An Examination of the Relationship between Juror Attitudes, Psychological Constructs, and Verdict Decisions within Rape Trials

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Abstract

For many, the English criminal justice system is considered to be among the best in the world. An important feature of the system's success is thought to be the jury trial whereby in the most serious of cases, use of ordinary citizens to determine guilt is thought to make for fairer verdict outcomes. Yet despite being a more democratic process, questionable verdicts and low conviction rates for crimes such as rape have led many to question how impartial lay jurors are likely to be and to what extent preconceived biases may in fact be influencing verdict decisions. The overarching aim of the current thesis was thereby to examine the relationship between personal characteristics and juror decisions. Specifically, the role of psychopathic personality traits, rape attitudes, and juror demographics upon individual decision formation were examined. Another aim was to develop and validate a self-report measure of individual juror decision making, directly integrating theoretical features of the dominant model of jury decision making into an empirically testable scale. Tested separately between two independent samples within Experiment one, an opportunity sample of 324 university students comprised within 27 separate jury panels observed a videotaped mock rape trial before making individual and collective decisions. Within Experiment two, a systematic randomly selected sample of 100 community participants comprised within nine separate jury panels observed a live rape trial re-enactment before making individual and collective decisions. All participants completed demographic, attitudinal, and psychological self-report measures before the onset of the trial including; the Psychopathic Personality Trait Scale (PPTS), Acceptance of Modern Myths about Sexual Aggression (AMMSA), and the Juror Decision Scale (JDS). Results displayed evidence of a discernible relationship between juror's psycho-social make-up and the verdict decisions made during trial. Latent profile analyses revealed psychopathic personality traits were significantly associated with verdict preferences in the community sample and regression analyses displayed elevated rape attitude scores were consistent predictors of Not Guilty verdict decisions across both samples, pre and post-deliberation. Confirmatory factorial techniques displayed a bifactor model with three meaningful factors while controlling for the general factor was the best representation of the JDS data, with the three subscales evidencing differential predictive validity with external variables. Finally, path analyses revealed the structure of the relationship between all variables and verdict decisions, providing further evidence for the role of juror characteristics. These findings strongly support the assertion that within rape trials, juror decisions are directly related with the attitudes and psychological constructs jurors bring to trial. Evidence that a juror's psycho-social make-up affects their interpretation of the evidence and ultimately predisposes them towards particular verdict decisions, gives rise to the possibility of needing to screen biased individuals out the jury trial process in the future. Whether change occurs or not to such historical English jury procedures, what can no longer be simply dismissed, is the role of individual juror bias upon trial outcomes within rape.

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AIC	Akaike Information Criterion
AMMSA	Acceptance of Modern Myths about Sexual Aggression
AR	Affective Responsiveness
α	Cronbach's Alpha
β	Standardized Regression Weight
BAME	Black Asian Minority Ethnic
BIC	Bayesian Information Criterion
BILII	British and Irish Legal Information Institute
BPS	British Psychological Society
CCTV	Closed Circuit Television
CEST	Cognitive-Experiential Self-Theory
CFA	Confirmatory Factor Analysis
CFI	Comparative Fit Index
CI	Confidence Interval
CJS	Criminal Justice System
COMP	Complainant Believability
CON	Decision Confidence
CPS	Crown Prosecution Service
CR	Cognitive Responsiveness
CSI	Crime Scene Investigation
d	Cohen's *d* effect size
df	Degree of Freedom
DNA	Deoxyribonucleic acid

EGO	Egocentrism
E&W	England and Wales
G	General factor
HM	Her Majesties
HMCTS	Her Majesties Courts and Tribunal Service
IPM	Interpersonal Manipulation
JDM	Jury Decision Making
JDS	Juror Decision Scale
LRT	Likelihood Ratio Test
M	Mean
Mdn	Median
ML	Maximum likelihood
MOJ	Ministry of Justice
N	Number of participants
n.d	No date
ONS	Office of National Statistics
OPV	One-Person Verdict
OR	Odds Ratio
p	Probability
PCL-R	Psychopathy Checklist – Revised
PPI-R	Psychopathic Personality Inventory - Revised
PPTM	Psychopathic Personality Traits Model
PPTS	Psychopathic Personality Traits Scale
r	Correlation Coefficient
RMA	Rape myth acceptance

RMAS	Rape Myth Acceptance Scale
RMSEA	Root-Mean-Square Error of Approximation
RMSR	Root Mean-Square Residual
RSES	Rosenberg Self-Esteem Scale
SD	Standard Deviation
SE	Standard Error
SES	Socio-economic status
SREP	School Research Ethics Panel
SRMR	Standardized-Root-Mean-Square-Residual
SSA-BIA	Sample Size Adjusted Bayesian Information Criterion
t	T-Test value
TLI	Tucker Lewis Index
UK	United Kingdom
US	United States
VD1	Verdict Decision 1
VD2	Verdict Decision 2
VIF	Variance Inflation Factor
WHO	World Health Organization
χ^2	Chi-square
λi	Standardized factor loading

Chapter 1: Background Introduction

ABSTRACT

Criminal justice systems throughout the world have long considered jury trials to be an essential feature of a fair and just due process. Grounded in the premise that involvement of lay decision makers provides an important safeguard to liberty, use of jurors within legal disputes is widely attributed as defending against overbearing state control and thereby considered to represent the cornerstone of a demographic society (Conrad, 2013). Today, jury trials continue to be both valued and criticised for their involvement of lay persons within legal proceedings, but nonetheless remain in over forty countries throughout the world (Kaplan & Martin, 2013; Vidmar, 2002). Despite this, the scientific study of this style of justice remains notoriously difficult to test, with legal restrictions often preventing researchers from gaining access to the jury room and jurors themselves. Specifically, within England and Wales, various legislation prohibits jurors from disclosing any aspect of their deliberations, a restriction which many believe to have hindered research surrounding the efficacy and fairness of jury decisions (Darbyshire, Maughan, & Stewart, 2002; Zander, 2005). Whilst the social sciences have developed a number of alternative ways in which jury decision making can be assessed, the need for further, more ecologically representative empirical research remains apparent. In this chapter you will be introduced more thoroughly to the ideology underpinning jury trials, specifically within England and Wales (hereafter referred to as England for ease) and introduced to the objectives of the present research, which sought to examine the extent to which psychological constructs, attitudes, and inherent juror biases can impact the verdict decisions made during trial – in particular, within rape trials.

1.1 THE JURY TRIAL

Steeped in tradition and historical significance, the use of lay decision makers within legal arguments is, for many, integral to the fairness of trial outcomes. For a long time, jury trials have been thought to exemplify a democratic society, based on the assertion that "no tyrant could afford to leave a subject's freedom in the hands of twelve of his countrymen" (Devlin, 1956, p. 164). Accordingly, jury trials are publicised as a system of delivering justice by which fair and impartial decisions are more readily made. As such, verdict decisions are made not by a government employed judge but by an accused person's 'peers'. Moreover, jurors arguably provide a means of restricting the ability of an overbearing state in unfairly determining a citizen's guilt (Conrad, 2013). Certainly, support for such a notion from countries that do not make use of the jury trial is

not difficult to obtain, with recent high profile cases serving as an apparent example of judicial impropriety.

In Egypt, a short news broadcast, based upon interviews conducted with members of the Muslim brotherhood, an organisation which Egyptian authorities have outlawed (Al-Anani, 2015), recently led to the three Western employed journalists involved in the documentary's production being tried and convicted of "broadcasting false news" (Amnesty International, 2015). The charges and case had apparent political motivations, with the trial judges determining the journalist's crimes, namely the negative portrayal of the Egyptian government in the media (Amnesty International, 2015), to be worthy of three years imprisonment each. All three journalists were incarcerated for more than a year until international media attention led to the verdict being overturned (Amnesty International, 2015; Willmott & Boduszek, 2016). Similarly, the case of Ali Al-Nimr serves as a further example of state influence within judicial decision making. Aged 17, Ali Al-Nimr was sentenced to death by judges at his trial in Saudi Arabia. His alleged crime was holding a pro-democracy placard at a peaceful protest against government policies – a verdict many believed would not have been reached by a 'jury of his peers' (Amnesty International, 2016).

Central to this perspective is the notion that it is preferable to be tried for a crime by lay, non-legally trained members of society that are drawn from, and importantly representative of, the same community in which the defendant belongs. Here, jurors are expected to decide guilt based solely on the evidence presented, with decisions grounded in a collective lay consensus and are therefore largely insulated from any pressure directed from the trial judge (Darbyshire et al., 2002). The governing logic for this is thought to be that judges are often far removed from the life and experiences of those accused in criminal trials and, in principle, the decisions they make are likely to be aligned with views or policies of the state (Finkel, 1995; Vidmar & Hans, 2007). Whilst this represents the ideological premise underlying the jury system, throughout the course of this thesis you will hear how inherent bias within the jurors themselves may bring into question the core principles of trial fairness and impartiality, so heavily relied upon in jury decision making.

1.1.1 Historical Context and Alternative Systems

The earliest form of lay participation in judicial decision making is said to date as far back as Athens over 4000 years ago. Here, documented accounts display ordinary citizens drawn by lottery from the local population were often involved in deciding the guilt of an accused person (McDowell, 1978). With assistance from Norman and Viking conquests, by the end of the 11th

century the jury concept had spread in varying forms throughout Europe, with the first documented English jury trial taking place in 1220 (Kadri, 2006). Despite often being linked to the charter of English liberties – the Magna Carta of 1215 - in fact the notion of 'no free man being taken or imprisoned…except by lawful judgement of his peers' has since been dispelled as referring to a citizen's right to trial by jury (Darbyshire, 2011). Legal commentators explain 'freeman' was, at the time, limited to a select few social elite, with jury trials not becoming a routine means of justice for the ordinary citizen until around the 18th century (Kadri, 2006; McSweeny, 2014). Historical accounts do however suggest the central premise of lay participation in justice was driven by a need for greater fairness and independence within those making decisions. A desire to put an end to 'trial by ordeal' influenced the move to decide legal matters by use of 'twelve good and true men', who were to base their assessments of the facts upon locally acquired knowledge (Kadri, 2006, p. 72). However, reports of jurors being fined, starved, and imprisoned, where verdicts did not match what the judge felt it should be (Lord Denning, 1982), appears to display impartiality and fairness were perhaps more of an ideal than actuality within trials of the time.

Today, juries continue to be adopted in some form in more than forty countries throughout the world (Kaplan & Martin, 2013). In Europe, countries including France and Germany now employ a mixed jury system, where lay jurors work in conjunction with legally trained judges in order to agree upon a verdict. This jury model is credited with utilising the best features of both approaches. However, criticisms around the extent to which lay jurors may be influenced by the opinions of the judge have been raised (Hans, 2008). Alternative models known as expert assessor collaborative court models can also be found in countries including Croatia and Thailand, where jurors again decide in conjunction with professional judges, but are selected for jury service on the basis of their personal expertise where it has relevance to the case or court system, for example, teachers and youth workers preside over cases brought against children (Ivković, 2003). Many countries including the United States (US), Australia, New Zealand, and Canada inherited the jury system from the British Empire during colonisation and have retained its use to this day. As such, the all citizen model of jury decision making remains the most commonly used and, despite many procedural differences having since been introduced (i.e. variations in jury size; use of grand jury indictments; majority vs unanimous requirements), community values surrounding fairness and justice remain of central importance cross-culturally in the courtroom. Whilst jury trial procedures have clearly changed over time and place, the basic underlying premise has remained the same, in that ordinary people coming together from the community in which they collectively represent, is perceived as leading to fairer, more legitimate, and impartial verdict decisions being made.

1.2 ENGLISH JURY TRIAL

The use of juries within English civil cases and coroners' inquests have drastically declined over recent decades, thought to be the result of juror bias leading to "inconsistent and exorbitant damage awards" being given (Darbyshire, 2011, p. 544). Despite this, the criminal jury is still seen as the gold standard method of prosecuting defendants accused of serious crimes. Public opinion polls consistently display high levels of support for trial by jury, with more than 80% of British citizens strongly advocating use of the system (Bar Council, 2002; Thomas, 2007). The previous Attorney General, whose role was chief legal advisor to the British government, overseeing all Crown prosecutions brought in England, recently stated the jury system to be "an essential element of the justice system in England…deeply ingrained in our national DNA". He went on to claim that the typical perspective among legal professionals remains that "juries almost always do a conscientious job and do it effectively" (Attorney General's Office, 2013). Despite this, and the common misconception that most cases that go to court will be heard before a jury, only around 1% of English criminal cases are actually decided in this way (Thomas, 2010).

Moreover, jury trials only take place when an individual pleads not guilty to a serious crime that they have been accused of and, if found guilty, the offence carries a possible prison sentence exceeding that which can be given within the Magistrates' Court (Willmott, Boduszek, & Booth, 2017). Around 140,000 cases meet this criteria and progress to Crown Court each year and, with most defendants pleading guilty, around 30,000 progress to full jury trial (Open Justice, 2016). This results in approximately 400,000 jurors being summoned to take part in such trials every year (Davies, Croall, & Tyrer, 2010). As stated, whilst this figure amounts to just 1% of all cases prosecuted, these trials typically equate to the most serious of all offences brought before the courts, often carrying severe punishments. At a minimum cost of £1700 per day of trial, totalling hundreds of millions of pounds annually (Johnson, 2010), the need to ensure the efficacy of jury trials therefore remains undoubtedly paramount.

Procedurally, English jury trials are comprised of twelve, non-legally trained, lay individuals, who work together in their role as determiners of the facts to reach a collective verdict surrounding the guilt of the accused. This role differs from that of the judge, whose function is primarily to ensure the evidence presented at trial is in accordance with the law. Not only is jury service considered a fundamental right of English citizens, but in fact a legal requirement, in that failure to attend court once summoned can lead to the prospective juror being found in contempt of court and prosecuted themselves (Juries Act 1974, s.20). Within criminal trials, individuals are

randomly and electronically selected for jury duty from the local register for parliamentary or local government elections, and can only be excluded from partaking upon falling outside of the 18–75 age range or upon having serious mental health issues or criminal convictions (Juries Act 1974, s.1; Criminal Justice and Courts Act 2015, s.68). Residency is also a requirement, in that jurors must have been living in Britain for a minimum of five years since the age of 13 (Juries Act 1974, s.1). Importantly, once summoned and upon arriving at court, jurors are selected for specific trials using a ballet system. Here, twelve of fifteen names randomly shortlisted for each trial will be read aloud in open court and it is these individuals that will be seated for the case (Juries Act 1974, s.11). Notably, whilst efficient, the use random selection in jury trials has become both sacred and equally controversial.

1.2.1 Random Selection and Legislative Restrictions

The process of random selection is in itself highly regarded within the English jury system, considered to be a necessary component, integral to the fairness of jury decisions. In fact, random selection is held in such high esteem that the Criminal Justice Act 1988, for the most part, prohibits any questioning or peremptory challenges of jurors at trial (Lloyd-Bostock & Thomas, 1999). In comparison to the US, where extensive questioning of prospective jurors takes place pre-trial, during what is termed the voir dire process, recent amendments to English law ensures prosecutors are only permitted to request a juror 'stand aside' in cases involving issues of national security and with the Attorney General's prior authorisation (Attorney General's Office, 2012). Whilst some believe the purpose of random selection is to ensure the representativeness of jurors (McGowan, 2005), not even the trial judge is able to intervene in the composition of a jury, whether racially unrepresentative or otherwise (Zander, 2007). The only circumstances under which a juror may be challenged at trial is where obvious prejudice or bias is shown towards the defendant or other parties involved (Juries Act 1974, s.12). However, upon considering the procedural construction of jury trials, many important problems emerge.

Firstly, as jurors are asked to remain silent throughout the duration of a trial and forbidden from discussing the case until all evidence has been heard (Zander, 2001), the likelihood or opportunity for juror bias to be recognised and reported before deliberations take place is substantially reduced. Furthermore, with jurors in England also legally prohibited from disclosing any element of their deliberations under the Contempt of Court Act, 1981, it is unlikely that any juror prejudice, or explicit bias that emerges during deliberations, will be brought to the attention of the court, or exposed externally once the trial has concluded. Clearly, despite the former

Attorney General's assertion being that, "juries almost always do a conscientious job and do it effectively" (Attorney General's Office, 2013), such legal and procedural restrictions mean that where prejudice does become apparent, it is arguably unlikely that the justice system would be made aware of it.

Random selection procedures and the Contempt of Court Act, which prevent jurors from disclosing elements of their deliberations or researches from asking about such, have also faced criticism elsewhere. Eminent legal scholar Michael Zander (2005) warned the Department of Constitutional Affairs Review Committee that permitting research access into the jury decision making process may illuminate an "intolerably high degree of irrationality, prejudice, stupidity, and other forms of undesirable conduct in the jury retiring room" (p. 2), that abolition of the jury system would undoubtedly be called for. Likewise, Darbyshire et al. (2002) criticised English jury recruitment procedures for having a blind faith in random selection techniques, a problem which others argue is only intensified further upon considering deliberations are conducted in secret. This is exacerbated further when considering that decisions made are final, and require no public justification or rationale (Kapardis, 2014).

Whilst countries, such as the US, continue to see value in some form of assessment of juror attitudes alongside the need to screen out those considered to be sufficiently biased towards a given case, the amended guidelines recently released by England's Attorney General's office make it more difficult than ever to question or excuse biased jurors from trials. In fact, the effects of inherent and implicit juror bias continue to be largely ignored by the English justice system. Accordingly, the need to examine the potential impact of bias upon verdict decisions resulting from preconceived attitudes, psychological constructs, and characteristics of the jurors themselves, is more necessary than ever.

1.3 CURRENT STUDY RATIONALE

Legislative restrictions have undoubtedly hindered understanding in jury decision making. Researchers worldwide, and particularly in England, have been unable to reliably establish the accuracy of the assumption that juror decisions can be considered both fair and impartial. Whilst many studies have reported external bias effects, such as inadmissible evidence and pre-trial publicity, to be well documented in their influence upon jury decisions (Daftary-Kapur et al., 2010), bias resulting from internal, inherent, and implicit factors of the jurors themselves, has been less well evidenced and, in fact, rarely even considered within an English legal context.

The role of the individual juror's psychological make-up upon the verdict decisions made during trial remains both complex and unclear. Debate continues regarding whether psycho-social characteristics have any significant influence upon decisions made, with dominant theory and research maintaining the sway of the evidence to be greatest factor impacting verdict decisions made (Kalvin & Ziesel, 1966; Pennington & Hastie, 1992). However, as Ellsworth (1993) naturally pointed out, where individual jurors draw different conclusions surrounding which verdict is most appropriate, despite having heard the exact same testimony in a case, the evidence alone appears unlikely to be the only factor impacting decisions made. This, alongside the fact that jurors are required to deliberate at all, tends to suggest that preconceived ideas and inherent characteristics within each individual juror have some bearing upon the verdict decisions they make. Preconceived ideas which it seems implausible to assume jurors are able to simply disregard, following instructions to do so by a trial judge or during deliberations.

Little empirical research has examined such relationships within English trials, although, within a North American context, there has been some evidence of a relationship between constructs such as racial bias, adherence to authority, and belief in a just world with the verdict decisions jurors made during mock trials (Cronin, 2006; Cutler, Moran, & Narby, 1992). Whilst such explicit bias and broad personality characteristics have provided some weak evidence for the predictive ability of psycho-social constructs overall, few explorations have focused upon more implicit psychological constructs, directly relevant to the decision-making task that jurors undertake, and which are important for the deliberative process itself. In particular, research is yet to explore how psychopathic personality traits, such as egocentricity, interpersonal manipulation, and the ability to both cognitively recognise and affectively feel empathy, may impact upon jurors' verdict decisions, particularly within rape cases, where affective traits of empathy have previously appeared crucial (Debowska, Boduszek, Dhingra, Kola, & Meller-Prunska, 2015). However recent advancements in the domain of psychopathy research offer potential original avenues in which this research may now be explored.

Emerging directly out of the need to develop a clean measure of psychopathic personality uncontaminated with criminal or anti-social behavioural items, Boduszek, Debowska, Dhingra, and DeLisi (2016) devised the brief self-report Psychopathic Personality Traits Scale (PPTS). Underpinned by an alternative conceptualisation of psychopathy (see Figure 1.1), the scale allows researchers to specifically assess the essence of psychopathic personality across four core components; affective responsiveness, cognitive responsiveness, interpersonal manipulation, and egocentricity, regardless of an individual's cultural or criminal background. To date, with the

validity of the scale and general factorial composition of the PPTS displayed using confirmatory factor analysis (CFA) techniques (Boduszek et al., 2016), the scale offers a reliable means through which the association between core psychopathic personality traits and juror decisions can be tested comprehensively for the first time.

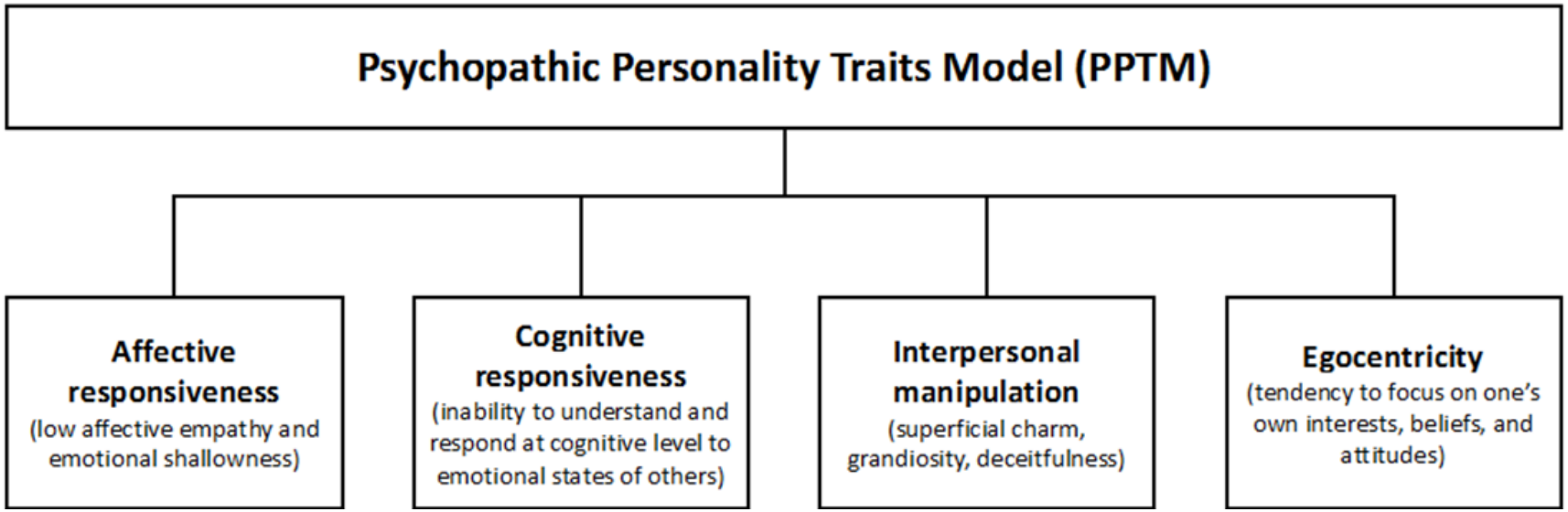

Figure 1.1: The Psychopathic Personality Traits Model (PPTM) reproduced from Boduszek, Debowska, and Willmott (2017b).

Interestingly, one area, where 'scientific jury selection' research has displayed greater associations between the individual differences of jurors and verdict inclinations, has been when measuring the attitudes of jurors related to specific case-relevant factors. Research assessing mock jurors' attitudes towards drug control, psychiatrists' reports, and expert testimony in cases relating to such factors, displayed much greater predictive ability in terms of the verdict decisions jurors were likely to make than were generated from personality features alone (Cutler et al., 1992, Moran et al., 1990). Whilst juror demographics are typically found to be weak and inconsistently related to verdict decisions in isolation, when measured in combination with case specific attitudes, studies display an apparent increase in the predictive ability that demographic factors have (Kovera et al., 2003).

Likewise, biases associated with prejudiced and preconceived attitudes surrounding sexual violence and rape, have been well documented in their effect upon jury decision making. These biases - commonly termed 'rape myths' - equate to unsubstantiated common misconceptions or beliefs surrounding what occurs during rape (Burrowes, 2013) and have been found to exist in almost every country, society, and culture throughout the world (Ward, 1995). Such rape myth acceptance and rape supportive attitudes are considered to be cognitive distortions, which develop, in part, from socially constructed norms surrounding the sexual treatment of women (Bohner et al., 1998; Debowska et al., 2015; Suarez & Gadalla, 2010; Ward & Beech, 2006). Accordingly, it stands to reason that with jurors randomly selected from the communities and society in which they live, such attitudes may impact upon the decisions they make while serving as jurors during rape trials. Examination of recent statistics appears to support such a notion. Of 34,741 allegations of rape recorded by the police in England during 2015 (Office National Statistics [ONS], 2016), just 3,851 cases proceeded to court for trial, and only 1,297 cases resulted in the defendant being convicted (Ministry of Justice [MOJ], 2016). The issue is, however, distorted further based upon recognising that rape is somewhat unique in comparison to other crimes. Little CCTV or direct witness evidence of the incident typically exists in the vast majority of rapes and, unlike other cases that reach trial, physical evidence is also generally of little value – displaying only that the physical act happened, not whether it occurred with consent (Willmott, 2016; Willmott et al., 2017).

Despite this, an array of factors have been displayed to negatively impact jurors' impartial decision making in rape cases. Factors range from victim-blame attribution as a result of wearing 'provocative clothing' (Whatley, 1996), through to a lack of belief surrounding the veracity of victim's claim, based upon delayed reporting (Raitt & Zeedyk, 1997), lack of physical injuries

(Temkin & Krahe, 2008), and a calm demeanour whilst in court (Finch & Munro, 2005). The impact of negative attitudes surrounding rape have been well documented within past research, so much so that judges in England are now encouraged to instruct jurors in related trials to avoid drawing upon similar views when forming their verdict decisions (Ellison & Munro, 2010). However, the extent to which instructions alone can prevent such deep routed societal biases from affecting the impartiality of decisions formed, remains largely untested.

Whilst research has established a link between personal sexual victimisation and the development of rape supportive attitudes in men (Debowska, Boduszek, & Willmott, 2017), no research to date has examined the relationship between sexual victimisation and voting preferences in jurors during trial. This is particularly true within the context of a rape trial, where past research would seemingly suggest that case relevant factors and rape attitudes are likely to have the greatest effect. Criticism has also centred upon the subtlety of measures traditionally used to assess rape myth acceptance in jurors, as well as the degree of reliance that can be placed upon mock simulation research findings in general, which report evidence of a relationship between rape attitudes and verdict decisions.

In fact, methodological criticisms have plagued jury research and its findings since the onset of the discipline. Highlighted legislative restrictions have meant studies typically employ weak methodological designs where concerns surrounding the usefulness and ecological validity of research are in abundance (Diamond, 1997: Lieberman & Olsen, 2009). As jury research has the potential to inform legal policy, mock trial simulations commonly conducted in unrealistic settings, presented in short written format, unrepresentative of genuine trial evidence jurors would observe, presided over by undergraduate students as individual decision makers only (i.e. no group deliberation element), is rightly questioned by legal practitioners. Of particular importance is the lack of gravity generally associated with participant decisions in that, unlike a real trial, mock jurors are undoubtedly aware that the verdicts they return relate to non-genuine cases and have no consequence upon the freedom of the defendant accused. Almost all jury research is so far removed from a genuine trial scenario that findings obtained may not accurately represent the gamut of thoughts, emotions, and internal processes that underlie actual juror decision making. As such, the need for research which measures the influence of psychological constructs upon the juror decision making task, within settings more realistic and representative of the procedures encountered in genuine criminal trials, are undoubtedly required before sound conclusions and findings can be used to guide legal procedures.

Theoretically, a number of models have also been advanced, which attempt to explain how jurors make decisions at trial, yet Pennington and Hastie's Story Model (1992) is credited as the most comprehensive and widely accepted theory to date (Groscup & Tallon, 2009). Suggesting jurors construct competing narrative accounts of evidence heard, before one version of events is selected and matched to a verdict option available, Pennington and Hastie's model details the exact decision-making process jurors are thought undertake when forming their verdict selection. Moreover, the model posits there to be three phases leading up to the formation of a verdict decision; story construction, verdict representation, and story classification (see Fig 1.2 below). Each of these phases contains several sub stages or governing criteria that stories constructed must have in order to be accepted as a viable account of events by the individual juror (Pennington & Hastie, 1993). However, the story construction phase is considered most important for individual decision formation.

