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ILR Impact Brief - Evidence, Police Credibility, and Race Affect Juror First Votes

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Abstract
The question of why jurors decide to acquit or convict the defendant in criminal trials has long intrigued researchers. Earlier studies found only weak ties between jurors' views of the case and juror demographics (gender, age, race), although some researchers noted a possible exception for the effect of race. The influence of jurors' attitudes/values is not well understood, but some researchers have suggested that opinions about capital punishment may affect jurors' votes in murder trials. There is consensus, however, that the strength of the evidence is a critical variable in jury verdicts. Researchers also generally agree that a jury's final vote is affected by the dynamics of deliberation and by the size of the initial majority (tally of the first votes).

Using data supplied by the National Center for State Courts, this study isolated the effects of juror demographics and attitudes and case characteristics on jurors' preliminary verdict preferences in criminal trials held in Los Angeles, CA, Maricopa County (Phoenix), AZ, Bronx, NY, and Washington, D.C. during the period June, 2000 to August, 2001. The demographic data included the age, gender, and race of the jurors and the race of the defendant; the attitudinal data concerned juror perceptions about the fairness of the law, the harshness of the consequences for the defendant, and the credibility of police testimony; the case characteristics centered on the presence or absence of a victim. Researchers controlled for the influence of the initial majority and the effect of deliberations on the final outcome by focusing on the first (pre-deliberation) vote. They controlled for the strength of the evidence by comparing jurors' assessment of the proof presented against that of the presiding judge; in fact, the study found that the judge's evaluation of the evidence was strongly associated with jurors' first vote.

Keywords
evidence, law, police, race, jury, trial

Comments

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IMPACT BRIEF

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Evidence, Police Credibility, and Race Affect Juror First Votes

Research question: What explains the first vote jurors take, before they begin deliberations, in a criminal trial?

Conclusion: In the four jurisdictions studied, the strength of the evidence and the credibility of the police significantly affected jurors' initial assessment of criminal cases. In other words, the more damning the evidence, the more likely was a vote to convict, and vice versa; the more believable the police testimony, the more likely was a vote to convict, and vice versa. Jurors' attitudes and beliefs about the fairness of the law at issue and the effect of the outcome on the defendant, as well as jurors' race and that of the defendant, also influenced the first (pre-deliberation) vote in some jurisdictions. Whether the case involved a victim or not was another variable affecting juror first votes, more or less strongly depending on the jurisdiction.

Policy implications: Conclusions from this study reinforce extant research and also offer new insights into the relationship between individual characteristics (juror attitudes and juror and defendant personal demographics) and features of criminal trials (type of offense, strength of evidence, credibility of police). The study also demonstrates that understanding jury behavior requires analysis at the local level despite several findings that held across the four jurisdictions examined here.

Abstract: The question of why jurors decide to acquit or convict the defendant in criminal trials has long intrigued researchers. Earlier studies found only weak ties between jurors' views of the case and juror demographics (gender, age, race), although some researchers noted a possible exception for the effect of race. The influence of jurors' attitudes/values is not well understood, but some researchers have suggested that opinions about capital punishment may affect jurors' votes in murder trials. There is consensus, however, that the strength of the evidence is a critical variable in jury verdicts. Researchers also generally agree that a jury's final vote is affected by the dynamics of deliberation and by the size of the initial majority (tally of the first votes).

Using data supplied by the National Center for State Courts, this study isolated the effects of juror demographics and attitudes and case characteristics on jurors' preliminary verdict preferences in criminal trials held in Los Angeles, CA, Maricopa County (Phoenix), AZ, Bronx, NY, and Washington, D.C. during the period June, 2000 to August, 2001. The demographic data included the age, gender, and race of the jurors and the race of the defendant; the attitudinal data concerned juror perceptions about the fairness of the law, the harshness of the consequences for the defendant, and the credibility of police testimony; the case characteristics centered on the presence or absence of a victim. Researchers controlled for the influence of the initial majority and the effect of deliberations on the final outcome by focusing on the first (pre-deliberation) vote. They controlled for the strength of the evidence by comparing jurors' assessment of the proof presented against

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that of the presiding judge; in fact, the study found that the judge's evaluation of the evidence was strongly associated with jurors' first vote.

Several key results emerged from all four jurisdictions in the study. The most significant was confirmation that the strength of the evidence and juror perceptions about police duplicity are the most critical factors affecting jurors' first vote. Jurors pay attention to the evidence and are inclined, initially at least, to vote for acquittal if the prosecutor's evidence is weak; they likewise listen to police witnesses and again are initially inclined to vote for acquittal if the testimony is not credible. Further analysis of the data uncovered some race-related distinctions: white jurors are most likely to vote for conviction while African-American jurors are most likely to vote not guilty, particularly when the case involves an African-American or Hispanic defendant. The first-vote acquittal bias among African-American jurors holds regardless of their attitudes about the law, the consequences, or police credibility.

Unlike the weight of the evidence, which was correlated with first votes in all of the statistical models tested, the impact of race and attitude on jurors' first vote varied according to the type of case being tried. If the crime involved a victim, race lost significance but attitudes did not. That is, the first vote was influenced by the proof presented and beliefs about the law, the consequences, and police credibility. If the crime was victimless, the effects of race were important but only one attitude variable – the believability of police testimony — was critical. African-American jurors, in particular, tended to vote not guilty when the crime was victimless and the case involved a minority defendant.

Breaking down and analyzing the data by jurisdiction generated a more varied picture. Jurors in Los Angeles were a cross-section of the city's diverse population; they were influenced similarly and by the same factors as the total pool of jurors although the race effect for victimless crimes disappeared. White jurors dominated in Maricopa County; in the small sample of cases involving a white defendant and a victim, jurors were initially less inclined to vote for conviction. In the Bronx, mostly minority jurors sat in judgment of minority defendants with no significant race effect evident. The results from Washington D.C., by contrast, were distinctive. This was the only jurisdiction where jurors were about evenly split between African-Americans and whites (Hispanics were a much smaller group), defendants were primarily African-American, and jurors' first vote was strongly correlated with race; African-American jurors were less likely to cast a guilty vote against minority defendants regardless of the type of crime. The researchers also found a glimmer of evidence that the race effect evaporates during jury deliberations although more research is required to better understand the impact of deliberations on the final outcome.

Methodology: A survey by the National Center for State Courts, involving 3,497 jurors from more than 300 criminal trials in four jurisdictions, yielded data for this research. The authors used statistical models to test the effect of key demographic, attitudinal, and case characteristic variables, in various combinations, on juror first votes.

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