

Introduction:

Research Questions

1. Can jurors follow judicial instructions and avoid outside information
2. If unable to do so, will biased social media pretrial publicity (PTP) lead to more guilty verdicts
3. Will biased social media PTP lead to more guilty verdicts than traditional PTP
4. Can jurors distinguish between the sources of information presented during trial versus information presented via social media

Background

Traditional PTP

- Biased PTP has prevented mock jurors from making decisions based only on trial evidence (Carlson & Russo, 2001; Dexter, Cutler, & Moran, 1992)
- Biased PTP affects verdict decisions, perceptions of defendant credibility, juror emotion, and pre-decisional distortion. (Ruva, Guenther, & Yarbrough, 2011)

Judicial Instructions

- Judicial instructions to ignore all information outside of a trial did not mediate the effects of biased PTP on juror decision making (Fein, McCloskey, and Tomlinson, 1997)

Source Monitoring

- Jurors exposed to negative PTP made more source monitoring errors than those who were not (Ruva, McEvoy, & Bryant, 2007)

Social Media

- In the U.S. 65% of adults and 90% of 18-29 year olds are active social media users (Perrin, 2015; Duggan & Brenner, 2013)
- False information on social media is particularly detrimental; doctored photos have the propensity to change a persons future actions (Sacchi, Agnoli, and Loftus, 2007)

Implications:

It is essential to investigate the extent to which social media effects memory both because of its implications for biasing the outcomes of a criminal trial as well as its propensity for misinformation. Since social media platforms do not monitor factuality, false information can easily be disseminated through their platform. Therefore, jurors may be exposed to inaccuracies surrounding the facts of the trial as a result of social media. If PTP is biasing, it is possible that courts should institute signal blockers, cellphone forfeiture for court, or possible fines for jurors who break these rules to help alleviate some biases. It is also possible that defendants have been unfairly convicted based on a virtual self they may not have curated. This idea needs to be further investigated. This study can be the basis of a greater conversation on the fairness of trials in the technology age and the future of the courts in the United States

Methods

Design 1:

2 (Instagram: Yes vs. No) x
2 (Trial Info: Early vs. Late) x
2 (Instruction: Follow vs. Not)

Design 2:

2 (Trial Info: Early vs. Late) x 2
(Instruction follow vs. Not) x 2
(Media: Traditional vs. Social media)

- **Pilot 1-** Test the validity of the police vignette to yield an even amount of guilty and not guilty verdicts

Procedure

- Participants will read the police report and make a decision on guilt
- They will also rate the extent to which each piece of evidence influenced their decision

- **Pilot 2** – Test the validity of the biased Instagram posts to yield more guilty than not guilty verdicts

Procedure

- participants will follow a lab Instagram account with biased posts. Participants will make decisions on guilt
- Participants will also rate the extent to which each post influenced them

- **Pilot 3** – Test the validity of biased traditional to yield more guilty than not guilty verdicts

Procedure-

- Participants will come into the lab to read through a TIME magazine article with the same biased information as in the Instagram posts.
- After reading the posts participants will make a decision on guilt and rate which pieces of information influence their decisions

Study 1

Procedure

Trial Information-

Participants either begin with a police report vignette or read it immediately before final recall survey.

- **Instagram Follow** – Half of the participants will be told to follow the Instagram account while ignore it. During this phase all participants wait for a week for the final recall task regardless of condition. Participants who do not follow the Instagram account will serve as the control group

- **Judicial Instructions-** Participants in the Instagram condition will choose whether or not to follow the instructions to ignore trial-related information

- **Final Recall Task-** Participants will be asked 1. Decide guilt 2. to recall the facts of the case 3. Explain where they found this information 4. Rate their confidence

Study 2

- **Procedure** – the procedure is almost identical, however there is no control (no media) condition

