Dr. Golding is the recipient of the 1994 and 1998 Chancellor’s Awards for Teaching and the College of Arts and Sciences 2006 Outstanding Teacher Award. He recently served a three-year term as a Chellgren Center on Undergraduate Education Endowed Professor.
I. FORENSIC PSYCHOLOGY

Broadly defined – research endeavor that examines aspects of human behavior directly related to the legal process

- Not just clinical work (e.g., profiling, evaluations)


II. EYEWITNESSES – ACCURATE OR INACCURATE?

- Mistaken Identity

1. Has anyone ever thought you were someone else or have you ever mistaken someone for somebody else?

2. Could you imagine being charged with a crime that you did not commit based on eyewitness testimony?

3. Misidentifications create a double horror – wrong person is accused and real criminal is still free.

III. WHAT AFFECTS EYEWITNESS TESTIMONY?

A. Important

- Keep in mind that eyewitnesses are generally not like a video recorder (i.e., everything is recorded and can be played back later)


B. Several Sources of Unreliability

1. Situation – insignificance for eyewitness until the crime occurs, length of crime usually short, less than ideal observation conditions.
2. Witness – age, stress, physical condition, expectancy (mugging in subway), actively construct memory.

3. Test process – one picture standing out (von Restorff effect), suggestion, conformity.


IV. PERCEPTIONS OF EYEWITNESSES IN THE COURTROOM

   A. Question

      Given that eyewitnesses may be unreliable, how do jurors assess this possibility and make decisions?

   B. Golding Lab

      Investigate perception of eyewitnesses by jurors/juries in cases of victimization.

   C. We Generally Use a "Mock Juror" Methodology?

      1. Mock-juror experience not the same as the experiences of jurors in actual trials – artificiality should be taken into account when generalizing results.

      2. Still, experimental control in lab (i.e., manipulate one variable and keep all others constant) – allows for clear conclusions about the effect of variable.

V. CHILDREN AS WITNESSES

A. Video – Witness
http://www.youtube.com/watch?v=J215p0P-ieA (last visited 3/19/13)

A child may be a victim/witness.


B. Non-Sexual Assault Cases

Children are often perceived as unreliable eyewitnesses in non-sexual assault cases – cognitive processes are questioned.


C. Sexual Assault Cases

1. Children are believed more than adolescents and adults – children are generally viewed as trustworthy, especially below ten years old.

2. Males believe children LESS than females.

3. Example of research in our lab on perceptions of CSA.

<table>
<thead>
<tr>
<th>DNA Evidence Results</th>
<th>DNA + Child</th>
<th>Child Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guilty Verdict</td>
<td>88%</td>
<td>50%</td>
</tr>
<tr>
<td>Victim Belief</td>
<td>8.29</td>
<td>7.19</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sex of Participant Difference</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guilty Verdict</td>
<td>47%</td>
<td>71%</td>
</tr>
<tr>
<td>Victim Belief</td>
<td>6.91</td>
<td>7.85</td>
</tr>
</tbody>
</table>


4. Other examples of research involving CSA.

a. Repressed memories – memories claimed to have been repressed not believed as well as memories reported immediately.


b. Demeanor – an alleged child victim who cries on the stand is believed more than child who does not cry or cries hysterically.


c. Sex differences in jury deliberations – males bring up more negative comments about an alleged victim than women.


d. Parricide – adolescents who kill their parents are more likely to be convicted of manslaughter than murder if they allege sexual or physical abuse compared to when there is no abuse allegation.


e. Disclosure of CSA – lower believability when the disclosure of child sexual abuse is delayed.


f. CSI effect – mentioning the absence of critical evidence leads to more not-guilty verdicts, but no impact of watching CSI-related television shows on the results.
C. Question

Can child witnesses who have ADHD be credible witnesses to crimes?

VI. ELDER ABUSE

Any deliberate action or lack of action causing physical or emotional harm to an elderly person.

A. Research in Our Lab on Elder Abuse

1. Elder physical abuse – women believed an alleged victim more and rendered a guilty verdict (84 percent) more often than men (65 percent).


2. Elder neglect – fewer guilty verdicts when the alleged victim had a cognitive deficit (33 percent) than when she did not (59 percent).


3. Elder sexual abuse – very low number of guilty verdicts.

4. Institutional elder neglect: (civil suits) importance of having a witness to the neglect.


5. Elder financial abuse – younger and older mock jurors convict more often than middle-aged mock jurors.


B. Question

When is KRS 209 ever used to prosecute someone?

VII. STALKING

A. Examples of Research


2. Other ongoing research.

a. Attitudes impact perceptions of stalking – endorsement of particular stalking myths explained why women and men differed on some trial judgments.

b. Jury deliberation and stalking – men make more statements against the alleged victim.
VIII. DOMESTIC VIOLENCE

A. Examples of Research

1. Wives who kill their abusive husbands.
   a. Men – convict equally often regardless of a short delay from the abuse to killing or a long delay from the abuse to the killing.
   b. Women – more guilty verdicts with a long delay from the abuse to the killing compared to a short delay.
   c. Also, if victim was sleeping, the number of guilty verdicts was equal for men and women.


2. Lesbian couples.

   Mock jurors were more likely to be harsh on the defendant when the victim was feminine and more lenient on the defendant when the victim was masculine.


IX. ADULT RAPE

A. Example of Research on Adult Rape

1. Victim intoxication.
   a. Victim intoxicated – perpetrator bought beer.
   b. Victim intoxicated – victim bought beer.
c. Victim sober – perpetrator bought colas.

d. Victim sober – victim bought colas.

Victim intoxication resulted in significantly lower victim credibility ratings than no intoxication.

However, mock jurors rendered more guilty verdicts and made more pro-victim judgments (e.g., alleged victim credibility) when the perpetrator bought the drinks vs. the victim, regardless of victim intoxication or sobriety.


2. Sexual assault nurse examiners – lead to greater victim credibility and increase the number of guilty verdicts.


3. Marital rape – verdict did not differ between married and living-together conditions, but participant gender predicted verdict such that males were less likely to render guilty verdicts for both the rape and assault charges than females.


B. Question

What are your thoughts on concurrent criminal and civil cases and the issue of impeachment of the accused in the former?