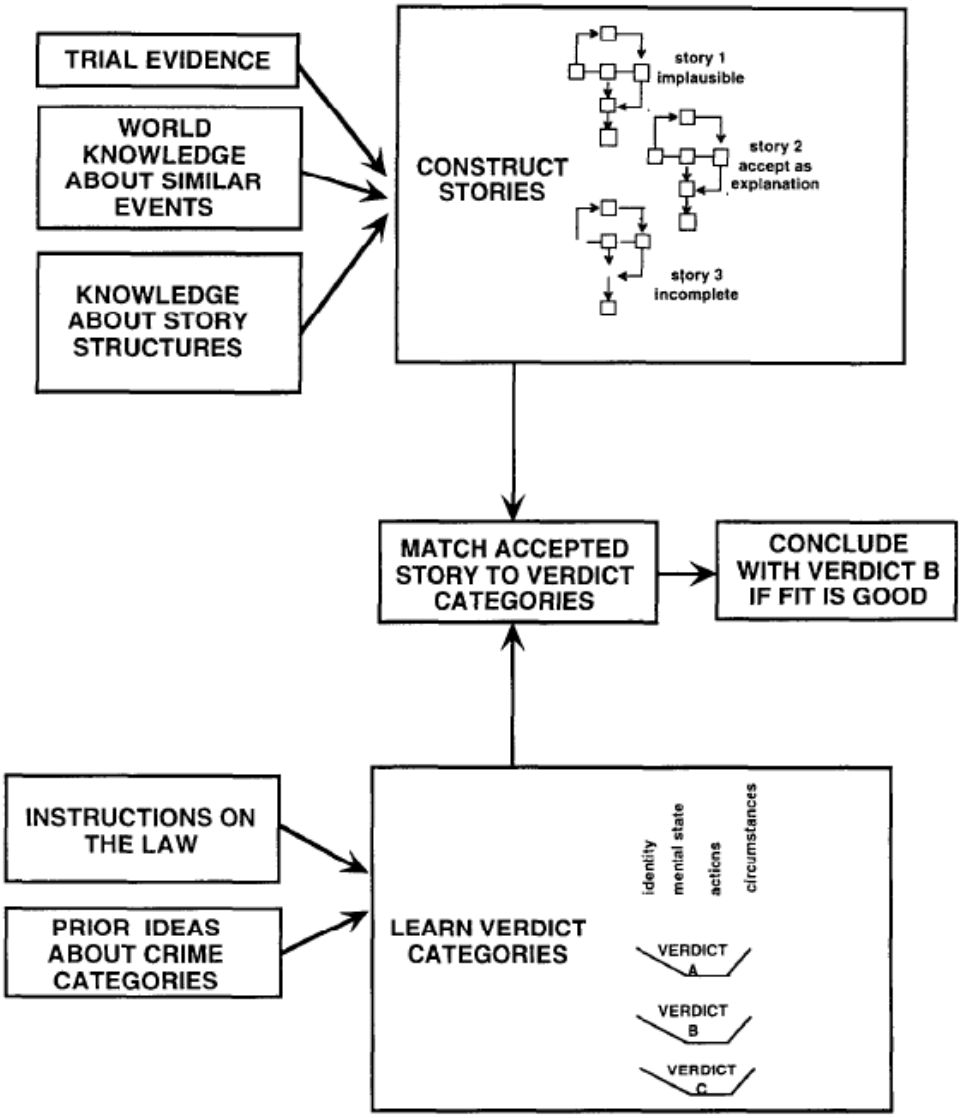

Figure 1.2: Reproduced from Pennington & Hastie's (1993) explanation based Story Model of jury decision making.

During story construction, it is proposed that competing narratives presented during trial are assessed by individual jurors according to what the author's term, certainly principles. A story constructed is only accepted when a juror considers it to have adequate; (1) coverage of crucial evidence, the quality of (2) coherence regarding how (3) consistent, (4) complete, and (5) plausible it is deemed to be, alongside being (6) unique, in that alternative equally credible explanations do not emerge from the evidence available. However, despite the model's credited comprehensiveness (Devine, 2012), the certainty principle process, thought to be operating when jurors form a particular decision, is yet to be evidenced empirically. The lack of research directly testing such core principles and underlying pathways, which the model proposes, therefore remains one of the most prominent limitations of the Story Model explanation. For a complete review and explanation of Pennington and Hastie's Story Model, refer to Chapter 2.

The rationale for this research considers such criticisms, current gaps in knowledge, and the literature displaying the apparent ease with which jurors' decisions can be biased by factors outside of the evidence. This, alongside a clear need for reliable scientific research exploring any identifiable relationship between juror characteristics and verdict decisions, supports the main focus, which is to examine the relationship between juror characteristics, psychological constructs, and crime specific attitudes upon verdict decisions made within English rape trials. Despite a plethora of past research arguing against the existence of such a relationship, finding only weak and inconsistent evidence that factors, such as personality traits, may be associated with verdict decisions, the present study seeks to explore this relationship within the context of a rape trial. Adopting a methodological approach which vastly improves upon previous simulated jury trial procedures, high in ecologically validity, alongside advanced analytical procedures never previously tested within the domain of jury research, the influence that jury characteristics may have upon juror decisions will be directly tested and presented.

1.4 THESIS AIMS AND OBJECTIVES

Previous research has indicated the role of personality traits and psychological constructs to have a weak and inconsistent relationship upon juror decision making at best. However, recognition of the weak methodological designs typically utilised within mock simulations, exhibiting low ecological validity and drawing largely upon student samples in isolation, may in itself explain such findings. A failure to adopt any form of advanced statistical procedures is also considered to be a limitation of previous research endeavours and arguably one reason why it has proved difficult to establish such a relationship. Also noteworthy, is the apparent lack of attention paid to psychological traits seemingly more relevant to the decision making task that jurors face. Therefore, the first objective of the current research was to examine the relationship between psychopathic personality traits, namely; affective responsiveness, cognitive responsiveness, interpersonal manipulation, and egocentricity (PPTS model; Boduszek, Debowska, Dhingra, & DeLisi, 2016), upon mock juror verdict decisions across two time-points: pre-deliberation and post-deliberation. Furthermore, in accordance with the experimental design adopted, purposely designed to be high in ecological validity so that reliable empirical exploration can be sought, the relationship between psychopathic personality traits and juror decisions were examined utilising latent variable modelling procedures. Specifically, latent profiling analyses were conducted using two independent samples: an opportunity student sample and a systematically randomly selected community sample (Chapter 4.1).

Previous mock jury studies indicate the importance of rape supportive attitudes upon verdict outcomes, displaying high levels of rape myth acceptance to negatively bias jurors' perceptions of the complainant. Yet the rape attitude scales typically used within past research have been criticised for their lack of subtlety. More importantly, the methodological procedures utilised in such explorations have, for the most part, lacked external and ecological validity, resulting in a general disregard for the findings and lack of uptake by policy makers. Research is also yet to examine the role of previous victimisation upon juror decision making, examined alongside rape attitudes and juror demographics. Therefore, the second objective of the research sought to verify whether psycho-social factors were significant predictors of juror decisions within the context of a realistic mock rape trial. To do this, a scale specifically developed to be a more subtle measure of rape myth acceptance, termed the Acceptance of Modern Myths about Sexual Aggression (AMMSA; Gerger, Kley, Bohner, & Siebler, 2007), was utilised alongside victimisation and demographic variables. This aim was tested using binary logistic regression analysis, again upon the two independent samples: an opportunity student sample and

systematically randomly selected community sample, both across two individual juror decision points: pre-deliberation and post-deliberation (Chapter 4.2).

Due to a lack of empirical evidence testing, an important underlying feature of the story model, the dominant explanation of juror decision making, the third objective of the current research sought to develop and validate a measure of the core component of the theory. Therefore, in order to devise and validate a measure of individual juror decision making relative to criminal trials, directly integrating the theoretical certainty principle features within an empirically testable scale, construct validity and dimensionality of the Juror Decision Scale (JDS) was investigated, using confirmatory factor analysis (Chapter 4.3).

Whilst a direct relationship between juror characteristics and verdict decisions was tested within the aforementioned objectives, what was missing within the current exploration was an examination of the directed dependence of all constructs used in the study upon the Jury Decision Scale (JDS) sub-scales factors (emerging from the CFA conducted above), and the subsequent dependence of the three JDS factors upon the verdict decisions jurors ultimately make. In other words, conducting a path analysis allows the relationship between psychopathic personality traits, rape attitudes, witness believability, decision confidence, and verdict outcomes to be examined within a structured model. Therefore, the main objectives of the current analyses were firstly, to test whether psychopathic personality traits (PPTS) and attitudes towards sexual aggression (AMMSA) were significantly correlated with juror beliefs in a complainant and defendant's stories and confidence in verdict decisions (measured through the three factors of the JDS). Secondly, it aims to test whether the three JDS factors were significantly correlated with individual juror verdict decisions at both verdict decision time points (pre-deliberation and post-deliberation) and between experimental samples (student and community jurors) (Chapter 4.4).

Chapter 2: Literature Review

ABSTRACT

This chapter introduces the literature which surrounds jury decision-making. Relevant for understanding the background to the research, an overview of the discipline, methodologies employed, and circumstances under which jury research began, are outlined briefly. The sub-discipline of scientific jury selection, popular within North America and in particular the United States, is also discussed. More pertinent to the present study objectives, the problem of juror bias is explained, reviewing literature which discusses areas where detailed understanding now exists and, more importantly, the problem of inherent juror bias, which remains under-developed. Specifically, research surrounding the extent to which psycho-social juror characteristics may directly impact upon impartiality and, in fact, predispose jurors towards particular verdict decisions is reviewed in depth. Dominant theoretical accounts of jury decision-making are also discussed, reviewing the evidence base underlying juror-level models and highlighting where gaps in current empirical support for those most commonly adopted occur, in turn providing an opportunity for further development. Finally, a more holistic review of the methodological procedures that jury research typically employs is also conducted, highlighting intrinsic limitations therein, and again outlining the need for advancements within future research, a premise which remains central throughout the thesis.

2.1 JURY DECISION MAKING

Whilst the first documented use of jury trials dates back to ancient Egypt more than four thousand years ago (Kapardis, 2014), the scientific study of the process is a more modern enterprise. Yet, despite being somewhat in its infancy when compared to other disciplines, over the past seven decades the application of psychological principles within the field of jury decision-making have led to significant developments in understanding. Studies examining a multitude of factors have displayed a wide range of psychological phenomena are capable of influencing jury decisions during trial. In fact, despite some research focusing upon procedural functionality of the jury system from a legal-economic perspective (for example, what number of individuals are optimal for a jury panel to operate effectively – see Devine et al., 2001), the primary endeavour of almost all jury research today is to better understand the influence of psychological factors upon deliberations and decision formation. A vast array of sub-disciplines of jury decision-making research exist and have become distinct research domains in themselves, including studying the

effects of pre-trial publicity, judges' instructions and legal directions, witness appearance, minority-majority juror influence, inadmissible evidence, and preconceived bias (for a review, see Daftary-Kapur, Dumas, & Penrod, 2010). Despite this, a myriad of uncertainty and disagreement continues to surround fundamental assumptions of the jury process. Whether jury decisions can be considered fair and impartial, and whether verdict outcomes are underpinned by an unbiased assessment of the evidence, continues to divide psycho-legal opinion. More specifically, the extent to which preconceived factors can influence, and may actually predict the verdict decisions that jurors ultimately make, remains a staunch source of disagreement within the literature.

2.1.1 Research Origins

Beginning in the 1950s, the Chicago Jury Project constituted the earliest empirical exploration of jury decision-making (cf. Zeisel, Kalven, & Buckholz, 1958; Kalven & Zeisel, 1966) and was considered somewhat revolutionary at the time, in its attempt to better understand the functionality of jury trials, whilst making use of social science methodologies. Central to the project's objectives was to bring lawyers and social scientists together, to try to comprehend the efficacy of the jury decision-making process (Kalven & Zeisel, 1966). Unprecedented access led to the researchers involved obtaining data from 3576 criminal jury trials, which was later used to compare genuine jury verdict outcomes with hypothetical verdicts rendered by real judges, based upon the same cases. Results revealed judge-jury agreement occurred in more than 75% of trial outcomes, a figure which at the time was offered as strong evidence in support of the jury system's effectiveness (Kalven & Zeisel, 1966). Arguably, however, such results may not have been interpreted in the same way today. With advancements made in understanding the apparent biasing influence that judicial directions and a judge's summary instructions in particular, can have upon juror decisions (Gray, 2006), alongside changes in societal attitudes towards criminal justice (Gottlieb, 2017), judge-jury disagreement at a rate of one in four criminal trials would perhaps no longer be considered an acceptable rate of tolerance for potential miscarriages of justice.

Despite being widely recognised for its early attempts to empirically examine the jury decision-making process, the end of the Chicago Project led to a temporary pausation in research surrounding jury functionality (DeMatteo & Anumba, 2009). One explanation for this, as suggested by Greene et al. (2002), was the uncertainty that emerged as a result of the projects findings, which seemingly highlighted the issue of defining where the study of jury decision-making belonged within the social sciences. Moreover, attempting to understand whether the study of group dynamics and functioning, individual mental processing, and evaluative reasoning within

the context of a deliberating jury panel belonged to the domain of social, cognitive or forensic psychology, left the phenomenon largely absent from research exploration until its revival during the 1970s (Green et al., 2002).

Perhaps more significantly, the experimental explorations of Kalven and Zeisel's (1966) Chicago Project also involved accessing genuine jury panel deliberations within American federal court cases. However, after it emerged that the secret recording of the deliberation process without jurors' prior knowledge was a feature of the research, both federal and state law began heavily restricting research access into the jury room thereafter (Devine et al., 2001). Many of the resulting restrictions imposed then, still remain throughout the US today (Lieberman & Krauss, 2009). Notably, with similar restrictions enshrined within Canada's 1985 Criminal Code legislation and England's 1981 Contempt of Court Act, which for the most part prohibits jurors from disclosing any element of their deliberations publicly, research high in ecological validity has remained largely absent in the literature. Particularly within the United Kingdom (UK) and England more specifically (Zander, 2005), where legislation prevents jurors and researchers from discussing almost every aspect of the decision-making process (see Chapter One for a more comprehensive review). However, whilst such restrictions undoubtedly hindered research in the area, they also led researchers to develop a number of alternative approaches in which jurors could be studied and forced the differing psychological disciplines to begin more focused empirical investigation into particular features of the jury decision-making process – for the most part focusing upon bias.

2.1.2 Research Methodologies

Most research surrounding jury decision-making has adopted one of four principal methodological approaches including; field studies, examination of archival records, post-deliberation interviews, and mock jury simulations (Abbott & Batt, 1999; Devine et al., 2001). Field Studies involve natural observations of real jurors during trial (Kerr & Bray, 2005). Whilst rarer than other methods used, due to the difficulties that researchers experience in these settings, with access to jurors being heavily restricted so as not to interfere with the trial outcome, field studies typically ensure a greater degree of ecological validity is found within the research (DeMatteo & Anumba, 2009; Willmott, 2017). Moreover, studies examining the relationship between initial verdict preferences and final verdict decisions, by observing genuine juror deliberations, were able to reliably demonstrate that in 90% of cases examined, the initial verdict favoured by the majority of the jurors was found to be the final verdict returned (Kalven & Zeisel, 1966; Sandys & Dillehay, 1995). Yet, whilst reliable and high-in-ecological validity, many

commentators outline limitations of such studies relate not only to a lack of cohesion between jury field study findings and laboratory based simulations (Keller & Weiner, 2010; Weiten & Diamond, 1979), but the often lack of generalisability such field studies have, resulting from the small sample sizes achievable when using such an approach (Kerr & Bray, 2005).

In contrast, archival records are a form of secondary data, initially recorded for another purpose (Willmott, 2017). As well as police records and prosecution case files, courtroom transcriptions of a trial are used by researchers to study judicial decision making. Trial transcripts are, however, the most frequent form of archived material used to study jury functionality retrospectively, involving researchers coding transcripts in an attempt to identify relationships between certain case characteristics and verdict outcomes (Dunn, 2003). Although archived materials provide a rich source of information surrounding jury trials, they can be difficult and expensive to access. In England, for example, trial transcriptions are typically outsourced by each criminal court to private companies. As such, accessing trial recordings are often charged by the hour of transcription requested and can be subject to legal embargos depending upon the case requested (cf. Her Majesties Courts and Tribunal Service [HMCTS], n.d.). Further limitations with this method of investigating jury decision-making surround the lack of control researchers have over what data has been recorded, with studies reporting that gaining access to important information missing from the case transcripts proves extremely difficult and often impossible to obtain retrospectively (Kerr & Bray, 2005). Perhaps more importantly, such transcripts also provide no direct insight into the deliberative process itself or individual juror's decision formation – only what information they were exposed to prior to making such decisions.

Post-deliberation interviews are another highly rich source of information, allowing researchers to directly ask genuine jurors questions about their decisions, alongside what occurred during deliberations. However, as highlighted previously, this method is not permitted in most countries which utilise the jury system and generally only takes place within the US. Even then, research suggests such interviews are likely to be affected by inaccuracies and biases in juror memories (Schuller & Yarmey, 2001). Another notable limitation is that rarely are all jurors on a particular jury panel interviewed about what took place. This therefore results in data seemingly equating to little more than an uncorroborated and subjective interpretation of the deliberative process, according to a small number of the jurors that were present. Nonetheless, any access or insight provided by genuine trial jurors is beneficial to the development of current understanding of the decision-making process undertaken during trial. Something which Dunn (2003) suggests

is likely to prove increasingly useful, as the method continues to grow in popularity in countries around the world.

Finally, mock jury trial simulations are by far the most common methodology used to study juror behaviour, typically involving the recruitment of individuals asked to take on the role of a juror, who subsequently partake in some form of simulated trial (Willmott, 2017). Whilst likely the furthest removed from a genuine trial environment, mock simulations allow researchers to employ experimental control over important aspects of the jury process, thereby offering a greater degree of insight into the psychological mechanisms underlying juror thinking and decision making. In fact, recent reviews have shown the systematic manipulation of variables of interest, alongside methodological controls employed, have produced empirical evidence of numerous psychological phenomenon influencing juror decision-making (Daftary-Kapur, Dumas, & Penrod, 2010; Devine et al., 2001). However, as attempts to verify and validate the reliability of such simulation research have increased, so too have criticisms of the approach.

Central to the debate is the extent to which mock trial simulation research findings exhibit external and ecological validity, and should therefore be used to inform understanding of genuine juror behaviour. A notable strength, but equally a limitation of the mock simulation methodology, is the diverse range of experimental factors that can be varied and controlled. Bray and Kerr's (1982) early meta-analysis found wide variation between studies relative to the following: the subject populations used (students vs community); research settings adopted (classroom, laboratory, courtroom); evidence presentation format (written vignette, video, live); extent of evidence included (case summary vs full recreation); and variable level of measurement (dichotomous vs continuous). Similarly, attempts to re-evaluate more contemporary mock trial research have displayed a largely consistent pattern of variation in the experimental designs employed (Bornstein, 1999; Keller & Weiner, 2011).

While mock trial simulations undoubtedly permit greater researcher freedom surrounding the experimental design and enable extraneous variables to be more readily controlled, such variation also makes direct comparison between studies difficult to conduct. Consequently, deviation from genuine trial environments, within which jurors would ordinarily undertake their decision-making duties, has led to an apparent reluctance among many legal practitioners to adopt the findings obtained. This is perceived to be the product of unrealistic and artificial settings rather than the jury process itself (Darbyshire et al., 2002; Ellsworth, 1993). Nonetheless, whilst legislative restrictions continue to limit research access into the jury room, mock trial simulation

studies remain the dominant research method adopted by jury researchers (Lieberman & Krauss, 2009), something arguably necessary, if any development in current understanding of jury bias influence is to be attained. For a more comprehensive review of the methodological shortcomings evident within past jury research, refer to the 'methodological limitations' section below.

2.1.3 Variants of Jury Bias

Despite being a defining principle underlying the jury model of criminal justice, the notion that individual juror decisions and collective jury verdicts are free from bias, is a concept widely considered to be ideological and unrealistic in practice. Kassin and Wrightsman (1983) concluded early on that eliminating non-evidential sources of bias from the jury process is rarely, if at all, achievable, with Marshall (1980) suggesting that the notion equates to no more than a "legal fiction". Accordingly, attempts to measure, define, and reduce varying forms of bias have remained central to psychological research endeavours. The domain of cognitive psychology has sought to understand how information is processed by jurors, attempting to uncover how decisions are reached, the schematic mechanisms triggered when hearing evidence in a case, and, therefore, where bias is most likely to preclude impartial decision making. In fact, application of Tversky and Kahneman (1974) theorising around biases associated with heuristic shortcuts has led to a wealth of exploration of cognitive bias within the jury room (Guthrie, Rachlinski, & Wistrich, 2003; Hawkins & Hastie, 1990; Pennington & Hastie, 1988).

The field of social psychology has focused instead upon group processes that occur during deliberation, examining the impact of majority and minority influence (Castelli, Vanzetto, Sherman, & Arcuri, 2001; Wood, Lundgren, Ouellette, Busceme, & Blackstone, 1994), as well as bias in judgement as a product of social conformity (Kerr, MacCoun, & Kramer, 1996; Liberman & Arndt, 2000). More broadly, forensic psychology - as a discipline - has drawn upon principles from varying and combined approaches, in order to examine the influence and implications that bias can have upon verdict outcomes (see Tinsley, 2000). However irrespective of the underlying theoretical principles or methodological procedures adopted by researchers from any given approach, the existence of two overarching variants of pre-trial bias has been universally agreed upon. Firstly, external situational biases that have specific influences upon a given case and, secondly, internal bias occurring as a direct result of relatively enduring personal characteristics of the jurors themselves (Kassin & Wrightsman, 1983).

2.1.3.1 External Jury Bias and Extra-legal Factors

Contemporarily, external bias effects within the legal system have become synonymous with what are termed extra-legal factors, in that external bias is said to emerge from factors outside of the law or legally irrelevant characteristics (O'Neal, Tellis, & Spohn, 2015). Moreover, receiving substantial attention within the literature, research examining external bias or extra-legal influence has centred upon numerous factors that may impact upon the impartiality of the decisions that juries make during trial, outside of the direct influence of evidence heard within the case. For example, studies have reported exposure to pre-trial publicity in a case can have important implications upon jurors' assessments of the evidence heard during trial, as well as upon the final decisions made by jurors (Ruva, McEvoy, & Bryant, 2007). Moreover, pre-trial publicity, whereby jurors come to court with some prior knowledge or exposure to a case (typically derived from the media), is considered to be well-established in its influence upon jurors' impartiality, identified as biasing jurors to both factual and emotive elements of a trial (Gavin, 2014). Importantly, research has reported that exposure to pre-trial publicity significantly influenced jurors' inclination towards guilty verdicts and lengthy sentences (Daftary-Kapur et al., 2010; Daftary-Kapur, Penrod, O'Connor, & Wallace, 2014; Ruva et al., 2007).

Similarly, research examining the effects of inadmissible evidence, whereby jurors exposed to information that the court subsequently deemed should not have been presented during trial, has also been shown to have unfairly influenced juror decision-making irrespective of the judge's instructions to disregard such information during deliberations (Lieberman & Arndt, 2000; Smith & Caldwell, 1973). Steblay, Hosch, Culhane, and McWethy's (2006) meta-analytic review of 48 studies, whereby jurors were instructed to disregard information that had been heard but later deemed inadmissible by a judge, demonstrated that judicial instructions did not effectively eliminate the biasing impact of such evidence. The authors concluded that contested evidence, later ruled inadmissible, in fact accentuates that evidence in the decision making process, and was found to directly increase the likelihood of the jury convicting the defendant.

Other extra-legal biases found to unfairly predispose juror decisions during trial include the 'CSI effect', whereby jurors' pre-existing, often misinformed, presumptions surrounding what scientific evidence is typically retrieved when a crime takes place (derived from popular culture), appear to directly influence their decision-making (Schweitzer & Saks, 2007). Cooley (2007) found inaccurate assumptions surrounding the extent to which DNA, fibre, and trace evidence are typically found at a crime scene, directly led mock jurors to conclude that the accused must

therefore be innocent. Alongside this, research has also found factors such as witness attractiveness, defendant sympathy, complainant likability, as well as the extent to which witnesses smiled whilst giving their testimony, to externally bias jurors' decision-making, beyond evidence presented in the case (Abel & Watters, 2005; Studebaker & Penrod, 1997; Virj & Firmin, 2001).

In a major meta-analytic review conducted by Daftary-Kapur et al. (2010), the authors examined the influence of external bias effects upon juror decision making within a large body of research conducted over the past fifty years. Importantly, the authors concluded that the negative impact of external biases have been so well documented to date, that the legal system's assumption that jurors are able to hear conflicting accounts and varying evidence before processing it in a rational and unbiased manner is, for the most part, inaccurate. Yet, despite the success of external bias research in displaying the negative impact upon juror decisions, the extent to which internal juror bias has been found to unfairly influence verdict decisions related to the personal characteristics and psychological constructs of the jurors themselves, has been less reliably evidenced.

2.1.3.2 Internal Juror Bias and Scientific Jury Selection

Internal juror bias relates to the assumption that particular demographic, attitudes and broad personality characteristics can predispose jurors towards preferred verdict decisions (Willmott & Oostinga, 2017). These characteristics manifest differently both within and between jurors, something that may account for the lack of unified agreement in the literature surrounding the importance of such juror features upon verdict decision formation. Moreover, whilst defined here as internal biases, due to such characteristics emerging from aspects within the juror themselves (rather than external influence), such biases can also be alternatively classified. Internal biases can be both explicit, in that they are reflective of attitudes or beliefs held at a conscious level, and implicit, whereby attitudes and stereotypes are held without conscious awareness but influence judgement nonetheless (Casey, Warren, Cheesman, & Elek, 2012). Whilst explicit bias can manifest itself in ways such as overt racist views, implicit bias relates more to unintentional associations that individuals make between an object and its evaluation, such as automatically associating a particular race with criminal behaviour (Dovidio, Gaertner, Kawakami, & Hudson, 2002; Banaji & Heiphetz, 2010). Internal juror bias may also be considered to be inherent, particularly when emerging from observable fixed juror characteristics and variables, such as demographic features that have previously been linked to certain views and behaviours (Furnham & Alison, 1994; Ward, 1995).

Seeking to assist justice systems in their selection of jurors at trial and reduce the effects of varying forms of internal bias upon trial verdicts, social scientists have attempted to measure and predict internal bias through assessment of the jurors themselves, at the onset of a case. This process, commonly known as Scientific Jury Selection, involves trying to identify what views are likely to be held by the individuals comprised on a jury panel and eliminating those people thought to be undesirable to the evidence in the case. In theory, such jury selection procedures were designed to remove biased jurors from criminal trials; those who are considered to be incapable of making fair and impartial decisions (Fulero & Wrightsman, 2009). However, in practice, trial consultants typically advise defence lawyers which jurors are most likely to favour their explanation of the evidence, whether considered to be unfairly biased or not (Lieberman & Olson, 2009). This has led many to question the ethics behind scientific jury selection, particularly when considering that high trial consultancy costs often means only the wealthiest of defendants can afford to make use of their services.

Emerging during the 1970s, scientific jury selection was first used within the United States during the Harrisburg Seven trial in 1972. Accused of crimes against the state, and with considerable pre-trial publicity and political interest in the case, some felt the defendants accused would not receive a fair trial. As such, a team of social scientists began conducting interviews with local residents where the trial was to take place in an attempt to identify juror characteristics that would be both beneficial and detrimental to the defence case during later jury selections (Schulman, Shaver, Colman, Emrich, & Christie, 1973). Despite the government spending more than two million dollars trying to ensure the Harrisburg defendants were convicted, the use of social science research is widely thought to have prevented this from occurring, as the trial resulted in a hung jury (Barber, 1993; Fischoff, 1979). Since then, trial consultants have become widely used in the selection of jurors within the United States. They are now involved in almost all major lawsuits and, whilst originally developed to restrict government influence in criminal trial outcomes, consultants are today more likely to offer advice in civil disputes (Lieberman & Sales, 2007). Elsewhere in the world, tighter legal restrictions which prevent lawyers from interfering with the selection of jurors, has meant use of scientific selection procedures within countries, such as the United Kingdom, have been limited (Willmott, 2016), and throughout Europe, often not utilised at all (Lieberman & Olson, 2009).