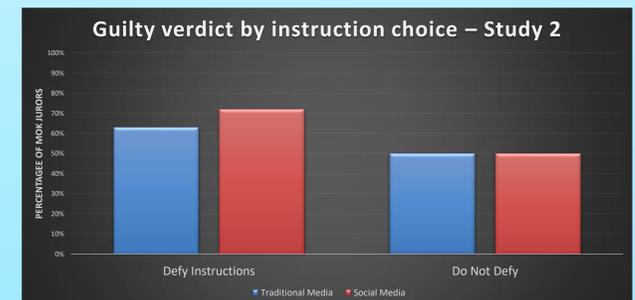
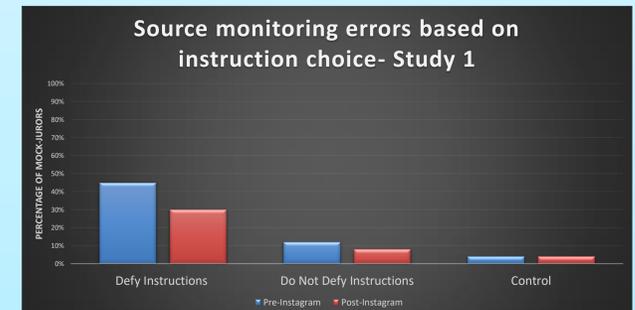
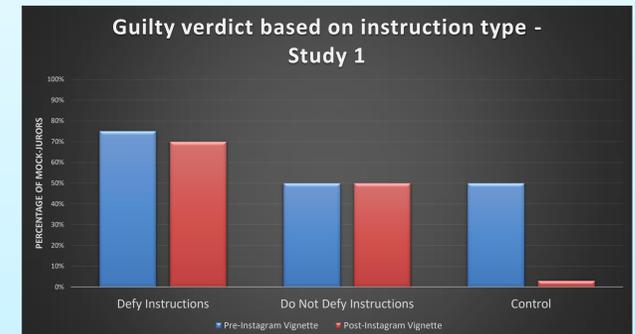
- **Trial Information-** identical to study 1- half participants early, half late.

- **Traditional media-** Half of the Participants will come in the lab receive the biased news article, but told to ignore it
- **Social media-** half the participants will be in this condition. It is identical to the Instagram follow condition in Study 1

- **Judicial Instructions** – identical to that of study 1 – choose to follow or not follow

- **Final Recall Task** – Identical to study 1

Expected Results:



References:

- Bourgeois, M. J., Horowitz, I. A., Forsterlee, L., & Grahe, J. (1995). Nominal and interactive groups: Effects of preinstruction and deliberations on decisions and evidence recall in complex trials. *Journal of Applied Psychology, 80*(1), 58–67. doi: 10.1037/0021-9010.80.1.58
- Carlson, K. A., & Russo, J. E. (2001). Biased interpretation of evidence by mock jurors. *Journal of Experimental Psychology: Applied, 7*(2), 91–103. doi: 10.1037/1076-898x.7.2.91
- Fein, S., McCloskey, A. L., & Tomlinson, T. M. (1997). Can the Jury Disregard that Information? The Use of Suspicion to Reduce the Prejudicial Effects of Pretrial Publicity and Inadmissible Testimony. *Personality and Social Psychology Bulletin, 23*(11), 1215–1226. <https://doi.org/10.1177/01461672972311008>
- Imrich, D. J., Mullin, C., & Linz, D. (1995). Measuring the extent of prejudicial pretrial publicity in major American newspapers: A content analysis. *Journal of Communication, 45*, 94–117. <https://doi.org/10.1177/002204269504500109>
- Johnson, M. K., Hashtroudi, S., & Lindsay, D. S. (1993). Source monitoring. *Psychological Bulletin, 114*, 3–28
- Perrin, A. (2015). Social media usage. Pew Research Center. Available at https://static1.squarespace.com/static/56698c26e0327c6cd4b4a9c0/t/56cb504e356fb0ad1dc200dc/1456164942915/PI_2015-10-08_Social-Networking-Usage-2005-2015_FINAL.pdf
- Ruva, C. L., Guenther, C. C., & Yarbrough, A. (2011). Positive and Negative Pretrial Publicity. *Criminal Justice and Behavior, 38*(5), 511–534. doi: 10.1177/0093854811400823
- Ruva, C. L., & McEvoy, C. (2008). Negative and positive pretrial publicity affect juror memory and decision making. Retrieved from <https://www.ncbi.nlm.nih.gov/pubmed/18808276>
- Ruva, C., McEvoy, C., & Bryant, J. B. (2007). Erratum: Effects of pre-trial publicity and jury deliberation on juror bias and source memory errors. *Applied Cognitive Psychology, 21*(1), i-i. doi: 10.1002/acp.1292
- Sacchi, D. L., Agnoli, F., & Loftus, E. F. (2007). Changing history: Doctored photographs affect memory for past public events. *Applied Cognitive Psychology, 21*(8), 1005–1022. <https://doi.org/10.1002/acp.1394>
- Stebly, N. M., Besirevic, J., Fulero, S. M., & Jimenez-Lorente, B. (1999). The effects of pretrial publicity on juror verdicts: A meta-analytic review. *Law and Human Behavior, 23*, 219–235. doi:10.1007/s10979-006-9039-7