The general approach of trial consultants is to use community surveys and, occasionally, concurrent mock trials to measure the impact that factors, such as occupation, socioeconomic status, age, race, and attitudes towards the law, are likely to have upon jurors' reactions to the

evidence. However, the extent to which such characteristics offer reliable predictions of the verdicts jurors will choose remains unclear within scientific research settings, and therefore use of such procedures within actual criminal cases, prior to a reliable empirical evidence base being established, remains highly criticised (Kovera & Austin, 2016; Lieberman & Sales, 2007; Saks, 1976; Willmott & Boduszek, 2016; Willmott & Oostinga, 2017; Willmott, Boduszek & Booth, 2017). Research has thus far offered only mixed and inconsistent findings surrounding the predictive relationship between demographic features and legal attitudes on the votes cast by jurors during trial (Abbott & Batt, 1999; Lieberman & Sales, 2007). Accordingly, many critics continue to argue that trial consultants are therefore making crude presumptions about the influence that juror characteristics have on the decisions made in a case, while little scientifically reliable evidence underpins such a relationship (cf. Finkelman, 2010).

Whilst scientific jury selection operates from the assumption that certain individual characteristics not only influence the decisions jurors make during trial, but, when measured effectively, can be used to predict what verdicts are likely to be returned in a given case. Although developing out of a need to remove biased jurors from criminal cases, trial consultants are now largely employed within civil cases helping to select jurors biased in favour of the client's version of events. This, alongside a general lack of sustained and reliable empirical support that juror characteristics can accurately predict verdict outcomes, has led to on-going debate surrounding the credibility of scientific jury selection as a discipline. In fact, the need for a stronger scientific basis permeates throughout criticism of the methodological procedures that trial consultants employ, and undoubtedly serves as the foundation from which future scientific jury selection research should begin. Importantly, as the scientific nature of jury selection continues to be questioned, the effectiveness of trial consultancy will remain contested. The need for greater use of social science research grounded in strong methodological designs, and utilising advanced analytical procedures, is undoubtedly called for (Willmott, 2017). More reliable findings, discussed and critiqued within the peer-reviewed academic community, may provide the scientific advances in knowledge so desperately needed within a discipline that is crucial for ensuring justice is delivered fairly. Yet, while a culture of gaining profit, rather than producing justice, remains at the heart of the industry, improvements made are likely to be slow and not without resistance (Willmott & Oostinga, 2017). Clearly the need to establish an empirical evidence base, underpinned by ecologically valid methodologies and utilising advanced analytical procedures, is needed before a relationship between juror characteristics and verdict decisions can be reliably determined.

2.2 THE ROLE OF PERSONAL CHARACTERISTICS IN JUROR DECISION MAKING

The role of the individual juror's personal characteristics and psychological make-up upon the verdict decisions made during trial remains both complex and unclear. As highlighted above, in the context of trial consultancy and scientific jury selection, debate continues regarding whether demographic and psychological characteristics have any significant impact upon the verdict decisions jurors make during trial. In fact, dominant theory maintains the sway of the evidence to be greatest factor impacting verdicts returned (Hastie, Penrod, & Pennington, 2002; Pennington & Hastie, 1992). However, as Ellsworth (1993) naturally pointed out, where individual jurors draw different conclusions surrounding which verdict is most appropriate despite having heard the exact same testimony in a case, the evidence alone appears unlikely to be the only factor impacting decisions made. This, alongside the fact that jurors are required to deliberate at all, tends to suggest that preconceived ideas and inherent characteristics within each individual juror have some bearing upon the verdict decisions they construct.

2.2.1 Demographic Predictors

Numerous research has sought to examine the predicative ability of demographic factors upon juror decision-making during trial. Moreover, popular within the domain of trial consultancy and scientific jury selection due to the ease with which juror demographics can be measured and observed, research explorations have attempted to find predictive relationships across a host of demographic variables including; age, gender, ethnicity, education, and socio-economic status.

2.2.1.1 Age

Acknowledging that variations in thoughts, opinions and experiences are likely to be in some way associated with age, it stands to reason that differences may occur in the way in which varying aged jurors interpret evidence and form opinions during trial. In fact, support for this notion is not lacking, with Rothman, Dunlop, and Ramboli (1999) highlighting the importance of historical personal experiences in shaping older jurors' world views, finding jurors over seventy years old to be more tolerant, accepting, and spiritually aware than jurors just ten years younger. A number of studies sought to directly examine the existence of a relationship between juror age and verdict preferences. Sealy and Cornish (1973) and Weiner and Stolle (1997) both reported finding that age was significantly related with verdict decisions, in that older jurors were shown to be generally more conviction prone than their younger counterparts. Recent research using data drawn from more than 700 genuine jury trials within the US state of Florida appears to support

such an assertion, again finding evidence that older jurors were significantly more likely to convict, irrespective of the type of case being heard (Anwar, Bayer, & Hjalmarsson, 2014). However, other studies have not been so supportive, with similar research endeavours failing to obtain any evidence of such age related associations (Baldwin & McConville, 1979; Moran & Comfort, 1982; Reed, 1965) and others refuting that any relationship exists at all between verdicts and the demographic (Diamond, Saks, & Landsman, 1998; Liberman & Krauss, 2009).

2.2.1.2 Gender

The importance of gender upon juror decision-making again has some intuitive appeal, in that research has consistently found gender differences across a wide range of emotive forensic phenomenon, including: tendencies to report evidence of child sexual abuse (Humphries, Debowska, Boduszek, & Mattison, 2016); empathy shown towards complainant testimony at trial (Bottoms et al., 2014); and emotional responsiveness more generally (Debowska, Mattison, & Boduszek, 2015), all of which demonstrated that females scored higher than males. In fact, some studies have reportedly found a direct association between juror gender and verdict preferences based upon particular types of cases. Females were found to be more conviction prone than males in rape cases (Brekke & Borgida, 1998; Kovera, McAuliff, & Hebert, 1999), cases of child sexual exploitation (Bottoms et al., 2014; Bottoms & Goodman, 1994; Kovera et al., 1997) and murder trials (Mills & Bohannon, 1980). Likewise, a recent study conducted within a Canadian judicial context also found evidence that female mock jurors perceived the alleged victim more favourably that male jurors and overall were more likely to vote in their favour (Pettalia, Pozzulo, & Reed, 2017). Additionally, whilst previous research has suggested this relationship to be mediated by victim gender (Waterman & Foss-Goodman, 1984), the present study found such an effect was not present with child victims. Despite this, other studies have found evidence of a reverse effect, as well as no relationship at all. Baldwin and McConvilles' (1979) examination of 276 genuine trial deliberations found males to be significantly more punitive and conviction prone than females. Further, Sealy and Cornish's (1973) mock trial simulation studies found no significant association or differences occurring between gender and verdict outcomes. Reviewing a large body of research, which examined the importance of gender upon juror verdict preferences, led Lieberman and Sales (2007) to conclude the demographic was overall an unreliable predictor of verdict outcomes.

2.2.1.3 Ethnicity

Somewhat more encouragingly, the relationship between racial characteristics and juror behaviour has obtained greater empirical support within the literature. Early studies, examining the impact of jury eligibility changes in the US state of Baltimore during 1969, found that when home ownership was no longer the pool from which jurors were selected (with jurors more fairly draw at random from the electoral voting register), jury composition changed from 70% Caucasian, to 44% Afro-American. Whilst lacking experimental controls, examination of conviction rates over a three-year transitional period displayed that guilty verdicts decreased from 84% to 70%, suggesting white jurors to be more conviction prone that their black counterparts (cf. Darbyshire, Maughan, & Stewart, 2002).

Laboratory based explorations - mock trial simulation research, and examination of genuine trial outcomes - have also led to the emergence of empirical evidence, indicating a direct relationship between ethnic background and verdict decisions. The general pattern found suggests an own race leniency bias, and an increased rate of conviction for defendants of a different race to the juror deciding (Fukurai, Butler, & Krooth, 1993; King, 1993; Levine, 2000; Sommers & Ellsworth, 2000; Ugwuegbu, 1979). Importantly, however, despite the apparent causal relationship displayed, findings have again displayed opposing relationships between studies (Cutler, Moran, & Narby, 1992; Mills & Bohannon, 1980; Williams & McShane, 1990) and seemingly found such a relationship to be reliant upon a range of other factors, including the racial composition of other jurors on the panel, the complainant-defendant race similarity, as well as crime seriousness (King, 1993; Sommers, 2006; Sommers & Ellsworth, 2000, 2009). Complicating matters further, some studies have also found evidence of an own-race bias. Known as the 'black sheep effect', studies indicate that once a juror feels the accused has brought shame or negative affect upon their shared ethnicity, jurors become more punitive and conviction prone towards the defendant (cf. Kerr, Hymes, Anderson, & Weathers, 1995). Whilst a greater degree of empirical support underpins the association between juror ethnicity and verdict decisions, the range of complexities and lack of causal clarity continues to distort any relationship that exists.

2.2.1.4 Education and Socio-economic Status

Much less research has sought to examine the relationship between juror decisions and education, despite the intuitively important relationship intelligence may have in the impartial and balanced assessment of evidence. Nonetheless, Sealy and Cornish (1973) directly examined the

effects of educational attainment, occupation, and socio-economic status (SES) upon genuine juror decisions within criminal trials in the UK, and found low skilled workers were most likely to convict of all jurors present within jury trials. This led the authors to suggest that a negative relationship exists between educational attainment and conviction proneness. However, directly conflicting with such findings, Reed's (1965) examination of such a relationship reported higher educational attainment to be positively associated with guilty verdicts. More recent studies have only further complicated matters, suggesting greater educational attainment to increase acquittals (Denove & Imwinkelried, 1995; Eisenberg et al., 2005) alongside having no effect at all (Bridgeman & Marlowe, 1979). Studies examining the influence of SES in isolation have found evidence of a relationship with verdict preferences at trial. Results showed that, in civil cases, jurors from low SES backgrounds were both more likely to return verdicts in favour of the accused (Bornstein & Rajki, 1994) and more likely to award greater amounts of compensation overall (Darden, DeConinck, Babin, & Griffin, 1991). However, again, other studies have obtained results suggesting the importance of high SES in both civil and criminal cases, alongside explorations where no significant main effect was obtained at all (cf. Lieberman & Krauss, 2009). Whilst perhaps more favourable than other demographics discussed, clearly inconsistent and infrequent explorations of the relationship between education, SES, and voting preferences warrants further exploration before trial consultants seek to exclude jurors from trial, on either basis.

Across the wealth of studies that sought to investigate the relationship between juror demographics and verdict preferences, including ethnicity, gender, age, occupation, socio-economic status, income, intelligence, and marital status, despite obtaining some empirical support, overall findings have suggested such a relationship to be unreliable and inconsistent at best (cf. Cronin, 2006; Lieberman & Sales, 2007; Lieberman & Krauss, 2009). Quantitative estimations suggest that demographic factors amount to only weak predictors of the decisions jurors will return and, on their own, accurately predict as little as two percent of trial verdicts (Abbott & Batt, 1999). However, notably, such findings emerged largely from the examination of juror demographics in isolation, despite some research displaying apparent improvements in the predictive ability of demographic characteristics, when measured in conjunction within attitudinal characteristics. Clearly, the need to establish the importance of a combination of juror variables upon the decisions made during trial, requires further more rigorous investigation.

2.3.2 Psychological Predictors

Reviewing the literature around more psychologically grounded broad personality characteristics and attitudinal effects upon verdict predictability, research explorations have offered slightly more positive results. Thought to be the primary endeavour of early jury researchers and remaining centrally important to trial consultants' work today, predicting how jurors will vote based upon their psycho-social make up is still regarded as a central debate within the fields of psychology and law. Whilst some argue exploration of such a simplistic relationship has preoccupied jury researchers for too long (Kovera & Austin, 2016), where lack of a resolution or conclusive empirical evidence has been obtained, researchers are unlikely to abandon such a pursuit. Considering the existence of such a relationship suggests either that jurors are predisposed towards making certain verdict decisions, bringing the entire impartiality premise of the jury system into question, or alternatively - where no relationship exists - potential jurors may be being unfairly dismissed from cases due to US lawyers' utilisation of voir dire (Kovera & Culter, 2013).

2.3.2.1 Authoritarianism and Authoritarian Personality Traits

Studies examining the concept of authoritarian personality, characterised by conformity to social norms and authority, have reported some evidence of a relationship between the trait and juror decisions. Research has shown that mock jurors who scored highly in authoritarianism were significantly more conviction prone and recommend harsher sentences than jurors scoring low in associated traits (Moran & Comfort, 1982; Kravitz et al., 1993). Moreover, research has also found jurors who score high on dogmatism, as well as those with a high internal locus of control and just world beliefs, were significantly more likely to return a guilty verdict than low scoring jurors, in both criminal and civil trials (Phares & Wilson, 1972; Sosis, 1974; Rubin & Peplau, 1975). The common link between such traits is thought to be the general behavioural tendency to recognise wrongdoing, adhere to authority, and actively encourage the punishment of those who succumb to transgressions. Taken together, these traits are collectively thought to constitute the personality trait authoritarianism (Kovera & Culter, 2013).

Whilst a multitude of psychological traits have been the focus of isolated research endeavours seeking to evidence a relationship with verdict decisions, none have been so widely investigated and repeatedly drawn upon as authoritarian personality. In fact, some authors have argued the relationship between authoritarianism personality traits and juror voting preferences have now been so reliably evidenced, that a predisposition effect of psychological traits upon trial

outcomes can no longer be disputed (Cronin, 2006). However, the position elsewhere in the literature has been much less supportive. Narby, Cutler, and Moran's (1993) meta-analysis examining the association between authoritarianism and jury decisions found that, although high scoring jurors did tend to be more conviction prone, the overall ability of the personality trait to predict verdict outcomes was weak. Furthermore, the authors purported that any existence of a discernible relationship was confounded by elements such as variation in how much jurors perceived the defendant themselves to be a figure of authority. Therefore, despite studies often obtaining evidence of relationships between particular characteristics and verdict preferences, systematic connections between personality traits and constructs which consistently account for verdict variance in juror decisions, have thus far proved more difficult to obtain (Cutler et al., 1992: Lieberman & Sales, 2007). In considering the weak predictive ability that broad personality characteristics have attained to date, it seems important to reconsider the emphasis placed on traits which researchers have previously considered important, such as how jurors interact with the law and perceive the world around them more generally.

2.3.2.2 Psychopathy and Psychopathic Personality Traits

A review of the literature displays that few explorations have focused upon more implicit psychological constructs directly relevant to the decision-making task that jurors undertake and which intuitively appear important for the deliberative process itself. Research is yet to explore how psychopathic personality traits, such as egocentricity and interpersonal manipulation, may impact upon the verdict decisions that individual jurors make during trial. Rather than broad views on the law, measures of an individual juror's sense of self-importance alongside the ability to control and manipulate others have clear practical relevance within the context of a deliberating group. This seems particularly important when recognising the pressure that juror's likely face in countries such as England, where returning unanimously agreed verdicts will typically require some jurors to compromise on their initial decisions (Larsen, 2011).

Also seemingly important for individual decision formation is the ability to empathise with those involved in a case and in particular, an alleged victim. A number of studies have shown juror empathy for a complainant directly influenced pro-victim judgements of discrete pieces of evidence during decision-making (Bottoms et al., 2014; Deitz, Blackwell, Daley, & Bentley, 1982). More broadly, difficulties in understanding a broad spectrum of emotions have been found to be directly associated with increased scores in psychopathic traits (Brook & Kosson, 2013), while others found core affective traits of psychopathy (i.e. Callus Affect) were shown to be

significantly associated with negative perceptions of rape victims (Debowska et al., 2015). Yet, with recent advancements displaying empirical evidence of a qualitative distinction between the ability to cognitively recognise emotions and affectively feel empathy (Boduszek, Debowska, Sherretts, Boulton, & Willmott, 2017a; Boduszek, Debowska, & Willmott, 2017b), further exploration that accounts for such a distinction, and which directly examines the importance of empathic responsiveness upon juror decision making, is clearly warranted. In fact, the advent of a newly developed and validated model of psychopathy, termed the Psychopathic Personality Traits Model (PPTM - Boduszek, Debowska, & Willmott, 2017b), which integrates the four core psychopathic personality components alluded to above (see Figure 1.1 within Chapter 1), provides an opportunity for the relationship between psychopathic personality traits and juror decisions to be directly and comprehensively investigated for the first time.

Despite difficulties associated with operationalising the concept, psychopathy has long been of interest within the criminal justice system. An early conceptualisation of psychopathy often cited as the first comprehensive account of the 'prototypical psychopath' was put forward by Cleckley (1941). Characterised by sixteen traits including: pathological egocentrism; poverty in affective reactions; unresponsiveness in interpersonal relations; antisocial behaviour; and superficial charm, Cleckley's representation served as the foundation for psychometric assessment tools commonly used within forensic settings to this day (i.e. Psychopathy Checklist Revised [PCL-R] Hare, 1991, 2003). However, whilst psychopathy (as conceptualised using the aforementioned assessment tool) continues to be drawn upon to account for the perpetration of violent and sexual offending, alongside criminality more broadly (Hart, Kropp, & Hare, 1988; McCuish, Corrado, Hart, & DeLisi, 2015; Olver & Wong, 2015; Seigfried-Spellar, Villacís-Vukadinović, & Lynam, 2017; Serin & Amos, 1995), a growing body of evidence has begun to display the apparent importance of psychopathic personality traits in non-criminal environments.

Recent research found the existence of psychopathic traits to be greater in corporate samples than community samples (Babiak, Neumann, & Hare, 2010), a finding also reflected in a later study where business students again exhibited increased psychopathy scores in comparison to psychology undergraduates (Hassall, Boduszek, & Dhingra, 2015). Further supporting the notion that psychopathic personalities not only exist but may in fact thrive in non-offender samples, Lilienfeld et al. (2012) reported heightened psychopathy scores in US presidents were found to be positively correlated with perceptions towards a successful presidential performance. Accounting for such findings, Boduszek et al. (2016) explain that where criminal and antisocial tendencies equate to merely one manifestation of psychopathy, as appears to be the case

(Debowska et al., 2017; Skeem & Cooke, 2010), alternative non-criminal endeavours and behaviours in which psychopathic personality traits may have relevance, also need to be examined.

Accordingly, emerging directly out of the need to develop a clean measure of psychopathic personality uncontaminated with behavioural items, which relate only to criminal and antisocial outcomes of such traits, and utilising Cleckley's early conceptualisation of egocentricity as a core component of psychopathy, Boduszek and colleagues devised the brief self-report Psychopathic Personality Traits Scale (PPTS; Boduszek, Debowska, Dhingra, & DeLisi, 2016). Underpinned by the specific model of psychopathy, as set out within the aforementioned PPTM (see Figure 1.1 within Chapter 1), the scale allows researchers to specifically assess the essence of psychopathic personality across four core components, namely: affective responsiveness; cognitive responsiveness; interpersonal manipulation; and egocentricity, regardless of an individual's cultural or criminal background (Boduszek et al., 2016).

Notably, with the validity of the scale displayed using confirmatory factor analysis (CFA) techniques, corroborating the factorial composition of the PPTS and use of composite reliability further indicating the measure's internal reliability (Boduszek et al., 2016), the scale offers a reliable means through which the association between core psychopathic personality traits and juror decisions can be tested. Likewise, empirical explorations of such a four-factor conceptualisation of psychopathic personality have also been supported within diverse forensic and non-forensic samples. In fact, to date, the model's utility has been tested and evidenced with more than 1,700 incarcerated offenders and in excess of 3,000 participants from the general population, including children, university students, and community adults (Boduszek, Debowska, Sherretts, Boulton, & Willmott, 2017a). Utilisation of person-centred, rather than variable-centred, analysis upon data gathered using the PPTS showed five alternative meaningful classes or groups of psychopathic traits, each of which were qualitatively distinct in terms of the four psychopathic personality traits (Boduszek, Debowska, & Willmott, 2017b). The findings further support the assertion that psychopathic personality is multi-dimensional in nature and should be interpreted as a continuum, whereby scores on each trait vary between individuals.

Surprisingly, to date, little research has sought to examine the importance of psychopathic traits upon jury decision-making. In fact, where studies were identified, they sought instead to examine how jurors' judgements were affected by defendants presented as high in associated psychopathic traits (Edens et al., 2013). Therefore, considering the lack of research systematically exploring the association between psychopathic personality and juror decision making (although

see select trait associated research below), alongside results displaying the utility of the newly devised Psychopathic Personality Traits Scale (PPTS) for measuring such psychological traits, further exploration of such a relationship is warranted. The four core dimensions of the PPTS are subject to closer scrutiny and review below.

2.3.2.2.1 Affective Responsiveness

Conceptualised as a lack of affective responsiveness within the PPTS, this trait is thought to be reflective of low levels of affective empathy and a general emotional shallowness (Boduszek et al., 2016). As this component is scored on the basis of a deficit in affective empathy, high scores are characterised by a general inability to emotionally respond to the feelings of others. Notably, a lack of affective responsiveness most closely resembles the callous affect factor examined in past research and comprised within the clinical psychopathy assessment tool - the PCL-R, widely and consistently reported to be a fundamental component of psychopathic personality (Boduszek, Debowska, & Willmott, 2017b). As previously highlighted, past research utilising the callus affect component of the PCL-R found increased scores for the trait were significantly associated with high scores in both rape myth acceptance and general negative attitudes towards rape victims (Debowska et al., 2015). Similarly, although no conceptual distinctions were made between variants of empathic responsiveness, taken together greater empathy for child victims of sexual victimisation were found to increase the likelihood of jurors making pro-victim judgements of evidence during mock trials (Bottoms et al., 2014). Clearly further exploration surrounding the importance of empathy and, more specifically, affective responsiveness upon juror assessments of the evidence, and directly upon ultimate verdict decision formation, is required.

2.3.2.2.2 Cognitive Responsiveness

Again, characterised as a lack of cognitive responsiveness within the PPTS, this trait centres upon a general inability to understand the emotional state of others, mentally represent other people's emotional processing, and emotional engagement with others at a cognitive level (Boduszek et al., in press). As previously highlighted, whilst others have generally neglected such a distinction in empathic responsiveness relative to psychopathic personality, Boduszek et al. (2016) argued such variants to be of central importance. This is something which subsequent empirical exploration bore evidence of with person-centred (rather than variable-centred) modelling approaches displaying clear qualitative distinctions in psychopathy personality profiles when examining scores on affective versus cognitive responsiveness (Boduszek, Debowska, &

Willmott, 2017b). Likewise, Shamay-Tsoory, Harari, Aharon-Peretz, and Levkovitz's (2010) study displayed that incarcerated offenders with increased scores in psychopathic traits, although lacking in their understanding of affective states, were not deficient in cognitive states. Despite this, to the author's knowledge, no research has explored such a distinction between cognitive and affect responsiveness/empathy within jurors. Whilst a review of the body of research examining the relationship between juror emotional responsiveness during trial does distinguish between integral emotions (i.e. prompted by certain features of the case) and incidental emotions (i.e. promoted by sources extrinsic to task being judged), no distinction is made in the effective measurement of cognitive versus affective empathy (Feigenson, 2016). Again, the totality of which further supports the need for such a distinction to be made when examining empathic responsiveness within presiding jurors.

2.3.2.2.3 Interpersonal Manipulation

The third component of the PPTS is interpersonal manipulation, thought to be reflective of characteristics including grandiosity, superficial charm, and intentional deceitfulness (Boduszek et al., 2016). Such features, included in Cleckley's initial conceptualisation, and accounted for in many additional models of psychopathic personality, are scored positively, whereby heightened interpersonal manipulation scores represent a greater propensity to manipulate others, largely viewed as a malicious and destructive of human relations (Boduszek, Debowska, & Willmott, 2017b). Empirical explorations of this trait have displayed increased scores to be significantly and positively associated with greater acceptance of child sexual abuse myths and negatively associated with self-esteem (Boduszek et al., 2016). Whilst social psychological studies have broadly explored group characteristics, important within the context of a deliberating jury, including social conformity influence (Castelli, Vanzetto, Sherman, & Arcuri, 2001), the importance of shared group norms (Terry, Hogg, & McKimmie, 2000), and even juror bullying (Renaud, 2010), to date no explorations have focused specifically upon the more subtle role of interpersonal manipulation. Again, the need to investigate the role of such an intuitively important trait, remains apparent.

2.3.2.2.4 Egocentricity

Finally, the egocentricity component of the PPTS relates to an individual's tendency to focus upon their own beliefs, attitudes, and self-interests, rather than those of others. In line with Cleckley's (1941) original conceptualisation, Boduszek and colleagues suggest high levels of

egocentricity are considered centrally important to psychopathic personality, whereby self-centeredness and self-love is pathological and described as non-comparable to that observed in low scoring psychopathic individuals (Boduszek et al., 2016). Such self-centeredness is thought to be closely associated with an incapability to love outside the self, although positive feelings can be expressed towards those considered to be an 'extension of the self', such as off-spring or parents (Boduszek et al., 2016). Conceptually, an interaction between increased egocentricity and reduced affective responsiveness appears to influence the ability to recognise the emotional state of others, thus increasing scores in the lack of cognitive responsiveness component of such psychopathic personalities (Boduszek et al., 2016; Boduszek, Debowska, & Willmott, 2017b). The importance of egocentricity is evidenced in alternative models of psychopathic personalities inclusion of related items within their conceptualisation (PCL-R Hare, 2003; Psychopathic Traits Inventory – Revised [PPI-R]; Lilienfeld & Widows, 2005). However, as such items were not thought to constitute a distinct component of psychopathic personality, the importance of egocentricity within a jury context has never been systematically tested. Whilst studies have displayed qualitative distinctions in egocentricity when examining different latent classifications of the trait, specifically between psychopathy personality profiles, (Boduszek, Debowska, Sherretts, Boulton, & Willmott, 2017a; Boduszek, Debowska, & Willmott, 2017b), whether egocentricity is directly associated with juror decision making during trial, remains untested.

Overall, past research directly investigating the role of personality traits and psychological constructs upon juror decisions has generally displayed evidence of a weak and inconsistent relationship. Recognition of the poor methodological designs typically utilised within mock simulations, and lack of advanced statistical procedures employed, may explain why it has proved difficult to establish such a relationship. However, also noteworthy, is the apparent lack of attention paid to psychological traits seemingly more relevant to the decision-making task that jurors face. Measures of an individual juror's sense of self-importance alongside the ability to control and manipulate others have clear practical relevance within the context of a deliberating group, as does the ability to empathise with those involved in a given case and, in particular, an alleged victim. Therefore, with clear practical relevance within the context of jury decision-making, the need to examine the role that psychopathic personality traits may have upon individual decision formation remains apparent. Recent advancements in the domain of psychopathy research alongside the advent of a newly devised PPTS scale, provides a unique opportunity to systematically explore the association between psychopathic personality and juror decision-

making, where utilisation of person-centred, rather than variable centred analysis, allows such a relationship to be investigated more readily than past research has endeavoured to.

2.3.3 Attitudinal Predictors

Interestingly, one area where scientific jury selection research (despite the limitations highlighted above) has displayed greater associations between juror characteristics and verdict inclinations has been when measuring juror attitudes towards case-related factors. Moreover, assessing genuine jurors and, more commonly, mock jurors' attitudes towards factors relevant within a given trial, such as drug control before presiding as a juror in a drug trafficking case (Moran et al., 1990) or attitudes towards psychiatrists before sitting as a juror in an insanity defence case (Cutler et al., 1992), have displayed much greater predictive ability in terms of the verdict decisions jurors are likely to make. Cutler et al. (1992) have suggested that attitudinal factors may actually increase the accuracy of individual verdict predictions by up to 78%, with other research even showing an increase in the predictive ability of demographic factors (previously weak indicators of verdict decisions) when measured in combination with case-relevant attitudes (Kovera et al., 2003). Accordingly, it stands to reason that types of crime, which are themselves affected by strong societal attitudes, may be at an increased risk of such predisposed and biased juror decision making. An example of one such crime is rape.

2.3.3.1 Rape, Rape Attitudes, and Jury Decisions

Sexual violence remains a serious problem globally, described by the World Health Organisation [WHO] as one of the most pervasive human rights violations of modern times (WHO, 2013). Within England and Wales alone, national crime surveys display that around 404,000 women and 72,000 men disclose being a victim of sexual violence each year (MOJ, 2013). English surveys also display that, on average, as many as 85,000 females report being a victim of rape annually, yet only 15% of victims surveyed stated that they actually reported the offence to the police (MOJ, 2013). Studies unsurprisingly display the impact of rape to be particularly damaging (Pickel & Gentry, 2017), with victims experiencing wide ranging sexual and emotional violations, which vary in extent and intensity (Canter, Bennell, Laurence, & Reddy, 2003). Whilst acknowledging that rape is perpetrated against both males and females, figures continue to highlight the gendered nature of the offence. Recent statistics for England and Wales display that throughout the 2015/16 financial year, 98.6% of defendants prosecuted for the crime of rape were male (CPS, 2016). More pertinent to the present study objectives, however, report-to-convict

figures display a worrying picture. During the 2015 calendar year, police forces throughout England and Wales recorded a total of 34,741 allegations of rape. Of these allegations, only 3,706 cases (11%) progressed to trial in Crown Court, with rape convictions obtained in just 1,297 cases - 4% of all rapes recorded that year (MOJ, 2016).

Figures such as these are indicative, at least in part, of wider problems surrounding rape as a crime. For example, despite many people assuming rape is a crime committed largely by strangers lying in wait for a suitable victim, statistics reveal that the vast majority of rapes – around 90% – are committed by people already known to the victim (MOJ, 2013). Of these, 56% are committed by a partner or ex-partner, making what is commonly termed acquaintance and domestic rapes much more prevalent than those committed by strangers (Willmott, 2016). This adds to the difficulty of the jury's role if a case reaches trial, in that as these disputed "sexual acts" (to use a deliberately neutral description) tend to take place in private, little witness or CCTV evidence are often available. Also, unlike in other crimes, DNA evidence in rape cases, where the accused is known to the victim, can also often be of little value, demonstrating only that a sexual act happened, not whether this took place with consent (Willmott, 2016). Yet, even considering further complications which surround differences in recording practices between alternate criminal justice organisations (i.e. Police, CPS, MOJ, HMCTS), the role of jury decision making is clear to see. Even drawing upon recent statistics, that are among those most favourable to the jury system, suggests English juries convict in just 47% of contested rape cases (CPS, 2016). A figure which constitutes an increase upon previous years and which appears to decrease further when isolating only those cases where the defendant and complainant were known to one another prior to the alleged offense (Temkin & Krahe, 2008).

Attempts to account for jurors' apparent reluctance to convict defendants accused of rape have led many researchers consider the role of rape attitudes. Like other biases identified, those associated with prejudiced and preconceived views towards rape have been well documented in their effect upon jury decision-making and throughout society more generally. Within the literature, these biases termed 'rape myths', equate to unsubstantiated common misconceptions surrounding what occurs during a 'typical' rape (Burrowes, 2013) and serve to undermine the legitimacy of rape as a serious crime, questioning the culpability of the victims themselves (Debowska et al., 2015). The term 'rape myth' was coined early on by Burt (1980) describing such myths to be "prejudice, stereotyped, or false beliefs about rape, rape victims, and rapists" (p.217). One example of such stereotypical, inaccurate presumptions, drawing into question the authenticity of victim allegations, was displayed by Taylor and Joudo (2005). Undertaking

eighteen mock jury trial simulations involving a total of 210 participants, who were exposed to video testimony of a complainant's allegations of sexual abuse, the authors found that despite all participants observing identical footage, wide ranging variation in mock jurors' assessments of the complainant's veracity were displayed. After analysis, it was concluded that such variation was largely influenced by participants differing beliefs surrounding how a 'real' victim of rape would have behaved following such an attack (Taylor & Joudo, 2005).

Similarly, McGee, O'Higgins, Garavan, and Conroy (2011), attempting to examine the prevalence of such assumptions more broadly within society, found high levels of rape myth acceptance and, specifically, inaccurate beliefs surrounding what the public believed the principle motivation for rape to be. The authors outlined that from over 3000 participants interviewed, 40% believed rape occurred as a result of the defendant's overwhelming uncontrollable sexual desires and that allegations of rape were often false. Both assertions serve to undermine the culpability of the defendant and credibility of the complainant's account. In fact, numerous studies and crime statistics have now shown these assumptions to be factually inaccurate (Beech, Ward, & Fisher, 2006; Burrowes, 2013; Debowska, Boduszek, & Willmott, 2017; Dinos, Burrowes, Hammond, & Cunliffe, 2014; Johnson & Beech, 2017; Kelly, Lovett, Regan, & Britain, 2005).

Moreover, whilst it is important to recognise that false allegations of rape do occur, Dinos et al. (2014) outlined that establishing the extent of false reporting remains both a complex and controversial process. Nonetheless, examining data from over 2000 genuine reported cases led researchers Kelly et al. (2005), acting on behalf of the UK's Home Office, to assert that the figure is likely to be between 0.2% - 8% of all allegations reported. Clearly, whilst accepting the various difficulties associated with such calculations, figures nonetheless suggest routine assumptions that rape allegations are likely to be false appear largely unfounded, occurring at best in a minority of allegations.

2.3.3.1.1 Rape Attitudes and Personal Characteristics

Research has attempted to better understand rape myths by exploring individual differences in the likelihood of subscribing to them. In terms of demographic features, some research has demonstrated a degree of association between observer age (Yarmey, 1985), ethnicity (Mori et al., 1995), and religiosity (Barnett et al., 2016), although notably these factors are not found to be consistently strong predictors elsewhere in the literature (Hockett, Smith, Klausing, & Saucier, 2016). Attempting to profile important characteristics, research has displayed the greatest

prevalence occurred within older males, from a low socio-economic background, and who exhibit pre-existing racist beliefs (Suarez & Gadalla, 2010; Anderson, Cooper, & Okamura, 1997). Other studies explored rape myth existence more broadly finding evidence of the existence of such biased views across an extensive range of countries, societies, and cultures (Ward, 1995), again tending to be more pervasive within males than females (Burt, 1980; Reling, Barton, Becker, & Valasik, 2017). In fact, whilst clearly a complex relationship, found to be moderated by numerous factors (cf. Hockett et al., 2016), studies commonly link gender with rape myth acceptance. Perhaps unsurprisingly, due to the disproportionate rate at which females are sexually victimised, men consistently score higher than women in rape myth acceptance (RMA) within community settings (Grubb & Turner, 2012; Johnson, Kuck, & Schander, 1997), student samples (Hayes, Lorenz, & Bell, 2013; Kopper, 1996) and in particular, hypo-masculine settings including college fraternities (Hayes, Abbott, & Cook, 2016), and the military (Carroll et al., 2016).

The gendered nature of rape attitudes provides some insight into exactly how such attitudes emerge and equally may explain high rates of sexual violence perpetration. Research with male students and men within the general community consistently displays a relationship between the acceptance of myths surrounding rape with general negative attitudes towards the treatment of women and their sexual objectification. Those high in RMA and holding sexually aggressive attitudes have commonly been found to report having used verbal coercion, deception, physical force, and sexually aggressive behaviour to obtain sex in the past (Jozkowski & Peterson, 2013; Koss & Dinero, 1988; Wright & Tokunaga, 2016). Exemplifying the apparent views held, Briere and Malamuth (1983)conducted a study whereby undergraduate students were asked whether they would rape a woman if they knew they would not be caught and found 30% stated that they would - a figure later replicated in other studies (cf. Hamilton & Yee, 1990).

In fact, Johnson and Beech (2017) in their systematic review of research examining RMA rates in convicted rapists note that such cognitive distortions (i.e. attitudes supportive of sexual offending), were previously found to be a significant risk factor with predictive validity surrounding sexual re-offending. Commenting on the societal influence of rape myths, the authors draw attention to numerous studies which found high RMA to be strongly associated with an individual's likelihood or tendency to commit rape, termed rape proclivity (Johnson & Beech, 2017). Notably, despite the intuitive association, Debowska, Boduszek, and Willmott's (2017) exploration with a large sample of inmates demonstrated that general (non-sexual) violence perpetration was not necessarily predictive of sexually violent attitudes or offending.

Distinguishing inmates based upon the offence for which they were incarcerated revealed property crime offenders were significantly more likely to condone sexual violence compared with homicide offenders, indicating that convicted violent criminals (including assault, battery, and homicide) were not automatically prescriptive of sexually violent views.

Other characteristics found to be associated with the subscription of rape myths are psychopathic personality traits. Despite limitations surrounding the measurement tools utilised within some past research, studies such as Mouilso and Calhoun (2013) found a significant positive correlation between psychopathy and RMA scores. Likewise, utilisation of more sophisticated statistical methods led Debowska and colleagues to obtain further evidence of an association between a lack of empathy and the extent to which an individual is accepting of rape myths. Moreover, alongside enhanced scores in callous affect (Debowska et al., 2015), greater deficits in affective and cognitive responsiveness were found to significantly predict sexually violent attitudes among inmates (Debowska et al., 2017). Although differing associations were found according to the offence for which they were incarcerated, it appears that the inability to empathise with victims on both an emotional and cognitive level generally results in greater acceptance of sexual coercion.

With regards to prior victimisation, whilst it might be expected that RMA scores would be negatively associated with personal victimisation, research does not necessarily support such a notion. An early study examining the relationship between sexual victimisation and rape attributions made within a series of hypothetical vignettes, found no significant differences between victims and non-victims (Jenkins & Dambrit, 1987). Likewise, somewhat surprisingly the same lack of association was also reported in a number of other studies (Burt, 1980; Carmody & Washington, 2001; Lefley, Scott, Liabre, & Hicks, 1993). Further distorting this intuitive relationship between sexual victimisation and reduced rape attitudes, recent research found evidence of a positive relationship between self-reported sexual victimisation in childhood and rape attitudes held in adulthood, suggesting personal experience may in fact increase the acceptance of such attitudes (Debowska et al., 2017). However, notably this association was established in a sample of male inmates who may react to trauma and engage with recovery pathways differently to that of female victims from student and community samples.

Surprisingly, to the author's knowledge, no research to date has attempted to examine the role of personal sexual victimisation upon juror decision-making within related trials. Likewise, no research appears to have examined the interaction between sexual victimisation, rape myth

acceptance, and juror decision-making. Dunlap et al.'s (2015) recent study did, however, examine the role of personal stalking experience upon mock juror assessments of complainant credibility within a stalking case. Yet, despite the author's priori hypothesis, and in line with findings highlighted above, personal victimisation experience had no significant effect upon mock juror ratings in the case. With no research specifically examining the presence of such a relationship between sexual victimisation and juror voting preferences in the context of a case-relevant trial (i.e. rape), further exploration is undoubtedly warranted. This is made all the more apparent when considering Ward (1995) reported finding the prevalence of negative attitudes towards rape to feature within 18% of the UK population. Importantly, despite being significantly lower than many other countries examined, when considering jurors are randomly selected from the general population and, for the most part, the only qualifying characteristics are that a person be registered to vote and between the ages of 18-75, tends to suggest bias as a product of rape myth acceptance will, to some extent, make its way into the deliberation room.

2.3.3.1.2 Measures of Rape Myth Acceptance

A number of self-report scales have been developed in an attempt to measure an individual's endorsement of rape myths. However, two cross-sectional scales are frequently used within the literature to measure RMA within research examining the impact of such attitudes upon mock juror behaviour. Firstly, Burt's aptly named (1980) Rape Myth Acceptance Scale (RMAS) was developed as a direct attempt to establish the prevalence of such distorted beliefs around the sexual assault of adult women. Measured on a Likert scale ranging from 'strongly agree' to 'strongly disagree', the instrument contains nineteen items that pertain to myths such as "many women have an unconscious wish to be raped, and may then unconsciously set up a situation in which they are likely to be attacked" (Burt, 1980, p. 223). Research, utilising the measure, obtained evidence that sexually aggressive men, alongside men who hold a greater number of traditional sex role stereotypes, endorse more distorted beliefs about rape than men who do not (Burt, 1980; Muehlenhard, & Linton, 1987). Notably, however, criticism surrounding inclusion of a large number of items that do not specifically measure RMA but relate to more general gender and racial biases, alongside an apparent social desirability crisis evidenced by the lack of discriminate predictive ability between offenders and non-offenders (Bumby, 1996), has led to a decline in the measure's use.

A second scale, developed directly as a result of criticism surrounding the RMAS and the assertion that the importance of rape myths lies more in their psychological-societal function, is

Payne, Lonsway, and Fitzgerald's (1999) Illinois Rape Myth Acceptance Scale (IRMA). The initial IRMA was comprised of forty-five items, pertaining to myths surrounding females as (non)victims of rape, perpetrator motivations, and general acceptance of interpersonal violence. In fact, in a series of studies Payne et al. (1999) revealed the existence of seven distinct myth components: (1) She asked for it; (2) It wasn't really rape; (3) He didn't mean to; (4) She wanted it; (5) She lied; (6) Rape is a trivial event; (7) Rape is a deviant event (p. 61). Despite wide usage in the literature and supportive findings of both the scales factorial structure, as well as ability to reliably assess several distinct cultural components of RMA (Johnson & Beech, 2017; Payne et al., 1999), again criticism has surrounded the measure. Concerns again surround the subtlety of question items in the scale, as well as the fundamental definitional position the authors take surrounding what constitutes a rape myth, criticised for being overly restrictive in the IRMA conceptualisation (Bohner, 1998).

Based upon an alternate definition where Bohner posits rape myths to be "descriptive or prescriptive beliefs about rape (i.e. its causes, context, consequences, perpetrators, victims, and their interaction) that serve to deny, downplay or justify sexual violence that men commit against women" (Bohner, 1998, p. 14), a new measure of RMA was devised. Termed the Acceptance of Modern Myths About Sexual Aggression (AMMSA), Gerger, Kley, Bohner, and Siebler's (2007) scale was developed to more subtly measure attitudes held towards rape and sexual aggression, than the more overt rape myth acceptance inventories which preceded it. Comprised of thirty items and scored as a unidimensional construct, the scale which emerged directly out of research examining modern day sexism across the West (cf. Gerger et al., 2007) includes items such as "alcohol is often the culprit when a man rapes a woman" and "when a single woman invites a single man to her flat, she signals that she is not averse to having sex". Responses are measured on a seven point Likert scale ranging from 'completely disagree' to 'completely agree', with higher scores indicating greater acceptance of myths about sexual aggression and rape. Within a series of previous studies, exploratory factor analysis displayed the scale's single factor conceptualisation was supported (Gerger et al., 2007; Hantzi, Lampridis, Tsantila, & Bohner, 2015) as was its cross-cultural validity when translated within a Spanish and Greek context (Megias, Romero-Sánchez, Durán, Moya, & Bohner, 2011; Hantzi et al., 2015). Whilst some researchers have outlined the need for further studies in order to confirm the scale's internal and predictive validity (Debowska et al., 2014), the measure's subtlety in questionnaire items makes use within a jury context particularly appealing. Despite this, research is yet to systematically employ the measure within a

realistic mock rape trial scenario, which offers an opportunity for the relationship between RMA and verdict outcomes to be more readily examined.

Therefore, despite some criticisms surrounding the subtlety of measures used to assess RMA (Bumby, 1996; McMahon & Farmer, 2011), the refined use over time, alongside the advent of newly developed scales, have undoubtedly contributed to understanding the extent to which such biases can impact decisions at trial and more broadly. In fact, an array of factors have now been consistently displayed to negatively impact jurors' impartial decision making in rape cases. Factors range from victim blame attribution as a result wearing provocative clothing (Whatley, 1996) and behaviour viewed as incautious (Pollard, 1992), through to a lack of belief surrounding the veracity of victim's claim, based upon delayed reporting (Raitt & Zeedyk. 1997), lack of physical injuries (Temkin & Krahe, 2008) and a calm demeanour whilst in court (Finch & Munro, 2005). In fact, the impact of negative attitudes surrounding rape have been so well documented within empirical research that judges in England are now encouraged to instruct jurors in related trials, to avoid drawing upon rape myths when forming decisions during trial (Ellison & Munro, 2010). However, the extent to which instructions alone prevent such seemingly deep routed societal attitudes from affecting the impartiality of juror decisions, intuitively offers little resolution. Likewise, despite previous mock jury studies indicating the importance of rape supportive attitudes upon verdict outcomes, displaying high levels of rape myth acceptance to negatively bias jurors' perceptions of the complainant, the RMA scales typically utilised have been criticised for their lack of subtlety. With questions surrounding the reliability of associated measurement scales, and the findings emerging from such, clearly further explorations making use of newly constructed subtler rape attitude scales is warranted.

Overall, the plethora of research that has amassed, both historically and more contemporarily, has consistently displayed the negative impact that rape myths have upon juror impartiality. Even where study procedures vary and participant samples differ, the negative influence of rape attitudes appears consistent (Dinos et al., 2014). Importantly, however, despite this empirical support, such a body of research has been significantly confounded by the lack of ecological validity present within many explorations, limiting the practical impact and uptake of the findings by policy makers. Furthermore, despite recognition of the pervasiveness of rape and sexual violence victimisation throughout the world (WHO, 2016), as well as within England (CPS, 2016), to date no research has systematically explored the possible importance of personal victimisation upon the impartiality of juror decision-making. The need for additional research, whereby such effects are examined alongside the role of previous victimisation and general juror

demographics within highly realistic trial scenarios, remains apparent. Further investigation is clearly warranted to improve understanding of exactly how rape myths may impact upon the individual juror's decision-making, so that any evidence of a direct relationship that exists can be more readily displayed, and tackled.

2.3 THEORIES OF JURY DECISION MAKING

A number of theoretical models have been advanced and adopted in an attempt to explain how jurors make decisions during criminal trials. Competing models differ across several dimensions, including, primarily, whether they attempt to account for individual juror decision formation or whether they attempt to understand jury decision making within the collective group. Whilst jury-level decision-making is perhaps more readily understood, in that group deliberations and interactions between jurors can be directly observed, the processes underlying group decision making are arguably much more complex and varied. In part, this relates to the need to understand the interaction between the twelve individual jurors' cognitive processing, operating in conjunction with social group processors and dynamics. Whilst distinctions are made between theoretical accounts of jury decision-making at the juror versus jury level, the vast majority of theorising to date has centred upon juror-level processing and decision making. Accordingly, as the main objective of the present research attempts to examine the predictive relationship between individual juror characteristics and verdict decisions, it is necessary to review common juror-level explanations in more detail.

2.2.1 Competing Juror-level Explanations

Numerous theoretical accounts attempt to explain both descriptively (for example, examining how jurors specifically make verdict decisions) and prescriptively (for example, examining how jurors' decision-making fits within a prescribed set of logical decision making rules) how individual decision formation occurs during trial (Devine, 2012). From general cognitive decision-making theories, such as dual process models including Epstein's (1994) Cognitive-Experiential Self-Theory and Heuristic models (Tversky & Kahneman, 1974), through to mathematical probability based Bayesian models (Hastie, 1993).

2.2.1.1 Bayesian Explanations

Bayesian models are based upon mathematical probabilities and, when applied to the jury context, generally relate to the weighting that jurors apply to specific and discrete segments of

evidence heard during trial. Evidence-based weightings, which are subsequently used to inform jurors' final decisions. Moreover, Bayesian models assume that jurors reach verdict decisions through a process of judging each individual piece of information or evidence presented at trial upon a continuum of guilt (Pennington & Hastie, 1981). With every new piece of evidence heard, the prior opinion is thought to be multiplied, leading to an overall probability of guilt being formed (Hastie, 1993). Jurors are assumed to begin with an initial assumption surrounding the probability of guilt at the onset of trial, which is thereby adjusted and updated in terms of the diagnostic value each new piece of evidence is judged to offer, relative to a verdict (Devine, 2012). It is believed that each piece of evidence is assessed in terms of its likelihood ratio, whereby the juror assesses whether such evidence would exist if the accused was truly guilty versus whether they were truly innocent (Hastie, 1993; Pennington & Hastie, 1981). Early empirical research offered some support for such an explanation, finding that when the crime type and degree of evidential support for either side varied, jurors still reported beginning with an assumption of innocence, which varied based upon individual segments of evidence (Ostrom, Werner, & Saks, 1978). Whilst intuitively appealing and with qualitative accounts from genuine jurors appearing to support such a weighted decision-making process (see Newell, Lagnado, & Shanks, 2015), Groscup and Tallon (2009) state that, overall, a lack of reliable empirical evidence to date substantiates a Bayesian explanation of juror-level decision making.

2.2.1.2 Dual Process Explanations

Contrastingly, dual process models of information processing have been considered a more useful account of juror decision-making. Despite variations between models, all dual process models are based upon the underlying assumption that individuals process information in one of two ways. Carefully and systematically, if motivated to do so, or alternatively with a lesser degree of effort, particularly when the decision maker feels the information at hand is ambiguous or confusing (Chen & Chaiken, 1999). Clearly it seems optimum for decisions at trial to be based upon a systematic assessment of the evidence at hand, especially when decisions made are high stake, having important implications for both the defendant's and complainant's futures. Also apparent, however, is the pressure associated with making such verdict decisions, with jurors often presented with conflicting information during trial that causes a degree of uncertainty and conflict within the decision maker. Conditions under which Chen and Chaiken (1999) have found commonly leads to the rapid and careless processing of information, based upon heuristic biases rather than the logical assessment of the facts.

2.2.1.2.1 Heuristics

Heuristics, described as cognitive shortcuts drawn upon by individuals to make rapid decisions in complex or fast-moving situations, can lead to erroneous judgements being made where individuals have difficulty compartmentalising their prior knowledge (Fisk & Taylor, 1991). Moreover, while use of heuristics can be beneficial in circumstances where rapid decisions are required and careful information processing is difficult, drawing upon assumptions made from past experiences and attitudes introduces bias into the decision-making process. Operating as automated responses through which information is processed, cognitive heuristics are thought to be relied upon by jurors when complicated judgements about the value of evidence in relation to the trial outcome, needs to be made. Bornstein and Greene (2011a) suggest this is particularly true for jurors when the evidence they are required to judge relates to something they have little knowledge or experience of.

Tversky and Kahneman (1974) identified several heuristics which typically affect the decision-making process, many of which have been used to explain juror-level decision making, and which research has suggested jurors make use of when information processing becomes complex. When required to decide compensation awards during civil cases jurors have been found to rely heavily on financial estimates provided by the court due to the difficulty posed in calculating a monetary value to personal injury, known as an anchoring bias (Bornstein & Greene, 2011b). Other heuristics, including representativeness, where jurors over attend to salient features of the case which they are more able to comprehend or relate to (Kovera et al., 1999) and availability, where jurors assign greater probative value to the likelihood of an event occurring based upon the ease with which information which supports this outcome is retrievable (rather than predictive of its probability of occurring) (Brekke & Borgida, 1988).

2.2.1.2.2 Cognitive-Experiential Self-Theory

Another example of a dual-process model that has been applied as an explanation of juror-level decision making is Epstein's (1994) Cognitive-Experiential Self-Theory (CEST). In a similar way to other dual-process explanations, CEST suggests information is processed either effortlessly (experiential mode) or analytically (rational mode) (Epstein, 1994). The experiential mode is thought to be characterised by the crude automatic and rapid processing of information whereas the rational mode, is conceptualised as an information processing system underpinned by deliberate effortful cognitive appraisal of the circumstances within which an individual finds

themselves. An important feature of CEST, when compared to other dual-process models, is the assumption that the default experiential mode of processing only becomes rational, where a conscious effort to implement the higher level effortful processing is made (Epstein, 1994). Integrating heuristic theorising, empirical evidence appears to suggest that within the experiential mode of processing heuristic biases are relied upon, however, transitioning into an apparent higher level of processing (rational mode), such a reliance upon these biases becomes significantly reduced (Epstein, Lipson, Holstein, & Huh, 1992).

Despite its often-theoretical application as a valid account of juror decision making, empirical attempts to directly examine the model's utility within a juror context have been infrequent. Lieberman (2002) attempted to examine whether priming mock jurors to undertake experiential mode or rational mode information processing would affect the monetary figure awarded in a civil lawsuit whilst also manipulating extra-legal heuristic bias such as defendant attractiveness. The authors found less effortful processing (experiential mode participants) awarded significantly lower monetary awards when the defendant was attractive. Likewise, as part of their ongoing examination, Krauss, Lieberman, and Olson (2004) again attempted to induce experiential mode versus rational mode information processing in jurors. According to the authors, findings again revealed jurors that were utilising lower level experiential processing were significantly more likely to base their decisions on less reliable evidence than rational processing jurors and that higher level rational processing in jurors was significantly associated with decisions underpinned by more objective evidence.

Overall dual-process models offer somewhat of a detailed account of the different levels that processing jurors are likely to engage in during trial and what influence different levels of juror processing may have upon the interpretation of specific evidence and ultimate decisions formed. In fact, explanation surrounding the cognitive processes involved and circumstances under which heuristic biases are most likely to confound rational and impartial decision-making is felt by some to be the strongest feature of dual-process models in understanding juror decisions (Lieberman, 2002; Lieberman & Krauss, 2009; Wevodau, Cramer, Clark, & Kehn, 2014). However, very few explorations have sought to empirically examine such a concept within legal decision-making broadly, and specifically, the juror-deliberation process. Where studies have attempted to do so, the extent to which jurors can be reliably considered to have been primed to one form of information processing over another, proves somewhat difficult to ascertain. Whilst such models clearly have value in understanding juror information processing, no dual-process model applied has provided a comprehensive account of juror decision-making in its totality. In

fact, despite each of the aforementioned models adequately accounting for many of the processes thought to underlie juror decisions, none have been so comprehensive and widely accepted as Pennington and Hastie's (1992) Story Model.

2.2.1.3 The Story Model

Pennington and Hastie's Story Model (1986, 1988, 1992, 1993) attempts to provide a complete account of the individual decision-making process jurors undertake during trial. The model considers jurors to be actively engaged in a narrative construction process from the onset of trial, seeking a cause and effect explanation of the information available. Moreover, a combination of trial evidence and personal inferences made about the case are used to organise information, so that decisions relative to the range of verdicts available (see Figure 1.2 in Chapter 1) can be made (Pennington & Hastie, 1992). It is theorised that the combination of this information, alongside existing world views and prior attitudes, are then used to construct one or more possible interpretations of the event (also termed stories). Importantly, the impact of jurors' personal inferences and biases are considered most likely to be incorporated within the narratives jurors construct, when key elements of the stories are not presented as evidence (Pennington & Hastie, 1988). Essentially, the authors suggest when hearing competing accounts of the same incident during trial, typically including one version put forward by the defendant, as well as an alternative account put forward by the complainant, individual jurors construct differing narrative interpretations of what they believe to be the truth. At the end of trial and before deliberation, the theory suggests jurors then select one of these stories or narrative interpretations as the dominant and accepted version of events (Pennington & Hastie, 1992). Before this happens, however, competing stories are thought to undergo differing stages of processing, with governing principles therein used to further assess which story is to be accepted.

2.2.1.3.1 Stages of Processing

The model posits there to be three phases to a jurors' processing leading up to the formation of a verdict decision; story construction, verdict representation, and story classification (see Figure 1.2 in Chapter 1 above). Each of these phases contains a number of sub stages or governing criteria that stories constructed must have, in order to be accepted as a viable account of events by the individual juror (Pennington & Hastie, 1993).

The story construction phase is considered to be the most important stage underpinning individual decision formation. Here, jurors are thought to draw primarily upon the evidence

presented during the trial, as well as prior knowledge held around what typically occurs in similar events to the case at hand (Pennington & Hastie, 1993). This prior knowledge is thought to be based upon factual information, as well as assumptions and attitudes relevant to the issues under scrutiny. From the combination of such information, competing stories are likely to be constructed concurrently as possible variants of what truly happened in the case. Ultimately, however, only one of the multiple stories constructed will be selected and this is thought to be based upon the individual juror's assessment of each story, relative to a number of criteria which the authors term, certainty principles (Pennington & Hastie, 1992).

Moreover, the authors propose that competing stories presented during trial are assessed by jurors in terms of having adequate; (1) coverage of crucial pieces of evidence integrated within an account (i.e. good fit between evidence presented and a given version of events), (2) coherence regarding how (3) consistent (lacks internal contradictions), (4) complete (no aspects of the story are missing from the evidence available), and (5) plausible (the story is credible and could possibly have happened) a story appears to be, and the (6) uniqueness of the story, surrounding whether alternative equally credible and comprehensive explanations could emerge from the evidence available. Pennington and Hastie (1992, 1993) posit that only upon satisfying each of these elements within the story construction stage (see Figure 2.1), will any one story be accepted by an individual juror over other competing stories. This premise was of central importance and investigation within the current thesis.

Next, within the verdict representation phase, jurors are said to begin to identify with and understand the differing verdict categories available. More specifically, what is thought to occur during this stage of processing is that jurors follow directions given to them on the law and use prior knowledge surrounding what constitutes a crime, in their attempt to match the evidence (or their perception of it) to a relevant verdict option available, including for example, guilty of rape, guilty of sexual assault or not guilty (Pennington & Hastie, 1992). Finally, within the story classification stage, jurors then simply determine which verdict from the range of options available best match the story or version of events they have accepted according to their perceived goodness of fit between the two (Pennington & Hastie, 1992). For example, if the story accepted strongly indicates guilt for the crime of rape and verdicts available (based upon legal instructions given by the judge) allow the defendant to be found guilty of such an offence, then the juror will decide a defendant is guilty.

2.2.1.3.2 Theoretical and Empirical Support

The Story Model is now widely considered to be the dominant explanation of individual juror decision-making, accepted not only as the most comprehensive account of juror decision formation (Devine, 2012; Groscup & Tallon, 2009), but thought to be the most empirically reliable based upon research support attained thus far (Ellison & Munro, 2014; Hastie, Penrod, & Pennington, 2013; Huntley & Costanzo, 2003; Pennington & Hastie, 1993). Moreover, as the model derived directly out of research testing the construction stages proposed, empirical support for such a narrative construction of the evidence is not lacking.

Early attempts to examine whether jurors' mental representation of the evidence adopted a story structure consistent with the processing stages set out in the Story Model have provided some degree of support. Pennington and Hastie (1986) showed mock jurors a videotaped re-enactment of a murder trial and subsequently interviewed participants after making a decision, probing them to describe the decision-making process they undertook. Findings described that jurors constructed evidence into a story structure format and drew more heavily upon evidence which supported the accepted version of events than other evidence presented. Moreover, the authors found evidence presented at trial, which did not directly fit with the story constructed, was less likely to be discussed by the jurors. Where important elements of a juror's story were not presented as evidence, the researchers found mock jurors simply made inferences based upon personal experiences and assumptions, ensuring the accepted story was deemed coherent and complete.

Pennington and Hastie's (1988) next study adopted an alternative approach in their attempt to examine jurors' mental processing, presenting student sampled participants with a written summary of a case which they were required to render a verdict upon. After making a verdict decision, mock jurors undertook a memory recognition test of trial evidence. Results displayed memory of trial information was best when the information being recalled was consistent with a story matching the verdict decision participants had made. Memory was also found to be poorest for story inconsistent evidence, supporting an alternative verdict to the one chosen, which the authors concluded to be evidence of the story construction process undertaken. Perhaps unsurprisingly, jurors rated story consistent trial evidence as more important than evidence which did not support the story underpinning their verdict decision. Importantly, the authors also found that the content of the stories jurors constructed differed based upon the verdicts that were returned.

In a subsequent series of studies, Pennington and Hastie (1992) varied the delivery of testimony at trial, to examine the impact upon this would have upon the story construction jurors are thought to undertake. The authors varied the presentation of evidence from the traditional narrative format (whereby witnesses were asked questions about the entire event sequentially), to an item-by-item format (whereby witnesses were asked about discrete aspects of the case non-sequentially). Results displayed presentation order not only differentially affected a juror's memory of evidence, but led to important differences in the verdicts returned. The traditional narrative format was found to allow easier credibility assessments of witness testimony to be undertaken and free recall of the trial evidence was shown to have a story structure under these conditions (Pennington & Hastie, 1992). Findings also displayed that when jurors were asked to make global judgements of the evidence - as is typical during criminal trials - rather than the atypical item-by-item evaluations of discrete pieces of evidence, jurors appeared to adopt certainty principle processing and assessment, as suggested takes place within the story construction phase (Pennington & Hastie, 1992). Notably, this assertion is made based upon qualitative feedback provided by jurors who simply described what they were thinking. This thereby appears to suggest that information heard by jurors at trial, is organised into competing narrative representations.

Pennington and Hastie (1992, p. 202) conclude that "the ease of story construction mediates perceptions of evidence strength, judgements of confidence, and the impact of information about witness credibility". Notably, all studies purportedly displayed jurors' mental representations of the case were underpinned by causally connected sequences of events, in which selected trial testimony appeared to be constructed into story formats. Whilst Pennington and Hastie's (1988) study displayed the same evidence would be considered stronger when presented in a story format, the greatest influence upon final decisions was found to be the strength of one story when compared to another, further displaying the importance that the ease with which stories can be constructed appears to have (Pennington & Hastie, 1988, 1993).

Contemporarily, Huntley and Costanzo's (2003) and Ellison and Munro's (2015) studies exploring mock juror's decision making in sexual assault case re-enactments also reported finding that narrative constructions of evidence underpinned juror decisions. A conclusion drawn largely by assessment of jurors' narrative explanation of the decision-making process undertaken. In their attempt to examine individual differences in juror decision making within hypothetical sexual harassment cases, Huntley and Costanzo (2003) found jurors who endorsed different stories, returned different verdicts overall. This led the authors to conclude that in sexual harassment cases at least, differential stories constructed did underlie individual juror decision-making. In a

qualitative study conducted by legal scholars Ellison and Munro (2015), the authors examined the impact that written judicial instructions may have upon juror decisions within English criminal trials. Whilst beyond the main scope of the research objectives, analysis of mock juror deliberations led the researchers to conclude that jurors appeared to exhibit a narrative construction of trial evidence, rather than any Bayesian or dual-process modelling of information. Overall, the degree of value ascribed from such studies, alongside similar support obtained by others (cf. Blume, Johnson, & Paavola, 2007), has led to the Story Model's perceived dominance within the literature, continually drawn upon and widely considered to be the most comprehensive explanation of individual juror decision formation to date (Devine, 2012).

2.2.1.3.3 Current Limitations

Despite the Story Model's comprehensiveness in its attempt to explain the juror decision-making process from start to finish, closer consideration of the explanation does, however, highlight certain gaps in current understanding. Firstly, as Groscup and Tallon (2009) accurately point out, in much the same way as other juror-level decision models, little is known about the interaction this individual juror processing has upon collective group jury deliberations thereafter. In fact, the Pennington and Hastie's model makes no attempt to account for the transition of individual juror decision formation to the ultimate unanimous group decisions required within English trials. This is of arguable importance when considering many justice systems around the world, and specifically within Britain, disregard much juror-level research as being unrepresentative of jury-level decisions that are ultimately returned (cf. Darbyshire, 2011; Kapardis, 2014). The associated logic being that the group deliberation phase of decision-making, alongside the need for unanimous (and occasionally majority) juror agreement before any verdict can be returned, resolves any undesirable juror conduct (Kapardis, 2014). As such, there is a need to examine to what extent individual juror decisions remain stable and how they may interact with the group deliberation process overall.

Furthermore, very little research exists that tests the individual elements termed 'certainty principles' within the Story Model, despite being considered crucial to the acceptance of one version of events over another. Whilst several studies described above have sought to substantiate claims that jurors construct competing stories or versions of events during trial, no research to date has directly sought to test whether the certainty principles set out within the Story Model do in fact govern the acceptance of one story over another. Individual constructs comprised within the story construction phase have been tested in isolation within past research. For example, sparse studies

have sought to establish the importance of plausibility in judgements made of criminal narratives during trial (Canter, Grieve, Nicol, & Benneworth, 2003; Jackson, 1996), as well as narrative coherence and completeness upon mock juror assessments of guilt (Voss & Van Dyke, 2001; Yale, 2013). However, to the author's knowledge no research has attempted to measure the influence of the combination of such certainty principles upon juror decision-making, or specifically whether higher scores on such principles relative to either the complainant or defendants story, are in fact related to the acceptance of one version of events over another. Alternatively put, no empirical attempt to date has established whether the Story Model's assertion is correct in that, a juror's greater belief in a complainant or defendant's story has any significant association or correlation with individual juror verdict decisions overall. In general, despite its apparent utility, there is a need to expand upon the Story Model further, taking account of the transition between individual to collective jury decision-making and specifically test the constructs thought to underlie decision formation.

2.4 METHODOLOGICAL LIMITATIONS OF JURY RESEARCH

Methodological criticisms are intrinsically linked to jury research. Typically centring upon weak methodological designs, concerns surrounding the usefulness and ecological validity of research set to inform legal policy, are right to be cautious. This is particularly important when considering that such research informed policy has the potential to impact upon the liberty of those accused and access to justice within those victimised.

A common problem, partially the result of legislative restrictions closely governing the jury process, surround the realism of mock trial recreations. Moreover, as highlighted previously, mock trial simulation research is favoured over examination of archival materials and post-trial interviews due to the methodological control afforded within experimental designs. However, somewhat ironically, many mock trial simulations are often themselves confounded by the unrealistic settings and circumstances in which most studies take place. For example, it is common practice for mock trial simulations to take place in physical spaces which in no way resemble a courtroom, typically selected on the basis of the ease in which they can be obtained rather than with ecological validity in mind. Whilst this is symptomatic of much experimental research, by definition often conducted in controlled laboratory settings, broader problems with the samples adopted and general unrealistic mundane manner in the way the studies are conducted often results in mock trial research exhibiting limited external and ecological validity (McCabe, Krauss, & Lieberman, 2010). Notably, Diamond (1997) noted early on that six core features can reduce the

validity of conclusions drawn from jury research identifying: "inadequate sampling, inadequate trial simulations, lack of jury deliberation, inappropriate dependent variables, lack of corroborative field data, and the nature of decisions based on role play" (p. 562), to be common in a wealth of studies. Despite this, many studies today exhibit little improvement.

A common feature of recent studies is that case information and associated trial evidence is presented in a written vignette format, which in many cases is significantly shorter than one sheet of A4 paper that jurors are subsequently required to read before making judgements. As well as being highly unrepresentative of genuine jurors' decision-making task, in that discrete pieces of evidence are assessed and verdict decisions made after only brief, simplified, and passive exposure to case information, several commentators have highlighted that such procedures likely lead to participant identification of the independent variables being investigated (Kerr & Bray, 2005). The influence of which likely results in demand characteristics overriding any natural juror behaviour at play (Hosch, Culhane, Tubb, & Granillo, 2011). Worse still, due to the administrative and organisational challenges associated with bringing groups of participants together to simulate a collective jury panel, many studies simply opt for individual juror assessments of such scenarios. Along with being atypical of both the manner and volume of evidence which a decision maker would be exposed to during trial, such research relates merely to individual decision makers with no actual deliberative 'jury' element included (Diamond, 1997; Lieberman & Olsen, 2009). Of particular importance is the lack of gravity usually associated with participant decisions, in that, unlike a real trial, mock jurors are undoubtedly aware that the verdicts they return relate to non-genuine cases and have no consequence upon the freedom of the defendant accused.

Almost all jury research is so far removed from a genuine trial scenario that findings obtained may not accurately represent the gamut of thoughts, emotions, and internal processes that underlie actual jury decision-making. This issue alone highlights the importance of representative jury research exploration. In fact, where jury decision-making research has made its way into the courtroom, such limitations have not been ignored. McCabe et al. (2010) draw attention to several US cases, whereby even pertinent jury research is dismissed in court due its perceived lack of realism. Perhaps the primary methodological concern which has plagued jury research and led to a general unwillingness among policy makers to adopt findings attained is utilisation of opportunistically sampled university students as participants. Whilst the reasons for using such samples are self-evident, the extent to which research findings result in an external validity crisis remains contested.

Bornstein's (1999) examination of jury research throughout the 1990s displayed that more than 70% of mock trial research used students as participants. Despite longstanding concerns surrounding generalisability and perceived differences between university students and more representative community sampled mock jurors, research has traditionally concluded any differences to be negligible (Eisenberg, Rachlinski, & Wells, 2002; Diamond, Saks, & Landsman, 1998; Green & Bornstein, 2003). More recent explorations, however, have offered an alternative perspective, finding evidence that students and community participants differed in attitude measures and cognitive processing styles, which in turn influenced decisions surrounding culpability, leniency, and guilt (Keller & Weiner, 2011; McCabe et al., 2010). Overall, what is however apparent is the doubt that perceived externally unrepresentative studies and methodologies low in ecological validity have upon the legal systems interpretation of jury research. As such, the need for research that examines the relationship between juror characteristics and verdict decision-making within settings more realistic and representative of the procedures encountered within genuine criminal trials, is undoubtedly required. Efforts to utilise and compare such effects within alternative samples and whilst employing advanced analytical procedures previously untested within the domain of jury research, including person-centred analysis, will allow more reliable findings to be obtained and are arguably essential for the discipline of jury decision-making to advance and continue.

Chapter 3: Methodology

ABSTRACT

Within previous chapters it has been highlighted that methodological limitations exist within much jury research conducted to date, often low in ecological validity and therefore limiting the practical application of findings to real world jury decisions. The present research has made a concerted effort to vastly improve upon such limitations and this formed a major part of the thesis objectives, ensuring that results obtained - relative to each specific aim - could be more readily applied to the English Criminal Justice System (CJS), than previous research has accomplished. Whilst weak methodological designs and poor ecological validity are not uncommon, limitations of previous jury research are often intrinsically linked to legislative restrictions, which govern juror conduct and restrict research access within countries where studies have been conducted. For example, in the United States (US) and Canada, varying legislation restricts jury behaviour and disclosure of deliberative conversations. Likewise, in England, jurors are prohibited from discussing almost all elements of their deliberations to individuals outside of the trial. In fact, strict legal rules mean English jurors commit a criminal offence if disclosing any details of statements made or opinions cast by other jurors within a genuine trial (Contempt of Court Act, 1981). Equally, researchers who attempt to ask jurors questions specific to any given trial decisions are subject to the same legal ramifications. Therefore, alongside studies that have employed overly simplistic research designs, such strict legislation has undoubtedly led to a pausation in reliable, ecologically valid, and representative research understanding surrounding how jurors make verdict decisions. This is particularly true in relation to English jury decision making, with very little representative research existing to date.

This chapter introduces, in detail, current jury procedures within England and Wales (hereafter referred to as England for ease), and specifically how the present research sought to replicate such procedures within successive experimental designs. Alongside description of the participants recruited and sampling procedures adopted within both experiments, which sought to closely replicate genuine juror recruitment procedures, the psycho-social measurement tools employed are discussed. Here the use of separate and distinct samples is explained and a detailed account is provided of both experimental procedures as they were employed. Importantly, due the degree of forward planning that occurred prior to experimentation, as well as during each mock

trial simulation, the procedures are explained sequentially and in depth. Finally, the ethical procedures adhered to and the statistical analysis conducted will be discussed, again in relation to both experiments conducted.

3.1 ENGLISH JURY TRIAL PROCEDURES

Within England, criminal jury panels are comprised of twelve lay individuals, randomly drawn from the community in which they live. English citizens are asked to serve as jurors within criminal trials in circumstances where a person has pled not guilty to a crime that they are accused of committing and where the police and Crown Prosecution Service (CPS) deem there to be sufficient evidence suggesting otherwise. A detailed description of each of the stages that underpin English jury procedures is provided sequentially below.

3.1.1 Jury Selection and Recruitment

To fulfil their duty to serve on a jury, individuals are selected from the local electoral register which stores lists of the names and addresses of everybody that is registered to vote in public elections (Ministry of Justice, 2016). Using this information, the Jury Central Summoning Bureau then randomly selects a specific number of these names based upon the number of cases listed for trial at each English Crown court within a given week. All individuals selected are then sent a letter informing them that they must attend their local court at a stipulated date and time. Before attending, prospective jurors must complete and return a jury summons form, which seeks to ensure that those selected are in fact eligible to serve as a juror (Her Majesties Courts and Tribunals Service [HMCTS], 2014). These questionnaires assess eligibility on the basis of age, British residency, criminal history, and mental health (see Table 3.1 below). Whether an individual currently works or has worked for the police or prison service in the last five years is also recorded, although nowadays such employment is unlikely to result in an excusal from serving (Judicial College, 2016).

It is a criminal offence to fail to disclose information that would render yourself ineligible to serve as a juror, and criminal records checks are conducted on a selection of those summoned to ensure jurors have answered honestly (Jury Central Summoning Bureau, Personal Communication, March 11th, 2015). Likewise, once summoned, it is a legal requirement to undertake jury duty at the time stipulated, with few reasons permitting a juror from being excused (HMCTS, 2014). However, due to prospective juror's information being obtained from the electoral register, senior personnel within the English Jury Central Summoning Bureau outline that

outdated address details are common, resulting in many of those selected never actually receiving the summons to attend. As such, approximately three times the required number of jurors are summoned for a given period, ensuring that enough jurors are available for the trials taking place at the beginning of each week, (Jury Central Summoning Bureau, Personal Communication, March 11th, 2015).

Table 3.1

Summary of the English Jury Summons Inclusion & Exclusion Criteria

Inclusion and Exclusion Criteria
Aged between 18 and 75 on the date jury duty begins.
Have lived in the UK for a period of at least 5 years, since the age of 13.
Are not currently suffering from any diagnosed and severe mental illnesses
Are not currently on bail, been convicted or served prison time for a criminal offence in the last 10 years.

Adapted from the Judicial College, (2016) Crown Court Compendium guidelines.

3.1.2 Day of the Trial

Upon arriving at court, jurors are met by a jury officer and assembled within a separate room to the other people in the court building. Here, each juror is recorded as in attendance and seated. Once all jurors expected for the day's trials are in attendance, or by a stipulated time (whichever arrives first), the jury officer briefly explains what will take place throughout their jury service (Open Justice, 2016). In unison, all jurors are subsequently asked to watch a short twelve-minute step-by-step video, which explains, in detail, the role of the juror and what will occur during the trial (cf. Ministry of Justice, 2016). Jurors are then asked to simply remain within the jury assembly room until further notice. Over the course of the day and week ahead, jurors are selected for trial from the jury assembly area through a process of random computer generation. Upon the jury officer being notified that a trial is about to begin, fifteen names are automatically generated by computer and these individuals are subsequently asked to follow the court clerk into a courtroom (known as the jury in waiting) (Ministry of Justice, 2016). In the final stage of the process, the court clerk then reads aloud the names of twelve of the fifteen jurors in waiting, to be seated for trial. Again, this is conducted through a process of random selection whereby fifteen cards featuring the names of each of the prospective jurors are simply shuffled and the clerk reads the first twelve names aloud (Ministry of Justice, 2016).

The twelve jurors selected make their way into the jury box within the courtroom and are individually asked to take an oath or, as is increasingly popular nowadays, make an affirmation to faithfully try the defendant and return a verdict according to the evidence (cf. Ministry of Justice, 2016). Whilst the presence of twelve jurors is said to be based more on tradition than logic (Auld Report, 2001), criminal trials can continue with as few as nine jurors if individuals are discharged before the trial is complete. This is often as a result of unforeseen circumstances, most commonly, serious illness or important family matters (Juries Act 1974, sec 16 (1)). The remaining three individuals not selected for the trial are asked to return to the jury assembly room to await selection for another case.

3.1.3 Onset of the Trial

At the onset of the trial, once all jurors have been sworn in, the charges against the defendant are read aloud in open court by the clerk. The jury has the opportunity to highlight at this point whether there are any reasons why they should not be formally seated as a juror in the case. Primarily, this refers to knowing any of the individuals involved in the case (Ministry of

Justice, 2016). However, in practice this happens infrequently within the United Kingdom (UK) (Kapardis, 2009). The trial then begins and the judge starts by providing the jury with some basic instructions surrounding the difference in roles of the judge and jury, as well as procedural information surrounding how the different stages of the trial will progress. The judge also explains in detail the legal restrictions (and ramifications) imposed upon jurors during their service, such as not to discuss the case with any persons outside of the court and not even with other jurors, until all evidence has been completed (Judicial College, 2016).

Legal directions are also now routinely given surrounding use of social media, explaining that nothing related to the case must be shared in such arenas, at present or at any point in the future (Judicial College, 2016). The judge then typically gives the jury a final direction to make use of the pens and paper in front of them, should they wish to take notes. For a summary of the instructions that an English judge must give to jurors pre-trial, as determined by the Judicial College (2016), see table 3.2 below.

Table 3.2

Summary of the instructions a trial judge provides to jurors' pre-trial.

Key Pre-Trial Jury Instructions
The need to try the case only on the evidence heard and remain faithful to their oath or affirmation.
The prohibition on internet searches for matters related to the trial.
The importance of not discussing any aspect of the case with anyone outside their own jury panel or allowing anyone to talk to them about such via any form of communication, including Facebook or Twitter.
The importance of taking no account of any media reports about the case.
The need to bring any concerns, including concerns about the conduct of other jurors, to the attention of the judge at the time, and not to wait until the case is concluded.

Adapted from the Crown Court Compendium guidelines (Judicial College, 2016).

As the defendant has pled not guilty to the offences they are accused of (necessary for the case to be heard before a jury), the prosecution begins by presenting their case against the defendant. The prosecuting lawyer starts by delivering an opening speech to the jurors, outlining the key pieces of evidence against the defendant and provides jurors with an overview of what the Crown Prosecution Service (CPS) argue happened in case. The prosecution then begins to call their witnesses during what is known as evidence-in-chief, whereby the lawyers ask witnesses questions surrounding what they know about the case. Following this, the defence lawyers then have an opportunity to ask each prosecution witness questions of their own, known as cross-examination. This is typically the point during which defence barristers aim to display gaps, inconsistencies, or deception within witness testimony. Lastly, following such questioning the prosecution is again permitted to ask each witness further questions should they wish to do so, termed re-examination, after which time the witnesses are dismissed (Ministry of Justice, 2016). This re-examination is typically used by prosecution lawyers to clarify to the court any ambiguous or contradictory statements made by witnesses during cross-examination. After all prosecution witnesses have been questioned, the defence lawyers then begin to present their case to the jury. Following an identical pattern, the defence case is outlined to the jury, defence witnesses are called and questioned before being cross-examined by the prosecution lawyers and re-examined by defence lawyers. Finally, once all evidence has been presented to the jury, the prosecution and defence lawyers deliver their closing speeches, summing up their respective (and typically contrasting) arguments or narratives in the case (MOJ, 2016).

In what equates to the final stage of the trial, the sitting judge then provides the jury with his or her own summary of the case. Unlike the lawyers, this speech is governed by stricter legal guidelines, which a judge must follow when instructing jurors in a case. The main objective of the judge's summary is to outline relevant points of law and present an unbiased summary of the evidence such that jurors are best able to reach a verdict decision (Judicial College, 2016). This often requires the trial judge to follow a prescribed set of guidelines relevant to the type of case at hand. For example, in a rape trial, specific and somewhat standardised instructions must be provided surrounding the law of consent, as well as particular interpretations of the facts that the jury should agree upon in order to decide upon a particular verdict.

It is important to note that these important and complex legal questions are explained to the jury at length, in an attempt to ensure that verdicts reached conform with the law around the specific offence type. The judge also summarises specific facts of the case and gives directions relating directly to key pieces of evidence that the jury should choose to focus upon (MOJ, 2016).

Nowadays, it is also increasingly common for judges to provide jurors with a document known as a 'route to verdict', where key legal instructions provided by the judge in their summary of the case, is handed to jurors in print format prior to deliberation (Judicial College, 2016). This serves as an attempt to simplify the legal instructions jurors should follow during their decision-making process, in particular providing guidance surrounding how jurors may satisfy the need to be 'beyond a reasonable doubt', a criteria necessary (in principle) in order to convict a defendant at trial (Judicial College, 2016).

3.1.4 Jury Deliberation

Before deliberation, the judge explains to the jury that the decisions they make must be based solely on the evidence that was presented during the trial and that no outside influence or bias should influence their decisions in the case. Directions specific to the 'beyond a reasonable doubt' requirement will again be explained, before the jury is asked to proceed to the jury room where they are instructed to deliberate until a verdict is reached (Judicial College, 2016). Jurors are then led to the deliberation room by the court usher where, for the first time during their jury service within a particular trial, they are permitted to discuss the case as a collective. The first stage of deliberations, however, is to nominate a jury foreperson between themselves (MOJ, 2016). Within England, juries must endeavour to reach a unanimous verdict, whereby all twelve members of the jury panel are in agreement. Where jurors are unable to do so, at the judge's discretion, a majority verdict of ten jurors to two (10:2) may be accepted (Judicial College, 2016). The legal requirement underlying the acceptance of majority decisions is that a minimum time of two hours deliberating must have passed and jurors receive an amended direction from the judge outlining that a majority verdict will now be accepted (known as The Watson Direction) (Judicial College, 2016). Deliberations take place in private and at no point is anybody, other than the jurors present, permitted to know anything that was discussed or took place during deliberations, with the exception of the ultimate verdict decision returned or where juror misconduct is reported to the judge.

A court usher is stationed outside of the jury room throughout the duration of deliberations, who manages any questions jurors may have for the judge. At the point upon which a verdict has been reached, the jury foreperson will notify the court usher, who notifies the judge, and the court is then reconvened (Ministry of Justice, 2016). Once all personnel are in attendance, the court clerk will ask the jury foreperson to stand and deliver the collective verdict. After the verdict has been delivered the role of the jury is complete and they are then thanked and provided with a final

warning that they must not discuss the case with anybody thereafter, before being dismissed from court by the judge (Judicial College, 2016).

3.1.5 Ecological Validity of Study Procedures

Due to legislative restrictions which surround the jury trial process, attaining high ecological validity has traditionally proved extremely difficult within previous jury research. Experiments have typically made use of unrepresentative opportunity samples, selected more on the ease in which participants are able to be recruited, than the degree to which they represent a mock juror. Additionally, participant eligibility to serve as a juror within a genuine criminal trial has either not been assessed or simply assumed based upon the age of those who partook. More importantly, however, most experimental jury research is often so far removed from a criminal trial procedure that the requirement bestowed upon participants to make a verdict selection, is typically the only factor which links the study to jury decision making at all. Despite this, ensuring high ecological validity based on the methodological procedures employed has important implications for giving strength to any findings obtained and claims that can be asserted. Moreover, the implications of jury research have consequences not only for legal policy but directly upon the lives of those accused and genuine victims bringing their case to trial. With this in mind, the upmost care was taken within the present research to ensure that the methodological procedures employed obtained a high degree of ecological validity, for the most part unrivalled within any existing mock jury research, particularly within England.

Within the current research, Experiment 1, (discussed in more depth below) attempted to improve upon traditional mock jury student sample research by (1) assessing participant eligibility to serve a genuine juror, (2) conducting jury panel explorations rather than individual juror decision making tasks, and (3) doing so within the context of a genuine criminal trial simulation. The simulated trial was filmed within an actual English courtroom, which was subsequently observed by live groups of deliberating participants. A large sample was also considered paramount for reliably testing effects within a student sample. Extending upon such a methodological approach further, Experiment 2 attempted to conduct what may perhaps be considered the most ecologically valid and realistic mock jury trial research ever conducted within the UK. Notably, jurors were selected in an identical manner to real jury selection and observed a live re-enactment of genuine criminal case, simulated by genuine lawyers and professional actors over the course of an entire day. The purpose of doing so was to allow subsequent results obtained to be more readily applicable and indicative of genuine jury decision-making occurrences. In turn,

the findings are likely to have greater practical utility to the jury decision making process, allowing direct implications for this form of justice to be asserted.

3.2 EXPERIMENT 1 – STUDENT SAMPLE MOCK TRIALS

Working in consultation with an expert panel of criminal justice practitioners, including lawyers and specialist sexual offence detectives from two separate British police forces, the first study was devised. Adopting an experimental, independent-subjects and repeated-measures design, participants were recruited to take part in a mock jury trial scenario, whereby panels of student mock jurors observed a short rape trial re-enactment. The scenario depicted an 'acquaintance' style rape case, which included important components that both past research and expert consultation suggests are present in many contested rape cases, namely; voluntary intoxication, lack of independent witnesses, and some form of prior acquaintanceship with the defendant accused. In line with the overarching aims of the thesis, the study sought to examine whether mock juror psychological constructs and attitudes have an influence upon verdict outcomes. Essentially, the present experiment sought to directly investigate the relationship between individual juror characteristics and the verdict decisions participants make within rape trials.

3.2.1 Sample

A self-selecting opportunity sample of 352 participants distributed across 30 mock jury trials, were recruited from the University of Huddersfield, UK. The University of Huddersfield is located in the North of England and, with a student population in excess of 20,000, is the 5th largest of 12 universities within the Yorkshire region (Yorkshire Universities, 2017). The university has students enrolled from more than 130 countries within seven separate schools and was recently ranked 68th out of 154 UK universities in terms of its research output and national impact (Research Excellence Framework, 2014). Full demographic information of the university's student population is displayed within Table 3.3 below. The present study sample consisted primarily of undergraduate and postgraduate university students, as well as a small number of non-student members of the general population, recruited through their involvement in some form with the university (i.e. staff, volunteers, and visiting practitioners). As a result of significant missing information, as well as the non-attendance of a total of eight participants from mock trials that went ahead (see procedure below for details of mock trials that were cancelled), the data from three mock jury panels (panels 1, 3 & 4) were removed prior to analysis. The remaining sample,

therefore, was 324 participants distributed across 27 separate mock jury trials, each comprising of 12 jurors.

Participants ranged in age from 18 to 70 years old (*M* = 24.86, *SD* = 9.34), and comprised of 210 females (64.8%) and 114 males (35.2%). Additionally, the majority of the sample - 213 participants - reported their ethnicity as Caucasian (65.7%), 58 reported themselves as of South East Asian descent (17.9%) and 53 as Black Afro-Caribbean (16.4%). In total, 301 participants were university students (93.5%), with the remaining twenty-one being non-student university affiliates (6.5%). Finally, in line with most participants being undergraduate students, most of the sample reported their highest qualification to date to be a college obtained qualification (73.1%), and a total of 48 participants stated that they were the parent to at least one child (14.8%). The overall demographic profile of study participants was therefore similar to the general student population at the University of Huddersfield (see Table 3.3 and 3.4). In particular, age, gender distribution, ethnicity, and level of study were extremely similar and therefore highly representative of the university's student population as a whole.

Table 3.3

University of Huddersfield student population demographic profile (enrolled 2014/1)

Variable	*N* (%)
Population	20,742 (100%)
Age	
20 and below	7,934 (38.0%)
20 to 29	8,155 (40.0%)
30 and above	4,653 (22.0%)
Gender	
Male	8,835 (43.0%)
Female	11,907 (57.0%)
Level of Study	
Undergraduate	15,456 (75.0%)
Postgraduate	5,286 (25.0%)
Ethnicity	
Caucasian	13,593 (66.0%)
BME	4,976 (24.0%)
Chinese	1,302 (6.0%)
Other	871 (4.0%)
Current Area of Study	
Human and Health	4,854 (23.0%)
Business	4,616 (22.0%)
Educational Studies	2.626 (13.0%)
Arts and Design	2,353 (11.0%)
Computer Engineering	2,350 (11.0%)
Music and humanities	2,155 (10.0%)
Applied Sciences	1,788 (9.0%)

Note: Data derived from University of Huddersfield internal marketing records relating to the academic year 2014/15. For publicly available information please refer to The Complete University Guide (2017).

Table 3.4

Complete demographic profile of the student sample utilised within Experiment 1.

Variable	*N* (%)	Mean (*SD*)	Range
Age (continuous)	324 (100%)	24.86 (9.41)	18-70
Gender			
Male	114 (35.2%)		
Female	210 (64.8%)		
Ethnicity			
Caucasian	213 (65.7%)		
South East Asian	58 (17.9%)		
Black Afro-Caribbean	53 (16.4%)		
Highest Qualification			
Secondary School or less	9 (2.8%)		
College / Vocational	237 (73.2%)		
University Degree	50 (15.4%)		
Higher Degree (MD/PhD/MSc)	28 (8.6%)		
Current Area of Study			
Human Health Sciences	235 (72.5%)		
Business	28 (8.6%)		
Arts	15 (4.6%)		
Science	25 (7.7%)		
None (Finished/Yet to Start)	21 (6.5%)		
Currently Employed (PT/FT)			
Yes	135 (41.7%)		
No	189 (58.3%)		
Parent of Child/Children			
Yes	48 (14.8%)		
No	276 (85.2%)		

3.2.2 Measures

A number of established psychological and attitudinal measures were adopted within the present study. Additionally, a demographics questionnaire was completed by participant's pre-trial, and a juror verdict decision questionnaire completed post-trial. Full descriptions of each questionnaire and measure are detailed below.

Demographics Questionnaire – A self-report demographic questionnaire was developed to gather information surrounding participants' age, gender, ethnicity, occupation, and educational qualifications. Questions were also asked about family background (i.e. 'Do you have any children?', 'What gender are your children?'), as well as previous victimisation (i.e. 'Have you ever been a victim of crime?', 'Have you ever been a victim of a sexual crime?'). The demographics questionnaire was comprised of 14 items in total.

Acceptance of Modern Myths about Sexual Aggression (AMMSA; Gerger, Kley, Bohner, & Siebler, 2007). This is a self-report inventory devised to more subtly measure attitudes held towards rape and sexual aggression, than more overt rape myth acceptance inventories which preceded the development of this measure (e.g. Illinois Rape Myth Acceptance Scale; Payne, Lonsway, & Fitzgerald, 1999). The inventory is comprised of thirty items, all of which are positively scored and unidimensional (e.g. "Alcohol is often the culprit when a man rapes a woman", "When a single woman invites a single man to her flat she signals that she is not averse to having sex", "Women often accuse their husbands of marital rape just to retaliate for a failed relationship"). Responses are measured on a seven-point Likert scale, ranging from 1 "completely disagree" to 7 "completely agree", and overall scores are measured from 30 up to 210, with higher scores indicating greater acceptance of myths about sexual aggression. Within a series of previous studies, exploratory factor analysis demonstrated the scale to consist of a single factor (Gerger et al., 2007; Hantzi, Lampridis, Tsantila, & Bohner, 2015). Additionally, validation of the inventory within a Spanish and Greek context also displayed high internal consistency and moderate internal validity of the scale (Megias, Romero-Sánchez, Durán, Moya, & Bohner, 2011; Hantzi et al., 2015). However, some researchers have outlined that further studies are required in order to confirm the scale's internal and predictive validity (Debowska et al., 2014). Internal-consistency estimates of reliability within the current sample were examined for the reported unidimensional factor using Cronbach's alpha. Reliability was inferred with a value of .92 for the full scale, which was consistent with the figures reported by Gerger et al. (2007).

Psychopathic Personality Traits Scale (PPTS; Boduszek, Debowska, Dhingra, & DeLisi, 2016). The scale was designed as a brief self-report measure of psychopathic personality traits, to be used within diverse populations for research purposes. Specifically, the scale was developed in response to a lack of existing inventories, which measure psychopathic personality broadly within both forensic and non-forensic populations, irrespective of respondents' criminal history, cultural background, age or gender (Boduszek, et al., 2016). All scale items measure respondents' self-reported knowledge/skills and attitudes/beliefs, rather than behavioural characteristics and, as such, was deemed the most appropriate measure of psychopathic personality traits within the present non-offender sample. The inventory is comprised of twenty items (six of which are reverse scored) divided over four factors;

(1) Affective Responsiveness (AR), five items, (for example, "I don't care if I upset someone to get what I want", "What other people feel doesn't concern me", "Seeing people cry doesn't really upset me").
(2) Cognitive Responsiveness (CR), five items, (for example, "I am good at predicting how someone will feel", "I'm quick to spot when someone is feeling awkward or uncomfortable", "I find it difficult to understand what other people feel").
(3) Interpersonal Manipulation (IPM), five items, (for example, "I know how to make another person feel guilty", "I know how to pay someone compliments to get something out of them", "I sometimes provoke people on purpose to see their reaction").
(4) Egocentricity (EGO), five items, (for example, "I tend to focus on my own thoughts and ideas rather than on what others might be thinking", "I believe in the motto: "I'll scratch your back, if you scratch mine", "It's natural for human behaviour to be motivated by self-interest").

Responses were measured on a five-point Likert scale, ranging from 1 "strongly disagree" to 5 "strongly agree", with possible scores therefore ranging between 20 and 100. Higher scores thereby indicate higher elevated levels of psychopathic personality traits. Confirmatory factor analysis, along with confirmatory bifactor analysis, corroborated the four-factor model of the PPTS. Additionally, use of composite reliability further indicated the measure had good internal reliability (Boduszek, et al., 2016). Internal reliability estimates for the current sample were examined for all four factors in the model with use of composite reliability. All values proved to be above Diamantopoulos and Siguaw's (2000) stipulated acceptable limit of .60 (Affective Responsiveness = .86, Cognitive Responsiveness = .76, Interpersonal Manipulation = .84 & Egocentricity = .69) displaying adequate to good internal reliability.

Rosenberg Self-Esteem Scale (RSES; Rosenberg, 1965). The scale was designed as a self-report measure of an individual's self-esteem. Defined as a set of positive or negative thoughts and feelings held in relation to perceived self-worth (Rosenberg, 1965), the inventory is considered to be one of the most widely used instruments in the history of psychology (Mash, Scalas, & Nagengast, 2010). The scale is comprised of ten items (five of which are reverse scored) and treated as a unidimensional construct ("On the whole, I am satisfied with myself", "At times, I think I am no good at all", "I certainly feel useless at times"). Responses are measured on a four-point Likert scale ranging from, 1 "strongly disagree" to 4 "strongly agree", with possible scores therefore ranging between 10 and 40. Higher scores reflect more positive evaluations of the self, thus indicating greater self-esteem. Exploratory and confirmatory factor analyses, as well as principal-components analysis have supported both a one-factor unidimensional solution (Schmitt & Allik, 2005; Shevlin, Bunting, & Lewis, 1995) and a two-factor solution of positive and negative self-esteem (Boduszek, Hyland, Dhingra, & Mallett, 2013; Boduszek, Shevlin, Mallett, Hyland, & O'Kane, 2012). However, recent studies among general non-specific populations utilising large samples, reported that the two hypothesised factors (positive and negative self-esteem) are better conceptualised as 'grouping factors', rather than representing distinct latent constructs. This supports the bifactor model of the RSES as a unidimensional construct (Hyland, Boduszek, Dhingra, Shevlin, & Egan, 2014; McKay, Boduszek, & Harvey, 2014). Treating the RSES inventory as unidimensional within the present study, internal consistency estimates of reliability were examined using Cronbach's alpha. Reliability was displayed with a value of .86 for the full scale and thereby above the minimum acceptable level of above .70 (DeVellis, 2003).

Juror Decision Scale (JDS; Willmott & Boduszek, under review). This scale was developed within the present study and was designed as a self-reported measure of individual juror verdict decision-making, which sought to incorporate specific theoretical principles set out in Pennington and Hastie's (1992) Story Model. Moreover, after hearing competing evidence during trial the model theorises there to be three processing phases underpinning a jurors' formation of a verdict decision, termed story construction, verdict representation, and story classification (see Fig 1.2 in Chapter 1), with the story construction phase considered to be most important upon individual decision formation. Here, the model suggests competing versions of events (i.e. the complainant versus defendant stories), are independently and implicitly assessed by individual jurors according to a number of prescribed certainty principles. To accept one of these given stories and subsequently make a verdict decision upon it, it is suggested that jurors review; (1) the coverage of crucial evidence offered in an account, (2) the existence of story coherence regarding

how (3) consistent, (4) complete and (5) plausible each version is deemed to be, alongside being (6) unique, in that alternative equally credible explanations do not emerge from the evidence available. However, despite outlining how the certainty principle process is thought to underlie decision formation, no empirical attempt to test such concepts through the development of an associated scale has yet occurred. In an attempt to firstly develop a scale, which allows testing of such a premise to be undertaken and secondly, empirically examine the existence of such an apparent mode of processing within the context of the present study samples, the Juror Decision Scale (JDS; Willmott & Boduszek, under review) was devised.

Item generation for the JDS relied directly upon the Story Model's theoretical conceptualisation of the certainty principles. As such, seven items pertaining to the extent to which a juror felt a complainant's story had coverage, coherence, consistency, completeness, plausibility, uniqueness, and overall believability were devised. An identical seven items pertaining specifically to the defendant's story were also included in the scale, all of which were measured on a five-point Likert scale. In accordance with the story model assertions, these complainant versus defendant certainty principle items were hypothesised to constitute two separate dimensions within the scale, which, in line with the Pennington and Hastie's (1992) theory, should be highest for the individual whose story is matched to a verdict decision. Taking into account theoretical discussion surrounding the role of juror confidence in jurors' story assessments/verdict classifications (Pennington & Hastie, 1993), two global items pertaining to decision confidence were also included in the scale, hypothesised to comprise a separate dimension within the scale. Thereby, in total, the scale developed comprised of a total of sixteen items distributed across three hypothesised dimensions. Overall, where the Story Model is accurate, higher scores would be expected to be found on the complainant believability sub-scale for jurors who returned a guilty verdict, and higher on the defendant believability sub-scale where jurors retuned a not guilty verdict.

Therefore, all JDS scale items measure respondents' self-reported assessments of how believable they determine a complainant and defendant to be, having heard all evidence in a particular jury trial (or mock trial for research purposes), as well as their self-reported confidence relating to the individual verdict decision made in a given case. The measure is comprised of sixteen items all of which are positively scored and divided over three factors;

(1) Complainant Believability (COMP), seven items, (for example, "How complete was the complainant's story, in the sense that no aspects were missing or left unsupported by the

evidence?", "How coherent was the complainant's story, meaning that the different stages described as happening were logically connected?").

(2) Defendant Believability (DEF), seven items, (for example, "How complete was the defendant's story, in the sense that no aspects were missing or left unsupported by the evidence?", "How coherent was the defendant's story, meaning that the different stages described as happening were logically connected?").

(3) Confidence in Decision (CON), two items, (for example, "Thinking about your individual verdict decision of 'guilty' or 'not guilty', how confident are you that you made the correct decision?", "Finally, taking everything into consideration, how confident are you overall that you reached the correct verdict decision in this case?").

Responses were measured on a five-point Likert scale ranging from, 1 "not at all" to 5 "extremely", with possible total scores ranging from 16 to 80. Higher scores on the Complainant Believability and Defendant Believability sub-scales indicates greater belief in the account given by each respective individual, with lower scores indicating a lower respondent belief in the account given. Higher scores on the Confident in Decision subscale indicates a greater respondent confidence that the individual verdict decision they had made was accurate according to the evidence heard. For the CFA, which examined the proposed three factor model of the JDS, refer to Chapter 4 Results, sub-section section 4.3.

3.2.3 Procedure

The current study sought to improve upon methodological limitations that exist within much jury research to date, typically utilising short vignette trial scenarios, whereby individual jurors - rather than a collective jury panel - are asked to make verdict decisions. Accordingly, efforts were made within the present experiment to design and implement mock trials that improved upon the ecological validity therein. In order to do so, study procedures were broken down into different stages and, where possible, reflect the sequential stages undertaken within genuine criminal jury trial procedures. For clarity, each of these stages is discussed in detail below.

3.2.3.1 Pre-trial Procedures

Before the mock trial simulations took place, a number of pre-trial procedural steps and plans were undertaken. This included careful selection of the case to be used within the mock trial simulation, after consultation with a panel of experts had occurred. Also, preparation of the case in terms of the experimental objectives, as well as legal admissibility, development of the case into

a format that could be repeatedly shown to different panels of participants, and, finally, the recruitment of mock jurors as closely in alignment with genuine trial recruitment procedures as possible.

3.2.3.1.1 Case Selection

Before selecting or devising a scenario to be used within the rape trial simulation, consultation with an expert panel of Criminal Justice System (CJS) practitioners was undertaken. Here, panel members included a Crown Prosecution Service (CPS) lawyer, an experienced criminal barrister, and three senior detectives within specialist sexual offences units from two differing police forces in the North of England. In an attempt to enhance the future practical applications of the study findings, discussions focused upon what panel members felt the central and commonly contested components to be within rape cases, as well as what features typically lead to uncertainty surrounding the likely verdict that would be returned during trial.

Subsequent to group discussions, all expert panel members collectively agreed and identified the following three features as typically present within contested rape cases, namely: voluntary intoxication where the complainant had willingly consumed alcohol prior to the alleged rape (often with the alleged perpetrator themselves), a lack of independent witnesses that were able to corroborate either parties account of the event, and some level of previous acquaintanceship between the alleged victim and perpetrator. Acquaintanceship was collectively described as equating to having met on the day of the incident, through to knowing one another for several years. Examination of the scientific literature further displayed the apparent importance of such features upon jury decisions, highlighted as being present within a large majority of rape cases and considered central to the difficulty of the decision-making task that jurors must undertake within rape trials (Lovett & Horvath, 2009). Accordingly, it was decided that these three components would form the basic core features required to be present within any case selected for development into a mock trial simulation. Furthermore, to improve the ecological validity within the present study, it was decided that the case scenario adopted would be based on a genuine rape case that had previously been heard before a jury. Selecting cases that had previously been to trial ensured that the legal threshold had been met with regards to the evidence available, and such evidence had therefore been deemed significant enough to warrant a criminal trial. This was a direct attempt to avoid potential criticism surrounding the realistic nature of scenario used.

A systematic trawl was then conducted of legal case databases, LexisNexis and the British and Irish Legal Information Institute (BILII). These databases store genuine information and transcripts of cases that have previously gone to trial within the UK. The basic search criteria adopted within these databases was that the transcript, (1) related to a criminal rape trial that had taken place within England since 2003 (due to changes in sexual offence legislation during that year – see Stevenson, Davies, & Gunn, 2004). This search generated in excess of 2000 trial transcripts, varying in length, depth and legal purpose. Therefore, to further narrow the search, additional inclusion and exclusion criteria was adopted at this stage (see table 3.5 below) and a qualitative review was then conducted of the available case transcripts.

In line with the research objectives, transcripts were further required to include (2) voluntary intoxication, previous acquaintanceship, and a general lack of independent witnesses, as highlighted as common within many contested rape cases. Furthermore, in accordance with the gendered nature of most rape cases that progress to trial in the UK (Burrowes, 2013; Lovett & Horvath, 2009), only cases with (3) one alleged male perpetrator and one alleged female victim were included, (4) where the sexual offence of rape was recorded (excluding cases with additional offences of grievous bodily harm, robbery or domestic violence). Transcripts were also required to include (5) enough detail surrounding the alleged rape, specifically, the events preceding and following the rape incident, as well as the competing accounts of the complainant and defendant. These competing accounts were required to be (6) largely evidentially balanced or ambiguous, meaning that roughly equal information corroborated and contradicted both parties' accounts of what happened.

Notably, legal scholars highlight that due to the general lack of independent evidence, alleged rapes committed by an individual in some way acquainted with the complainant are typically ambiguous and evidentially neutral (Lovett & Horvath, 2009). This pertains to the fact that testimony generally hinges on one person's account versus that of the other party and that sexual interactions tend to take place in private, limiting the possible independent evidential opportunities. As such, the need for a representative scenario that included a level of ambiguity and sufficient lack of corroborative evidence, such that participant decisions would not be necessarily swayed one way or another was stipulated. Additionally, this would ensure that verdict decisions would be more closely attributable to the personal attitudes, biases, and psychological factors implicit within jurors making decisions. Cases which met all of the stipulated criteria were then selected on a first-come first-selected basis, until a total fifteen cases were shortlisted. These transcripts were then further scrutinised on the basis of including, (7) key information surrounding

the legal arguments put forward by the prosecution and defence, as well as the legal instructions provided by the judge. The purpose of this was to permit subsequent detailed re-enactment within the later mock trial experiment. For a complete summary of the case selection criteria, see Table 3.5 below.

Table 3.5

Case Selection Criteria adopted within Experiment 1 mock trial simulations

Rape Case Selection Criteria
A criminal rape trial that had taken place in England & Wales since 2003.
Includes elements of voluntary intoxication, previous acquaintanceship, and a lack of independent witnesses.
Involved only one alleged male perpetrator and one alleged female victim.
Only the offence of Rape was alleged.
Sufficient detail surrounding the incident and competing versions of events from parties involved were present.
Cases were overall evidentially balanced in terms of corroboration and contradiction (or lack thereof) of both parties' account of what happened.
Important legal information surrounding arguments put forward by the prosecution, defense, and judge were present (and sufficiently detailed).

Of the fifteen cases shortlisted, just two met all of the above criteria, deemed necessary for realistic and legally admissible mock trial recreation within the present study. Therefore, following further consultation with lawyers from the expert CJS panel, and upon agreement surrounding which case best matched the inclusion criteria from the detail available, one case was selected to represent the 'acquaintance rape' case within the present study. To review the anonymised adaptation of this genuine transcript developed by the present author, please refer to Appendix I.

3.2.3.1.2 Case Preparation

Having selected the case that formed the basis of the experiment, the genuine trial transcript was subsequently reduced in length to allow a shorter mock trial scenario to be devised. A clear narrative was constructed relative to the case, whereby a summary including; the undisputed facts, the complaint's version of events, the defendant's version of events, a condensed version of both the prosecution and defence questioning of both parties, and a summary of the judge's instructions in the case (see Appendix I).

Moreover, firstly pre-trial instructions provided by the judge were drafted. Making use of the same guidelines issued to genuine trial judges when constructing pre-trial instructions (cf. Judicial Studies Board, 2010), a script of all essential instructions was constructed and developed

from the genuine transcript. Likewise, as the case scenario had been selected on the basis of including important factors and legal questions surrounding; voluntary intoxication, previous acquaintanceship, and a lack of independent witnesses, legal instructions typically provided by judges at the close of the trial relating to these factors (termed 'judge's summary'), were also drafted from the initial transcript and crown court compendium guidelines (cf. Judicial Studies Board, 2010). In order to ensure that the judge's instructions were accurately summarised from the original trial transcript, as well as being in accordance with the English law of evidence, lawyers from the expert CJS panel were again consulted. Separately, lawyers reviewed the summarised pre-trial and summary judge's instructions. After recommending slight amendments to the use of language in places, both were in agreement that all instructions conformed with genuine trial instructions typically given.

Next, a brief ambiguous medical report was developed, which constituted the sole medical evidence in the case. Following discussions conducted with police officers from the expert CJS panel (and later confirmed upon review of the scientific literature), it was noted that it is not uncommon for victims to display very few physical signs of having been raped, particularly when the perpetrator was in some way acquainted with the victim (Saunders, 2012). Moreover, even where damage is sustained within the genitals of a female victim, it is often difficult to distinguish whether this was the result of vigorous consensual intercourse or non-consensual rape. Therefore, consistent with the evidence that is typically present within such contested rape cases, jurors across the mock trials were presented with the same evidentially neutral and ambiguous medical statement (see Appendix I), adapted from past research which used ambiguous medical evidence in a similar way (cf. Ellison & Munro, 2015). The purpose of using such evidentially neutral medical evidence was that whilst clearly neither indicative of rape nor consensual sexual intercourse, it is possible that jurors may interpret and draw upon such information as supporting underlying preconceptions or biases they hold. Finally, a short summary script was developed of the remaining undisputed facts in the case, the complaint and defendant testimony, alongside condensed versions of the questions both parties were asked by the prosecution and defence lawyers while giving their evidence.

Overall, the trial scenario was purposefully chosen and structured to include a level of ambiguity and sufficient lack of corroborative evidence, such that participant decisions would not be necessarily swayed one way or another solely upon the evidence displayed (or lack thereof it). Attempting to balance the evidence both supporting and contracting each party (complainant and defendant) was a methodological control, which thereby ensured that jurors were not evidentially

predisposed to one version of events over another, simply on the basis of the case chosen. Simply put, the evidence theoretically allowed jurors to believe either party's version of events, as both were equally plausible and had an equal amount of internal contradictions, which, it is argued, would permit underlying biases to more readily emerge. After the case had been summarised into a complete rape trial scenario, the 'script' was once more reviewed for legal admissibility and to ensure that no important elements present in trial transcripts were missing. Here, lawyers from the expert CJS panel agreed that the summarised scenario would be considered legally representative of the main issues present within the case.

3.2.3.1.3 Trial Video Development

The next stage of the study involved developing the scenario into a videotaped, mock trial simulation. As the current experiment aimed to improve upon the poor ecological validity present within much jury research to date, it was decided that instead of asking individual mock jurors to simply read written rape trial scenarios, participants would instead collectively observe a video recorded re-enactment of the rape trial. As a large experimental sample size was sought, a pre-recorded videotaped mock trial was deemed to be the most feasible means by which all jurors would be exposed to identical mock trial content.

Having recruited a local filmmaker who agreed to assist in the recording of the mock trials, a talent agency within the West Yorkshire region of the UK was contacted to recruit two actors for the role of the complainant (alleged victim) and defendant (alleged perpetrator). Having described what the role would involve, both actors were demographically matched in terms of age, ethnicity, and similar regional accents, factors which previous research found could influence attitudes towards witness credibility in itself (Ryan, Hewstone, & Giles, 1984). These criteria were adopted as a means of reducing the influence of extraneous variables within the study. A further female actress was also recruited to take on the role of the court clerk within trials. Her role was to present the undisputed facts of each case, as well as a summary of the questioning that occurred during examination and cross-examination. Finally, an experienced criminal barrister was recruited to take on the role of the judge and present jurors with the pre-trial instructions and summary instructions discussed above, at the close of the trial.

Following recruitment, the actors were provided with a script detailing the content of the testimony or instructions they would be required to deliver within the case two weeks prior to filming. In an attempt to further strengthen the ecological validity of the study, a request was made

to a Crown Court within the North of England for permission to record the trial simulation videos within a genuine courtroom and subsequently this request was granted by the court manager (see Appendix II). Accordingly, within the realistic setting desired, the actors were subsequently filmed re-enacting the trial scenario within the courtroom (see Picture 3.1 below). Again, videos were constructed to mirror genuine trial procedures, in that a brief overview of the juror's role was set out at the onset by the court clerk, followed by standardised pre-trial instructions given by the judge. The agreed facts of the case that were not in dispute by either party were then detailed, alongside a description of the circumstances (for example, date, time, location), during which the alleged offence is said to have taken place. Following this, the court clerk was filmed providing a summary of the prosecution case, before the complainant actress was recorded giving her testimony of what happened during the night in question. Immediately after this, a summary of the questions asked during examination-in-chief and later cross-examination were outlined for mock jurors. Repeating the same process, the clerk then provided a summary of the defence case, the questioning that occurred during examination and cross-examination, as well as the defendant actor being recorded presenting his testimony of what happened during the night in question. Finally, the experienced trial barrister, acting out the role of the judge, was filmed sitting in the judge's seat within the genuine Crown Court, providing a summary of the facts (in respect of each differing case) before concluding with the final standardised legal instructions. Over the following two weeks, the mock trial recording was edited into a short twenty-five-minute video with the assistance of Final Cut Pro X professional editing software. The completed trial video was once more shown to lawyers on the expert CJS panel. Both agreed that within the constraints of reductions in total trial time, the video was an accurate summary of the case in question, and in accordance with the UK law of evidence. The full mock trial video used can be accessed on YouTube via the following URL (https://www.youtube.com/watch?v=GkF3NftVgZA).

Picture 3.1: Mock trial judge filmed delivering juror instructions within genuine English Crown Court.

3.2.3.1.4 Mock Jury Selection and Recruitment

Just over half of all participants (*n* = 180) were recruited through an online research participation system termed SONA, available to psychology based undergraduate students where the experiment had been advertised. The remaining 144 participants were recruited through advertising posters distributed throughout the university campus (see Appendix III), where interested individuals were asked to contact the researcher by email to volunteer to take part. In accordance with English jury eligibility criteria (see Table 3.1 above), all participants were subjected to pre-trial screening assessments prior to inclusion in the study. Specifically, students recruited through the SONA system were notified that prior to registering to take part, they must ensure that they first met the stipulated age, citizenship, mental health, and lack of criminal history inclusion criteria. They were told that registering to participate constituted a declaration of such. All other participants, recruited through requests made to the principle researcher, were manually asked via email correspondence with the experimenter to confirm that they met such eligibility criteria. Upon declaring that they did, participants were registered a place on an upcoming jury

panel by the experimenter. It is noteworthy that many prospective participants who responded to advertisement posters were declined participation due to failing to meet all inclusion criteria. Most frequently, international students who had not been residents of the UK for a period of at least five years since the age of 13 were declined from participating.

By way of further ensuring that participants were, by definition, jury eligible, on the day of experimentation all participants were also asked to complete a screening questionnaire. Utilising questions adapted from the genuine English Jury Summons Form (HMCTS, 2014), participants answered questions prior to the onset of the trial and upon subsequent review of the self-reported responses, it was observed that all of those in attendance met all jury eligibility criteria. In an attempt to simulate the randomisation of mock jurors into respective trials, participants who contacted the researcher volunteering to take part were simply randomly booked a place onto different mock trials listed for experimentation over the coming weeks. In total, twenty-seven mock trial simulations took place over a period of three months and, therefore, randomly assigning participants to differing experimental trials was implemented with relative ease. Where participants were unable to take part in a given trial on a stipulated date and time, they were simply randomly reallocated a place on an alternative trial date. It is important to highlight, as psychology students were able to self-select a place on a given trial (from the range of trial dates listed as available on the SONA system), they were encouraged to book sessions in isolation rather than with members of their friend groups.

When replicating genuine jury panel recruitment as closely as possible within the confines of utilising a student sample, it was desirable that jurors were not known to one another prior to the day of experimentation. Accordingly, the researchers conducted a manual review of students registered to take part on each differing trial date and, where participants were known to have opted for the same session as their peers, they were reallocated to different trials to preserve the genuine trial conditions as far as possible. Despite the researcher's best efforts to discourage and prevent students from partaking alongside their peers, as participants were drawn from the same undergraduate courses in which many were enrolled, it was not entirely possible to eradicate such possible confounding effects from taking place. However, as mock jury panels were not simply comprised of undergraduate psychology students, a general mixture of participants from varied disciplines and backgrounds were present across the twenty-seven trials. As an incentive, undergraduate psychology students received three course credits for taking part, which equated to 3% of the total grade received on one course module. All other participants (n = 144) gave up their time voluntarily and received no recompense for taking part.

Finally, all participants registered to attend were provided with details of the date, time, and location of the mock trial experiment two weeks prior to attending. Automatic email reminders were sent one week, as well as two days, prior to experimentation, notifying participants of the importance of all twelve jurors being present for each mock trial. As a precautionary measure, fourteen jurors were permitted to register for each trial listed on the SONA research participation platform. This system of overbooking and email reminders was introduced after the first three mock trial experiments (trial 1, 3 & 4) had to be withdrawn from the dataset due to several participants failing to arrive for the study. Accordingly, for the vast majority of mock trials exactly twelve participants arrived and therefore trials went ahead as planned. On four occasions, less than the required twelve participants arrived for the experiment and therefore the mock trials had to be cancelled and participants reassigned to an alternative date. On several occasions, all thirteen or fourteen of the jurors enrolled, arrived to take part. In these instances, two psychology students were simply asked to volunteer to come back to take part on an alternate day. These students were selected on a first come first served basis. Accordingly, all twenty-seven mock trials went ahead with the required twelve jurors present.

3.2.3.2 Mock Trial Procedure

Adopting a cross-sectional and experimental design, participants were recruited to take part in one of the twenty-seven replications of the same mock jury trial simulations, whereby they first completed a number of psychometric assessments pre-trial, before their verdict decisions were repeatedly measured at two time-points, post-trial. Experimentation took place within a realistic mock courtroom located within the law school at the University of Huddersfield (see Picture 3.2).

3.2.3.2.1 Arrival on the Day

Upon arrival, participants selected were asked to sit in the jury box and await further instruction. Once all twelve participants were in attendance and seated, each individual was provided with a study booklet, including an information sheet, consent form, and a number of questionnaires (see Appendix IV). For a review of the questionnaires included, refer to the measures section above. Firstly, participants were thanked for attending and asked to carefully read the information sheet on the first page of the booklet in front of them. The information sheet provided an overview of what the study would involve and specifically outlined that participants would shortly be asked to watch a video recorded recreation of a genuine rape trial, before deliberating as a group to reach a verdict in the case. Having read the information sheet,

participants were informed that if they no longer wished to take part, they could leave the study without any justification being required. However, in practice no participations chose to do so (full ethical procedures described in the ethical considerations section below). Participants were subsequently asked to read and complete the consent form before experimentation begin. Once consent forms had been signed and dated, the experimenter collected all completed copies. At this stage participants were given the opportunity to ask any general questions before experimentation began.

Next, participants were asked to begin to complete the questions in the booklet in front of them. Before doing so however, all participants were issued with a unique juror identification number. This number related to the jury panel that they were assigned to (ranging from 1 to 27) and their randomly allocated juror number (ranging from 1 to 12). For example, juror number 12 on the 27th jury trial panel was assigned the following reference number; J27-12. Jurors were asked to write their unique juror number on the first page of their study booklet and informed that, from this point onwards, this unique reference number would be used in place of their real names. The purpose of this was to encourage jurors to be honest in their responses to questions asked within the study booklet. It was explained to participants that as the experimenter had no list corresponding unique juror reference numbers with participant names, there would be no way that individuals could be linked back to the answers given. A notable exception was where jurors who made a record of their unique reference number requested that their data to be removed prior to analysis. However, in practice no such request was ever made.

Over the course of the next twenty to thirty-five minutes (varying between the twenty-seven trials), participants answered the questions within their respective study booklets. This took place in silence as jurors had been asked not to confer with other participants. Once all jurors had completed the questionnaires, the experimenter collected the booklets from participants. Following this, jurors were informed that they would shortly be played the trial video. In an attempt to ensure that participants were actively paying attention to the video and approached the decision-making task in a similar way to that of a real jury, the experimenter provided some further instructions. Participants were informed that whilst the video was not filmed during an actual criminal trial and instead was a re-enactment, the content therein related to that of a genuine rape allegation that had previously gone to trial (note: under the Criminal Justice Act 1925, filming with UK courtrooms is not permitted). Moreover, participants were informed that all of the testimony they would hear was drawn from evidence presented within the real case, and therefore the decisions they made would have important implications for understanding that case.

Picture 3.2: University of Huddersfield Mock Courtroom

Finally, participants were asked to take their role as a juror seriously throughout the duration of the trial, and that from this point onwards they should consider themselves a juror in a criminal trial rather than a participant in an experiment. Paper and pencils were provided for participants, so that they could take notes should they choose to, as is typical procedure within genuine English jury trials.

3.2.3.2.2 Onset of Trial Videos

On a large screen within the courtroom participants were then shown the mock trial video. Each video was around twenty-five minutes in length and, as previously outlined, this involved the court clerk outlining the different stages of the trial, to familiarise jurors with what to expect. Next, the judge, speaking directly to mock jurors within the video, provided specific instructions surrounding the difference in roles between the judge and jury, as well as the legal guidelines that they were required to follow throughout the course of their jury service. Subsequently, jurors were presented with the undisputed facts in the case surrounding the dates, times, and location of the alleged incident, as well as circumstances leading up to the day in question which both parties agree happened.

Following the agreed facts, jurors were then presented with the complainant's version of events. Using the pseudonym Sarah Adams, the alleged victim described the details of what she states happened before, during and after the rape is said to have occurred. The overarching narrative of the complainant's account between the three cases is largely the same. Specifically, she stated that whilst there was some conversation had with the accused, a person who is known to her, she did not agree to have sexual intercourse with him and that, despite her indicating that she didn't want to have sex, he continued regardless. Immediately following this testimony, mock jurors were presented with a summary of the prosecution case. At this point, it was outlined why the prosecution propose the defendant's actions equate to rape, under English law. A summary of the questions the complainant was asked by defence lawyers during cross-examination were then detailed, with specific questions asked and responses given, presented to mock jurors. Again, the essence of the defence lawyer's case here was quite simply that the complainant was lying; she did want to have sex and she did consent to the intercourse that occurred. Therefore, the allegations of rape made are unfounded and untrue (see Appendix I).

Next, jurors were shown the defendant's version of events. Again, through use of a pseudonym, the alleged perpetrator presented mock jurors with details of what he claimed happened before, during, and after the alleged rape is said to have occurred. The essence of the defendant's testimony was simply that, on the night in question, he was with the complainant, they had chatted and voluntarily consumed alcohol together until a point where both parties had made sexual advances towards one another. This, he stated, culminated in consensual sexual intercourse taking place. Following this testimony, mock jurors were presented with a summary of the defence case, explaining why they state the defendant's actions should be considered to be lawful. A summary of the questions the defendant was asked by prosecution lawyers during cross-examination were then presented, with specific questions asked and the responses given outlined to mock jurors. Again, the essence of the prosecution lawyer's case presented was that the defendant was lying, he knew that Sarah Adams did not want to have sex, she made this clear to him, yet he continued regardless, which therefore constitutes rape (see Appendix I). The legal point was presented that according to the law, it is not for the complainant to display her lack of consent but the defendant to ascertain that he either had consent or had a reasonable belief that he had consent. The prosecution argued that he had neither.

Following the testimony described above, jurors were next presented with the medical evidence in the case. As previously discussed, this was purposely evidentially neutral and included the statement of the medical practitioner who was said to have examined the alleged victim. The

premise of this evidence was that, whilst a degree of force was evident around the vaginal area of the complainant, this was neither consistent nor inconsistent with a rape having taken place. The full statement of the medical evidence was presented to participants by way of the typewritten report being displayed on screen whilst concurrently read aloud by the court clerk within the video. Finally, the trial video concluded with the judge presenting mock jurors with a summary of the evidence in the case. Split into two segments, jurors were firstly given a summary of the evidence specific to the acquaintance rape case facts (i.e. the important details pertaining to that particular case) and secondly, general legal directions given in all rape trials.

Within the judge's legal directions, mock jurors were given a detailed explanation of the law around rape, what constitutes consent, and therefore the pertinent legal questions that jurors should seek to answer when reaching their verdict. Specific instructions were also given regarding deliberations. Here, participants were informed that before deciding upon the trial outcome they should be sure of the verdict chosen, beyond a reasonable doubt. Participants were also informed that all jurors should be unanimously in agreement. For a full description of the judge's summary instructions, refer to the transcript upon which the video was based (Appendix I). In total, the mock trial videotaped aspect of the simulations was twenty-five minutes in length. Whilst this is undoubtedly significantly shorter than a genuine rape trial would typically last, summaries of the important legal aspects of each case, along with the cutting out of repeated and unnecessary information, alongside the stops and starts that commonly exist within real trials, allowed for each case to be condensed into a timeframe appropriate for experimentation to occur.

3.2.3.3 Post-Trial Procedure

Once the trial video had concluded and mock jurors had heard all testimony and evidence in the case, participants were asked to remain in their seats prior to deliberation. At this stage, the experimenter reminded participants that whilst the evidence they had been shown was presented through the medium of a videotaped simulation, the testimonials and facts of the case related to that of a genuine rape trial. Accordingly, participants were asked to take their decision-making task seriously throughout the remainder of the study.

3.2.3.3.1 Individual Verdict Decision 1

Whilst still sitting within the jury box, each participant was then given the first of two verdict decision forms and asked to write their unique juror reference number within the top left corner. Participants were told not to discuss the case with other jurors until they were in the

deliberation room and then asked to complete the first verdict decision form. Here, participants were asked to select whether they felt the defendant to be guilty or not guilty, whether they felt guilt had been proved beyond a reasonable doubt, and specific questions surrounding the extent to which they believed the testimony of the complainant and defendant, comprised within the Juror Decision Scale (JDS - Willmott & Boduszek, under review) (refer to Verdict Decision Form 1, within the study booklet – Appendix I). Participants were reminded prior to providing their verdict decisions that all responses were confidential and anonymous, viewed only by the researchers, in order to minimise the effects of social desirability upon responses given. Notably, the responses recorded at this stage allowed the experimenter to determine how each juror had voted as an individual, having heard all the evidence in the case and prior to group deliberation influence. Once complete, all verdict decision forms were collected in so that participants would not be able to directly compare their initial decisions made with post deliberation decisions.

3.2.3.3.2 Group Deliberation

The experimenter next provided mock jurors with brief standardised instructions surrounding the deliberation phase of the study (see Appendix V). In accordance with genuine trial deliberation procedures, participants were reconvened within a separate jury deliberation room where they were asked to collectively discuss the case in an attempt to reach a verdict. They were informed that whilst they should attempt to reach a unanimous verdict, if - after a period of one hour - they had not been able to do so, the experimenter would contact them and notify them that a majority decision of ten jurors to two would now be accepted. Finally, participants were told to vote a jury foreperson and the experimenter then left the room. It was decided that participants would be more likely to openly discuss their views on the case if the experimenter was not present and, as such, deliberations were conducted in private.

During deliberations, where participants agreed upon a unanimous verdict within the allotted one-hour time frame, they were reconvened within the mock courtroom to return their verdict. Where participants were not unanimous after one-hour deliberating, an extra thirty-minutes was provided in an attempt to reach a majority verdict. After this additional time period, jurors reconvened in the courtroom regardless, and asked to return either a majority verdict or ‘unable to decide’ no verdict given. In all instances, the jury foreperson was asked to stand and return the verdict of the jury. This was recorded by the experimenter along with whether this was a unanimous, majority, or an ‘unable to decide’ verdict.

3.2.3.3.3 Individual Verdict Decision 2

In the final stage of the study, mock jurors sat within the courtroom were asked to change seats so that they were not sitting directly next to a fellow mock juror. Participants were each given a second copy of the JDS (Verdict Decision form 2 – see Appendix IV), identical to the form completed pre-deliberation. Again, jurors were asked to write their unique juror reference number in the top left corner and complete the form. Importantly, before doing so, jurors were given specific standardised instructions outlining that the verdict decisions they were being asked to make related to them as an individual and may therefore not necessarily be the same as the collective verdict that had just been returned.

Participants were informed that none of their fellow jurors would, at any point, see the verdict choices they made or any other answers given on this sheet. This was an attempt to encourage honesty in responses, examine whether any disparity existed between collective verdicts returned, and what individual jurors truly felt the verdict should be. Once completed, the experimenter collected in all answer sheets, which had been folded in half to conceal responses. Participants were then informed that the mock trial was now over and were given a debrief sheet to take away with them prior to leaving. Participants were thanked for taking part and importantly asked not to reveal any of the evidence presented, facts of the case, or decisions cast to anybody they knew to be taking part in the study at a later date. In total, each mock trial experiment lasted between 120 and 180 minutes from arrival to debriefing.

3.2.4 Ethical Considerations

Prior to the onset of experimentation, the present research was subject to the scrutiny of the University of Huddersfield's School of Human and Health Sciences Research Ethics Panel (SREP). A detailed application, adhering to all relevant ethical guidelines outlined within the British Psychological Society's (BPS) Code of Practice for Human Research (BPS, 2014), was submitted on 24th November 2015 and was subsequently approved by the SREP panel 21st December 2015 (see Appendix VI). Moreover, prior to the onset of the study a detailed information sheet and itemised consent form were given to participants to ensure that they were aware of the nature of the study prior to taking part (see Appendix IV). Specifically, as participants were to be exposed to details of an alleged sexual crime, prior warning of the type of case they would be asked to hear, and subsequently discuss among other participants, was make clear from the onset. Due to the high prevalence of sexual victimisation within the UK, it was felt important that all

participants were able to make an informed decision around participation in the study, thereby reducing the possibility of causing undue harm or upset to those taking part.

The information sheet (and debrief) also provided the contact details of free and impartial support services available to participants, regardless of participation in the study. These included local support services, as well as specialist national support charities, including the Samaritans and Victim Support. Participants were also encouraged to have a brief look through questions within their study booklet before signing the consent forms, further ensuring they were fully satisfied and informed of what they were being asked to partake in. Prior to the onset of experimentation, participants were also explicitly informed of their right to take a break or fully withdraw from the study at any point, without the need to provide a reason. Due to the potentially emotive content heard within the mock trials, participants were informed that should they feel upset or distressed in any way they were free to leave the room or experiment for as long as they needed. Care was taken in the selection and presentation of rape trial scenarios to ensure that no overly distressing, violent or graphic content was included to further ensure participant wellbeing.

Alongside the individual's right to withdraw, all participants were also informed of the right to withdraw their data from the study up until a stipulated date (typically three months after the date of experimentation). This date and the guidelines for requesting data be removed were provided within the information sheet, which participants were able to take away with them. The primary researcher's contact details and those of the main project supervisor were also provided, should any participants have wished to obtain other information or have any further queries in the future. Participants were afforded full anonymity throughout the research, with their names replaced with unique juror participant numbers upon arrival on the day and within all subsequent use of their data. The anonymised data of all participants was afforded an additional level of security, with electronic data files stored on a password protected hard drive and paper responses within a locked filling cabinet. Notably, some small degree of deception was required by way of ensuring participants' active engagement in the experiments. In an attempt to replicate the circumstances under which actual jurors make decisions during genuine trials, mock jurors were encouraged on several occasions to take their decision-making task seriously, as the case they were making decisions about was genuine and that, as the researchers were working directly with the criminal justice system, their decisions would have important implications for understanding the case. Importantly, however, whilst the case were indeed genuine, small elements of each case had been amended and abbreviated in line with the experimental objectives (described in the procedure above) and were therefore not a perfect representation of the genuine case. Also, whilst criminal

justice practitioners assisted with the research by way of an expert panel of consultants, the research was not conducted directly in partnership with any UK courts or the criminal justice system, despite some participants having perhaps inferred this to have been the case.

After experimentation was complete, participants were fully debriefed of this and of the exact aims of the research, notifying them that their decisions would be used to inform only the researcher's objectives broadly and not any court's decision surrounding a particular rape case. A full debrief was given verbally by the researcher at the end of the experiment, allowing participants the opportunity to ask any questions they had, alongside a debrief sheet, which participants were encouraged to read prior to leaving and take with them after experimentation was complete.

3.3 EXPERIMENT 2 – COMMUNITY SAMPLE MOCK TRIALS

Developing upon the first study, and again working in consultation with an expert panel of criminal justice system (CJS) practitioners, including five Crown Court barristers and an active Crown Court judge, the second study was devised. Adopting an experimental design, participants were recruited to take part in one of nine separate mock trials, whereby panels of community sampled mock jurors observed a live re-enactment of the same acquaintance rape case. Each mock trial was identical in terms of the case and evidence presented (explained in further detail below) in an attempt to examine whether mock juror psychological and attitudinal constructs were related to individual juror verdict decisions. Essentially, in line with the overarching objectives of the thesis, the present study sought to investigate whether psychological constructs have any direct and discernible relationship with juror verdict decisions and, secondly, whether such a relationship, if found, remains consistent post-deliberation. Undoubtedly, the existence of such a relationship, which remains stable irrespective of deliberation, would provide direct evidence that juror characteristics do in fact influence verdict outcome within rape cases.

3.3.1 Sample

A systematic random sample of 108 participants, comprised within nine mock jury trials, were recruited from the general population within Huddersfield, UK. Huddersfield is a market town within the county of West Yorkshire and metropolitan borough of Kirklees, located within the North of England. Based upon the 2011 Office for National Statistics (ONS) census data and annual demographic estimates, Huddersfield has a population of approximately 140,000 people (ONS, 2015), making it the 11th largest town in Great Britain (The Telegraph, 2011). Of this population, electoral polls suggest around 96,000 live within the parliamentary constituency of

Huddersfield, where approximately 75,400 are aged 18 and above, meaning that such individuals are eligible to vote in government elections and, in principle, eligible for jury service (Electoral Calculus, 2015).

With a long history of textile manufacturing, Huddersfield has an ethnically diverse population. Individuals with South East Asian Pakistani heritage (12.8%) are represented at a rate above the national average (2.1%), as is Muslim religiosity within the town (15.0%), compared to nationally (5.0%). Christianity (49.7%) is also slightly under-represented when compared to the national average (59.3%). Gender composition and age distribution are, however, comparable to the national average, and the average household income is £32,123, compared to the £39,472 England average (ONS, 2015). To review complete demographic information of the population residing in Huddersfield, see Table 3.6 below.

The present study made use of a community sample drawn from members of the general population from within Huddersfield town. Specifically, the sample was recruited through access granted to an amended version of the local electoral register, a database storing the name and address details of all residents who have registered to vote in government elections within the parliamentary constituency of Huddersfield. Due to a small number of participants registering to take part but failing to attend on the day (n = 8), the final experimental sample comprised of 100 participants distributed across nine separate mock jury trials. Participants ranged in age from 18 to 70 years old (M = 45.50, SD = 15.75), and where demographic information was given, this equated to 48 females and 46 males. Additionally, the majority of the sample reported their ethnicity to be Caucasian (67%), followed by South East Asian (15%), and Black Afro-Caribbean (9.0%). The vast majority of participants were either married (42%) or single (30%), with remaining participants reporting that they had a partner (8%) or were divorced (12%). In terms of educational attainment, 41% of participants had a university degree, 34% of participants had a college or vocational qualification, and 23% reported having only secondary school qualifications or no qualifications at all. Finally, as participants were drawn from the general population, a large majority reported that they were employed (70%) and were the parent to at least one child (59%).

From the data available, the demographic profile of the present sample, compared with that of the local population, displayed a high degree of similarity (see Table 3.6 and Table 3.7 below). Specifically, gender and ethnic group distributions were almost identically represented in the present study, as well as age distributions, whereby participant mean age and the standard deviation were reflective of the most prevalent age categorisations in existence within the town.

The main disparity between population and sample was observed in the qualifications participants possessed, with many reporting greater educational attainment overall than typically found within the town. Nonetheless, the present sample was deemed to be a good representation of the population of Huddersfield.

Table 3.6

Demographic profile of the population of Huddersfield town, West Yorkshire.

Variable	*N* (%)
Population	140,056 (100%)
Age	
15 and below	27,553 (19.7%)
16 to 29	30,377 (21.7%)
30 to 44	27,376 (19.5%)
45 to 64	32,947 (23.5%)
65 and above	21,735 (15.5%)
Gender	
Male	69,205 (49.4%)
Female	70,793 (50.6%)
Ethnicity	
Caucasian	96,767 (71.7%)
South East Asian	22,258 (16.5%)
Black Afro-Caribbean	10,618 (7.9%)
Other	5,338 (3.9%)
Highest Qualification	
Secondary School or Less	N/A (53.6%)
College / Vocational	N/A (17.4%)
University Degree	N/A (23.9%)
Higher Degree (MD/PhD/MSc)	N/A (5.1%)
Religion	
Christian	67,119 (49.7%)
Muslim	20,256 (15.0%)
Sikh	2,597 (1.9%)
Other	1,792 (1.4%)
No Religion	34,041 (25.2%)
Undisclosed	9,183 (6.8%)

Note: N/A is used where total figure data was not available within official documentation/reports. Data was sourced from ONS (2015) and Kirklees Observatory (2015).

Table 3.7

Demographic profile of complete community sample within Experiment 2.

Variable	*N* (%)	Mean (*SD*)	Range
Age (continuous)	100 (100%)	45.50 (15.75)	18-70
Gender			
Male	46 (46.0%)		
Female	48 (48.0%)		
Ethnicity			
Caucasian	67 (67.0%)		
South East Asian	15 (15.0%)		
Black Afro-Caribbean	9 (9.0%)		
Other	2 (2.0%)		
Highest Qualification			
Secondary School or less	23 (23.0%)		
College / Vocational	34 (34.0%)		
University Degree	41 (41.0%)		
Higher Degree (MD/PhD/MSc)	1 (1.0%)		
Marital Status			
Single	30 (30.0%)		
Partner	8 (8.0%)		
Married	42 (42.0%)		
Divorced	12 (12.0%)		
Currently Employed (PT/FT)			
Employed	70 (70.0%)		
Retired	15 (15.0%)		
Unemployed	15 (15.0%)		
Parent of Child/Children			
Yes	59 (59.0%)		
No	40 (40.0%)		

Note: The difference in frequencies and total numbers in categories reflect missing values.

3.3.2 Measures

A number of established psychological and attitudinal measures were adopted within the present study. Likewise, a demographics questionnaire was completed by participant's pre-trial and a juror verdict decision questionnaire completed post-trial, made up in part by the JDS items. Whilst a description of each measure is outlined below, refer to the measures section above (Section 3.2.2) for a more comprehensive review of the scales that were also used with Experiment 1. A detailed review is provided below of newly implemented measures.

Demographics Questionnaire. A self-report demographic questionnaire was developed to gather information surrounding participants' age, gender, ethnicity, occupation, marital status, educational qualifications, as well as questions surrounding family background and previous victimisation experiences. The demographics questionnaire was comprised of fourteen items in total.

Acceptance of Modern Myths about Sexual Aggression (AMMSA; Gerger, Kley, Bohner, & Siebler, 2007). This is a self-report inventory, devised to more subtly measure attitudes held towards rape and sexual aggression, than more overt rape myth acceptance inventories which preceded the development of this measure (for example, Illinois Rape Myth Acceptance Scale; Payne, Lonsway, & Fitzgerald, 1999). The inventory is comprised of thirty items, all of which are positively scored and unidimensional (i.e. "Alcohol is often the culprit when a man rapes a woman"), and responses are measured on a seven-point Likert scale ranging from 1 "completely disagree" to 7 "completely agree". Overall scores are measured from 30 up to 210, with higher scores indicating greater acceptance of modern myths about sexual aggression.

Psychopathic Personality Traits Scale (PPTS; Boduszek, Debowska, Dhingra, & DeLisi, 2016). This scale was designed as a brief self-report measure of psychopathic personality traits, to be used within diverse populations for research purposes. All scale items measure respondents' self-reported knowledge/skills and attitudes/beliefs, rather than behavioural characteristics. The inventory is comprised of twenty items (six of which are reverse scored) divided over four factors (Affective Responsiveness, Cognitive Responsiveness, Interpersonal Manipulation, Egocentricity), with responses measured on a five-point Likert scale ranging from 1 "strongly disagree" to 5 "strongly agree" (see Section 3.2.2 above). Scores therefore range between 20 and 100, with higher scores indicating elevated levels of psychopathic personality traits.

Juror Decision Scale (JDS; Willmott & Boduszek, under review). This scale was developed within the present study and was designed as a self-reported measure of individual juror verdict decision-making. All JDS scale items measure respondents' self-reported assessments of how believable they determine a complainant and defendant to be, as well as their self-reported confidence relating to the individual verdict decision made in a given case. The measure is comprised of sixteen items, all of which are positively scored and divided over three factors (Complainant Believability, Defendant Believability, Confidence in Decision) with responses measured on a five-point Likert scale ranging from 1 "not at all" to 5 "extremely" (see Section 3.2.2 above). Scores therefore range between 16 and 80, where higher scores on the Complainant Believability and Defendant Believability sub-scales indicate greater belief in the account given by each respective individual, and lower scores indicating a lower respondent belief in the account given. Higher scores on the Confident in Decision subscale indicate a greater respondent confidence that the individual verdict decision they had made was accurate according to the evidence heard. For the CFA, which examined the proposed three-factor model of the JDS, refer to Chapter 4 Results, sub-section Section 4.3.

3.3.3 Procedure

In an attempt to replicate - as closely as possible - a genuine jury trial and thereby create a similar contextual environment to that in which actual jurors make their decisions, a concerted effort to match the English jury procedures was undertaken within the present experiment. In order to do so, study procedures were divided into different stages and, where possible, directly reflect the sequential stages undertaken within genuine criminal jury trial procedures (as described in Section 3.1 above). For clarity, each of these stages are discussed in turn below.

3.3.3.1 Pre-trial Procedures

Before the mock trial simulations took place, a number of pre-trial procedural steps and plans were undertaken. This included: carefully selecting the case to be used during mock trials; preparation of this case in terms of the experimental objectives and legal admissibility; developing the case into a format that could be re-enacted live;, and, finally, the recruitment of mock jurors in line with genuine criminal trial recruitment procedures.

3.3.3.1.1 Case Selection

Due to the methodological complexities and time-consuming nature of re-enacting a criminal trial before a live panel of community recruited participants, it was decided that just one type of rape case would be developed into a full mock trial simulation within the present experiment. Furthermore, for reasons of consistency, and upon considering the significant preparatory work had already been conducted within the previous study (described in Section 3.2.3 above), it was decided that this same case would form the basis of the live rape trial simulations. In line with the objectives of the present study, which focused upon examining whether a relationship exists between juror characteristics and the voting decisions individuals make during contested rape trials, the need to select a case considered most likely to inform understanding of poor convictions rates and the effect of bias therein was paramount. As such, following further consultation with members of the newly compiled expert panel of CJS practitioners, all senior police officers and legal personnel agreed that as acquaintance rape trials are typically evidentially ambiguous, with a lack of independent witnesses and largely equate to one person's account against another's, jurors' decisions were felt to be most unpredictable and least understood here.

3.3.3.1.2 Case Preparation

Following the selection of the acquaintance rape case scenario as the basis of the live mock trial simulations, further preparation and development of the case was required. As alluded to above, this scenario previously underwent extensive preparation during Experiment 1, in terms of ensuring an accurate but condensed summary of all evidence was included, alongside members of the expert CJS panel agreeing upon the legal admissibility of all summarised evidence (see Section 3.2.3 above). However, in accordance with devising a more realistic simulation of the case, greater coverage and discussion surrounding each aspect of the evidence was necessary. Having conducted observational 'sit-ins' during several rape cases which took place at Nottingham, Manchester and Leeds Crown Courts during early 2016, a detailed step-by-step plan of each procedural aspect of the jury trial had been drafted. Additionally, working in close consultation with a crown court barrister from the expert CJS panel, with extensive experience in both prosecuting and defending rape cases at trial, a more detailed narrative of the acquaintance rape case adopted within the present study was then developed.

Firstly, all pre-trial and closing summary instructions provided by the judge (to the jury) were drafted into a script and reviewed, in terms of accurately representing important aspects

within the present case. Once the researcher and barrister were in agreement, a further measure of ensuring ecological validity of these instructions was implemented, recruiting the services of a sitting Crown Court judge based within the north of England. The purpose of the experiment and specific details of the selected case were explained to the judge and a hardcopy of the scripted judge's instructions were provided. As all instructions were developed from the same guidance handbook provided to English judges (cf. Judicial Studies Board, 2010), no major issues were anticipated. Consequently, after agreeing to review the scripted instructions, the judge stated that he considered all content therein to be in accordance with the UK law of evidence and conformed with language that would typically be used when speaking to jurors during trial. Notably, stylistic recommendations were made in terms of the order of presenting specific directions and these were amended accordingly.

Next, based upon the original trial transcript and materials developed for use within Experiment 1, a summarised script of the complainant's testimony, defendant's testimony, and the key areas of questioning that would take place during examination and cross-examination of the witnesses was constructed. This constituted a more detailed 'version of events' than had been used within the previous videotaped mock trial study, as this was to constitute a major piece of the trial evidence that mock jurors were going to be exposed to and which real jurors are exposed to, within such contested rape cases. A script of the key issues that prosecution and defence barristers were to focus upon within their closing speeches were also drafted and agreed upon by the researcher and consultant barrister. Subsequent to the construction of these elements of the trial, four different experienced barristers were sent the drafted materials. After being fully informed of the purpose and objectives of the research, the lawyers were asked to review the documentation and provide comments surrounding the legal admissibility of such evidence, as well as whether they felt an equal match of evidence supporting and contracting both parties' accounts had been achieved. All lawyers provided comments surrounding these elements and, again, in direct consultation with the lead consultant barrister, these changes were implemented where appropriate.

From start to finish, the pre-trial preparation of the mock trial took approximately eight weeks to complete. This included preparing and finalising the content of all testimony (complainant scripted account, defendant scripted account, medical evidence, core prosecution barrister narrative, core defence barrister narrative, judge's instructions), as well as continued consultation before reaching agreement between all expert CJS panel members.

3.3.3.1.3 Mock Trial Development

As the present study sought to vastly improve upon the ecological validity of much previous jury research, the next stage of the study involved developing the case materials into a live mock trial simulation, which closely replicated a genuine trial process. Firstly, it was decided that genuine criminal justice practitioners would be used to take on the roles of lawyers (barristers), judges and legal personnel within the trial rather than making use of actors. This was felt to be more akin to an authentic presentative and representation of the evidence, than a non-legally trained actor required to memorise a fully scripted case would be able to deliver. The four criminal barristers, who had previously consulted on the case materials as part of the expert panel of CJS practitioners, were approached and asked to take on the role of prosecution and defence barristers over the course of the nine mock trial simulations. All barristers agreed to do so and, working on a voluntary basis, they were asked to begin reading over the case materials relative to the respective role they had been given (i.e. prosecuting or defending). The lawyers were provided with the full trial documentation and, in close consultation with the researcher and lead consultant barrister, conducted further preparatory work around how the evidence should be presented during mock trials, as well as their examination/cross-examination of witnesses.

Importantly, the barristers were not asked to memorise scripted questioning of witnesses, in the interest of maintaining an authentic presentation of the evidence during trial and preserving the ecological validity of the study. However, they were instructed not to detract from the core line of questioning agreed during consultation meetings or central components the scenario (i.e. voluntary intoxication, previous acquaintanceship, lack of independent corroboration of witness accounts). Essentially, barristers were given the freedom to prepare an unscripted delivery of the prosecution/ defence case to jurors, consistent with how they would typically argue a case during trial. However, they were directed to do so within the strict parameters and objectives of the research. For example, overly flamboyant arguments were prevented and a standardised time frame of twenty minutes was put in place in which barristers were to question (examine/cross-examine) all witnesses. This was an active attempt to minimise extraneous variables and confounding effects that may have resulted from differences in the lawyers' abilities to convincingly argue a case, within loose scripted arguments agreed upon.

Moreover, prior to the day of trial, each barrister was also asked to provide a summary of the argument that they were going to make during trial and the specific questions they were going to ask. This was subsequently reviewed by the researcher and lead consultant barrister, ensuring

that both the prosecution and defence cases were presented to the jury as equally as possible. For example, an equal amount of questioning was put to the complainant, which either supported or refuted her version of events, as was also put to the defendant during his testimony. Whilst this may appear to somewhat detract from the authentic delivery of opposing arguments during trial, this was a further attempt to ensure that both the complainant and defendant were both presented to the jury as equally plausible. The scenario was purposefully structured to include a level of ambiguity and sufficient lack of corroborative evidence, such that participant decisions could not be necessarily swayed one way or another solely upon one side of the evidence, and therefore verdict decisions would be more closely attributable to personal attitudes, biases, and psychosocial factors implicit within them.

Next, due to the extensive involvement and consultation provided throughout the development of the mock trial, as well as his extensive experience prosecuting and defending similar rape cases, the lead consultant criminal barrister (Nigel Booth) was recruited to take on the role of the judge during mock trial simulations. The role of the judge was to present jurors with pre-trial instructions, alongside summary instructions at the close of the trial. Having previously obtained a sitting Crown Court judge's approval that the instructions were in accordance with UK law, these scripted instructions were simply memorised and prepared by the acting judge for presentation to jurors on the day of trial. Additionally, three junior lawyers, with experience of being present within genuine trials and assisting more senior lawyers within criminal cases, were also recruited to take on the role of the court clerk and ushers during mock trials.

Finally, a talent agency within the West Yorkshire region of the UK was again contacted to recruit two actors for the role of the complainant (alleged victim) and defendant (alleged perpetrator). Having described what the role would involve, both actors were demographically matched in terms of their age (21 years old), Caucasian ethnicity and similar regional Greater Manchester accents. These are factors which have previously been found to influence attitudes towards witness credibility (Ryan, Hewstone, & Giles, 1984) and were therefore deemed necessary to control within the present study to reduce the influence of such extraneous variables. Notably, the same actors and legal personnel were utilised across all nine mock trial simulations in the interest of consistency and again to prevent extraneous variables from preventing direct comparison between each mock trial experiment. An exception to this was the defence barristers, who, as a result of availability, had to be rotated between different mock trials. However, discussions were held between the differing barristers in an attempt to maintain consistency in the presentation of evidence between different mock trials. A non-speaking actor was also recruited

to play the role of the security guard to escort the defendant into court and sit with him throughout the duration of the trial, for authenticity of observations made by jurors.

Following recruitment of all those who were going to be re-enacting the rape trial, the actors were provided with a script detailing the content of their testimony/instructions for each respective case, two weeks prior to the first experimental day. Again, whilst they were not asked to memorise a verbatim script of the testimony, they were asked to retain all details of the alleged rape and their characters account of what happened. They were also provided with a number of different questions they would be asked by barristers during examination and cross-examination. Here they were asked to prepare answers in line with the version of events given by their character, drawn from the scripts they had been provided with. Two weeks prior to the first day of experimentation, a practice run was held within a mock courtroom at the University of Huddersfield. Over the course of one full day, trial rehearsals took place several times, with all actors and legal personnel present. In the interest of reducing the chance of mistakes being made on the day, the researcher explained the specific objectives of the research and all parties had the opportunity to discuss any queries that they had. Barristers also prepared the actors at length around the questions they would be asked during their testimony, to prevent confounding or irrelevant information being exposed to mock jurors on the day of experimentation. For visual representation of mock trial rehearsals and to display the developmental process undertaken, please refer to the Pictures 3.3 and 3.4 below.

Picture 3.3: Mock courtroom trial rehearsals with genuine barristers and actors in position

Picture 3.4: Mock trial rehearsals and development of scripts with genuine barristers and actors

3.3.3.1.4 Mock jury Selection and Recruitment

All participants within the present study (n = 100) were recruited through a process which closely replicated genuine jury recruitment procedures within England. Firstly, the local electoral office was contacted to gain access to the details of all registered voters within the Huddersfield parliamentary constituency. Whilst the complete electoral register was unavailable to the general public, an open version of the electoral register was accessible for a nominal fee. The open register is identical to the complete electoral register and contained the details of all registered voters within the Huddersfield parliamentary area, except those who had requested their details be removed. Accordingly, the open register was purchased and the name and address details of a total of 35,492 registered voters from the Huddersfield area were obtained.

As the open electoral register was provided as a Microsoft Excel database file and ordered to replicate the random selection of participants for the study, a random case generator formula was applied to automatically select the details of a predefined number of individuals. In line with genuine Jury Summoning Bureau procedures described in Section 3.1 above, three times the amount of participants required for mock trials were invited to partake. In total 108 participants were needed for the nine mock trials planned and, therefore, the details of 324 individuals were randomly generated from the database, before being sent a letter of invitation to take part in the study.

Letters of invitation provided prospective participants with detailed information about the mock trials. This included what the mock trial research would involve, why the research was being conducted, how they had personally come to be selected, and informed all those invited that participation was voluntary, in that, unlike a genuine jury summons, they were not compelled to take part. A detailed information sheet and timetable of the mock trial day were also included (see invitation letter in Appendix VII). Invites were devised in part using the genuine jury summons form (see HMCTS, 2014), ensuring those approached could be assessed in terms of eligibility. Therefore, jury eligibility criteria was also set out within invitations, and prospective participants were informed that in order to be eligible to take part, they must meet all of criteria listed. Notably, whilst determining the eligibility of participants was reliant on self-disclosure, this was not felt to be a major issue posed to the authenticity of the study, as genuine jury recruitment procedures typically only conduct eligibility checks on a small proportion of all jurors selected for trial (Jury Central Summoning Bureau, Personal Communication, March 11th, 2015).

All individuals declaring that they met such criteria and who wished to partake on the date and time stipulated within the invitation, were then instructed to register their attendance online via a webpage URL listed or by directly contacting the researcher on the details provided. To effectively manage participant registration and cancellation of attendance, each mock trial experiment was listed on the Eventbrite event management website and accessible via the unique web links provided. Upon visiting the webpage, prospective participants were provided with further information about the study they had been invited to, alongside how to register their attendance. Individuals who directly contacted the researcher by phone or email to secure a place were simply asked to confirm that they met the inclusion criteria stipulated on their letter of invite, before manually being registered a place on the Eventbrite page. Notably, registration for the study occurred on a first-come first-served basis, ensuring that no more than the required number of mock jurors were able to register their attendance. In total, nine mock trials occurred over three differing experimental days (requiring thirty six jurors present on each day), and on all occasions, within seven days of invitation letters being dispensed for a given trial, all mock juror places had been fully booked. Importantly, the randomised nature of how participants were recruited for the experiment ensured that the composition of mock jurors on to each respective mock trial occurred through a process of random assignment. As it was desirable for participants to not be known to one another prior to the trial, and in a further attempt to replicate genuine trial conditions, random selection of participants from a sample of in excess of 35,000 members of the community naturalistically permitted such.

Attempting to ensure that all of those registered to attend arrived on the day of experimentation, automatic email reminders were sent one week, as well as two days, prior to the day of mock trial. Despite this, across the nine differing mock trials, a total of eight participants failed to attend on the day. Importantly, adhering to UK law surrounding juror numbers, although a trial typically begins with twelve jurors, where jurors are discharged, the trial can continue with as few as nine jurors (Judicial College, 2016). Notably, all mock jury panels within the present study met the criteria and as such went ahead as planned. Specifically, on four occasions exactly twelve jurors arrived, on two occasions eleven jurors attended and on three occasions ten jurors attended for the mock trial. All participants received a £10 high street voucher as a token gesture for partaking in the study. Finally, by way of further ensuring that all participants recruited and selected within the study could be defined as jury eligible, on the day of experimentation all participants were also asked to complete a screening questionnaire. Again, utilising questions adapted from the genuine English Jury Summons Form (HMCTS, 2014), participants answered

questions prior to the onset of the trial, which, upon subsequent review, displayed that all of those in attendance could be considered jury eligible according to UK procedures.

3.3.3.2 Mock Trial Procedure

Adopting an experimental design, participants were recruited to take on the role of a juror within a mock jury trial which took place over the course of one full day. For methodological reasons, the same acquaintance rape case was re-enacted on three separate occasions, to three concurrent jury panels each day. Therefore, in total, over the three experimental days, nine separate mock jury panels presided over the same case and deliberated separately before returning their verdict. In accordance with English jury trial procedures and the differing experimental stages, the mock trial procedure is described sequentially and in detail below. Notably, a summary of the different procedural stages are described below.

3.3.3.2.1 Arrival on the Day

Experimentation took place within a large lecture theatre, located on campus at the University of Huddersfield. The room was purposely selected on the basis of accurately resembling the layout of a genuine courtroom. Upon arrival, participants were greeted by the court ushers, who, after taking their names, led them to a separate room designed to resemble a jury assembly area, where they were seated and asked to await further instruction once all jurors had arrived. As each mock trial was re-enacted to three separate panels of mock jurors concurrently, a total of thirty-six participants were due to attend each experimental day. Once all participants had arrived, or by the latest stipulated arrival time (whichever came first), the jury ushers escorted all jurors into the mock courtroom. Here, the researcher then welcomed all participants and gave a brief overview of the day's timetable, as well as what the mock trial experiment would involve. Next, each individual was provided with a study booklet, including an information sheet, a consent form, and a number of questionnaires (see Appendix VIII). Please note for a detailed review of the questionnaires included, refer to the Measures section above.

Firstly, participants were thanked for attending and asked to carefully read the information sheet on the first page of the booklet in front of them. The information sheet provided an overview of what the study would involve and specifically outlined that participants would shortly be asked to watch a live re-enactment of a rape trial, before deliberating as a group to reach a verdict in the case. Having read the information sheet, participants were informed that if they no longer wished to take part, they could leave the study without any justification being required. However, in

practice, no participations chose to do so (full ethical procedures described in the Ethical Considerations section below). Subsequently, participants were asked to read and complete the consent form before experimentation begin. Once consent forms had been signed and dated, the experimenter collected in all completed copies. At this stage, participants were given the opportunity to ask any clarification questions before experimentation began.

Next, participants were required to complete the questions in the booklet in front of them. However, before doing so, all participants were issued with a unique juror identification number that they were asked to use throughout the entirety of their participation. This number related to the jury panel that they were assigned to (ranging from 1 to 9) and their randomly allocated juror number (ranging from 1 to 12). For example, juror number six on the first jury trial panel was assigned the following reference number: J1-6. Notably, as highlighted above, all jurors had been randomly selected to take part in the study from the open electoral role. However, to ensure further randomisation of the jury selections in accordance with genuine jury selection procedures (outlined in Section 3.1. above), participants were assigned to each differing jury panel and given an individual juror number relative to that jury panel, through a process of randomly reading names from the list of attendees on the day. After each name was read, the participants were informed of their juror number and asked to sit with their fellow panel of jurors within a particular area in the mock courtroom.

After all participants had been allocated to their respective panels, jurors were asked to write their unique juror number on the first page of their study booklet and informed that, from this point onwards, this unique reference number would be used in place of their real names. The purpose of this was to encourage jurors to be honest in the responses given to questions within the study booklet. Informing jurors of this, it was explained that as the experimenter had no list corresponding unique juror reference numbers with participant names, there would be no way that individuals could be linked back to the answers given. A notable exception being where jurors who made a record of their unique reference number requested that their data to be removed prior to analysis. However, in practice no such requests were made.

Over the course of the next twenty to thirty-five minutes (varying between the nine trials), participants answered the questions within their study booklets. This took place in silence, as jurors had been asked not to confer with other participants and think carefully when responding to the questions. Once all jurors had completed the questionnaires, the experimenter collected the booklets from participants. Next, jurors were played a twelve-minute pre-trial video developed by

the Ministry of Justice, which is shown to all jurors before hearing evidence in a genuine trial. The video provides an overview of different people within the courtroom, their respective roles, and what the role of the jury consists of during trial (Ministry of Justice, 2016).

After watching the video, mock jurors were informed that the live trial re-enactment would now begin. In an attempt to ensure that participants approached the trial and their subsequent decision-making task in a similar way to that of a real jury, the experimenter provided some standardised final instructions. Participants were informed that whilst the mock trial they were about to observe was clearly a simulation and therefore not an actual criminal trial taking place within a courtroom, the content therein related to a genuine rape allegation, where a real complainant and real defendant gave evidence in court. Moreover, participants were informed that the whole of the testimony they would hear was drawn from evidence presented within the actual criminal case and, therefore, the decisions they made would have important implications for understanding that case. Finally, participants were asked to take their role as a juror seriously throughout the duration of the trial and that, from this point onwards, they should consider themselves a juror in a genuine criminal trial rather than a participant in an experiment. Paper and pencils were provided for jurors to take notes should they choose to, as is the typical procedure within English jury trials.

3.3.3.2.2 Onset of the Trial

At the onset of the trial, with mock jurors seated within their respective jury panels, participants were provided with a folder containing evidence and information they would later be directed to read, namely written accounts of the witness statements and the route to verdict document described above. Firstly, the court clerk, barristers and defendant, accompanied by a security officer, entered the courtroom. In line with tradition, the court clerk then asked all those present to stand as the judge also entered. The judge firstly introduced himself to the jury and informed participants that they must all stand when approached by the usher and swear an affirmation to, ‘faithfully try the defendant and give a true verdict according to the evidence’. This was purposely included as a method of ensuring jurors were both engaged with the trial and to simulate the degree of seriousness assigned to their role, in much the same way as a real juror would having taken such an oath.

After all jurors were sworn in, the court usher then read the indictment to the jury, outlining the exact charge against the defendant and informing them that, after hearing all evidence in the

case, it would be their duty to determine whether or not the defendant should be found guilty or not guilty of rape. Speaking directly to mock jurors, the judge then began his opening remarks. Here, jurors were provided with specific instructions surrounding the difference in roles between the judge and jury, as well as the legal guidelines that they must follow throughout the course of their jury service. Specifically, the judge also informed jurors that a key part of their role would be to decide whether the complainant gave consent to sexual intercourse and, if not, whether the defendant knew this. Next, jurors were presented with the prosecution case. Prosecution barristers began their opening speech by outlining the undisputed facts in the case surrounding the dates, times, and location of the alleged incident, as well as circumstances leading up to the day in question which both parties agree happened. Jurors were then introduced to the prosecution narrative of the case and, outlining the complainant's version of events, why they argue that the defendant should be found guilty of rape.

The prosecution barrister then called the complainant (pseudonym Sarah Adams), to give her evidence and a court usher left the courtroom to collect the complainant actress who was waiting outside. Having been brought into the witness box, the judge first asked the complainant to make an affirmation to the court that the evidence given would be truthful. The prosecution questioning then began (termed examination-in-chief), and the complainant described in detail what she stated had happened before, during and after the alleged rape is said to have occurred. The overarching narrative of the complainant's account was that, whilst she had voluntarily spent the night drinking alcohol with the accused, along with their other friends, she at no time agreed to have sexual intercourse with him and that, despite her indicating this with her body language, he went on regardless (see Appendix I).

Next, the defence barrister began their questioning of the complainant (termed cross-examination). The essence of the defence questioning and the overarching case presented to the jury was quite simply that the complainant was lying, she did want to have sex with the defendant, and she therefore did consent to the intercourse that occurred. During their cross-examination, the defence barrister argued that the allegation of rape was therefore unfounded and untrue. Importantly, the complainant stated that this was incorrect and maintained that she had in fact been raped by the defendant. Notably, the mock trial was purposely designed to ensure that, whilst being somewhat lambasted during cross-examination, the actress playing the complainant maintained her composure and gave a relatively consistent and plausible account of what happened.

Finally, the prosecution barrister then read all other witness statements to the jurors. Specifically; testimony from the mother of alleged victim who stated that, after the incident, her daughter had reported the rape to her by telephone; a police officer who interviewed the defendant, along with a summary of the initial account given after his arrest; and importantly, the statement of the medical examiner who examined the alleged victim (refer to Appendix I). The medical evidence was purposely evidentially neutral, reporting that, whilst a degree of force was evident around the vaginal area of the complainant, this was neither consistent nor inconsistent with a rape having taken place. Next, the prosecution barrister began presenting their case to the court. The defendant, who was sitting with a security officer within the court, was then escorted to the witness box. After being asked by the judge to make an affirmation to the court that the evidence given would be a truthful account of events, the defendant began giving his testimony. During examination-in-chief, the defence presented mock jurors with details of what the defendant claimed to have happened before, during and after the alleged rape was said to have occurred. Through use of the pseudonym Jake Walker, the defendant stated that on the night in question he was with the complainant, they had chatted and voluntarily consumed alcohol together throughout the evening until a point where both parties had made sexual advances towards one another. This he stated, culminated in consensual sexual intercourse taking place. The essence of the defence case was therefore that the defendant's actions should be considered to be lawful by the jury and did not constitute rape.

Mock jurors then observed the prosecution barrister's cross-examination of the defendant. Again, the essence of the prosecution questioning was that the defendant was lying, he knew that Sarah Adams did not want to have sex, she made this clear to him, yet he continued regardless, which therefore constituted rape. Notably, again, the mock trial was purposely designed to ensure that, whilst being lambasted during cross-examination, the actor playing the defendant maintained his composure and gave a relatively consistent account of what happened. The last evidential stage of the trial involved the both lawyers delivering their closing speeches to participants. Here, the defence argued that the jury should find the defendant not guilty and, respectively, the prosecution argued they should find him to be guilty. Finally, the trial concluded with the judge presenting mock jurors with a summary of the evidence in the case. Mock jurors were given a summary of the evidence, highlighting the important details that they may wish to consider when deciding a verdict.

Additionally, mock jurors were given a detailed explanation of the law around rape, what constitutes consent, and therefore the central legal questions that jurors should seek to answer in

their own minds before reaching their verdict. Specific instructions were also given in regard to the deliberations. Participants were informed that before returning a verdict, all jurors should be unanimously in agreement and they should be sure of this verdict beyond a reasonable doubt. Finally, the court usher asked all those present to stand, after which the judge, legal personnel and defendant left the courtroom

In total, the delivery of evidence within each trial occurred over a period of approximately three hours and thirty minutes. Whilst this is somewhat shorter than a genuine trial would typically last, summaries of the important legal aspects of each case along with the removal of repeated and unnecessary information, allowed the trial to be condensed into such a timeframe. In particular, the common stops and starts that typically exist within genuine jury trials were removed, which itself reduced the length of trial simulations. Legal challenges, where the jury are required to leave the courtroom whilst advocates and the judge discuss matters, were also deemed to be unnecessary due to the depth of pre-trial planning and consultation between parties.

3.3.3.3 Post-trial Procedure

Once the trial had concluded, mock jurors were asked to remain in their seats prior to deliberation. At this stage, the experimenter reminded participants that whilst the evidence they had been shown was presented through the medium of a re-enacted simulation, the testimonials and facts of the case related to that of a genuine rape trial. Accordingly, participants were asked to take their role as a juror and decision-maker in the trial seriously throughout the remainder of the study.

3.3.3.3.1 Individual Verdict Decision 1

Whilst still sitting within the jury box, each participant was given the first of two verdict decision forms and asked to write their unique juror reference number within the top left corner. Participants were told not to discuss the case with other jurors until they were in the deliberation room and then asked to complete the first verdict decision form. Here, participants were asked to select whether they felt the defendant to be guilty or not guilty, whether they felt guilt had been proved beyond a reasonable doubt, and specific questions surrounding the extent to which they believed the testimony of the complainant and defendant with questions comprised within the JDS (see Verdict Decision form 1 within the study booklet - Appendix VIII). Participants were reminded that prior to recording their verdict decisions, all responses were confidential and anonymous and would be viewed only by the researchers, in order to minimise the effects of social

desirability upon verdict decisions made. Notably, the responses recorded at this stage allowed the experimenter to determine how each juror had voted as an individual, having heard all the evidence in the case and prior to group deliberation influence. Once complete, all 'Verdict Decision 1' forms were collected in, so that participants would not be able to directly compare the initial decisions made post deliberation.

3.3.3.3.3 Group Deliberation

Next, mock jurors were led to their respective deliberation rooms by the jury ushers, one panel at a time. In accordance with genuine trial deliberation instructions, participants were reconvened within a deliberation room separate from the courtroom and not permitted to discuss the case with any person until all jurors were present. Detailed instructions surrounding deliberations had already been provided by the judge, and so the experimenter simply reminded participants that they were asked to collectively discuss the case in an attempt to reach a verdict. Jurors were informed that whilst they should attempt to reach a unanimous verdict, if they were not able to do so after a given period of time, the court would provide further instructions to them on the possibility of accepting a majority verdict.

For methodological reasons, a two-hour curfew was placed on deliberations and, therefore, it was decided in consultation with the expert panel of CJS personnel that after sixty-minutes had passed without a verdict being returned, jurors would be informed that a majority verdict of ten jurors to two would be accepted. Jurors were not made aware of this before deliberations began, in accordance with genuine English deliberation procedures. Finally, participants were told to vote a jury foreperson and the experimenter then left the room and the usher stationed outside the deliberation room, to ensure no jurors came into contact with any individuals outside of their fellow jurors. Notably, all deliberations were conducted in private in the interest of maintaining ecological validity and reducing social desirability in opinions cast, had the experimenter been present. In practice, just over half of the jury panels reached a unanimous verdict (n = 5) with deliberation times ranging from 35 - 90 minutes. The remaining majority verdicts (n = 4) took between 60 – 95 minutes to be reached. Once jury panels notified the usher stationed outside their deliberation room that they had agreed upon a verdict, they were reconvened within the mock courtroom to deliver their verdict to the judge. In all instances, the jury foreperson was told to stand and asked to return the verdict of the jury. This was then recorded by the experimenter along with whether this was a unanimous or majority verdict.

3.2.3.3.3 Individual Verdict Decision 2

In the final stage of the study, after returning their collective verdict, mock jurors were asked to spread out throughout the courtroom and change seats so that they were not sitting immediately next to a fellow mock juror. Participants were each given a second copy of the JDS question items (Verdict Decision form 2 – see Appendix VIII), identical to the form completed pre-deliberation. Again, jurors were asked to write their unique juror reference number in the top left corner and complete the form. Importantly, before doing so jurors were given specific standardised instructions, outlining that the verdict decisions they were being asked to make on this occasion related to them as an individual and therefore may not necessarily be the same as the collective verdict that had just been returned. Participants were informed that none of their fellow jurors would see their verdict choices at any point, nor any other answers given on this sheet. This was an attempt to examine whether any differences existed between collective verdicts returned and what individual jurors truly believed the verdict to be. Participants were again encouraged to be honest in their responses. Additionally, participants were reminded that even the experimenter would be unable to link the answers given to any individual, as a result of the unique juror identification numbers used in place of names.

Once completed, the experimenter collected in answer sheets, which had been folded in half to conceal responses. Participants were then informed that the mock trial was now over and were given a debrief sheet to take away with them, prior to leaving. Participants were thanked for taking part and informed that their decisions would not have any bearing on the actual case. They told that their decision-making would be used to inform theoretical understanding only. On average, each mock trial experiment was around seven hours long from arrival to completion.

3.3.4 Ethical Considerations

Before experimentation began, the present research had been subjected to the scrutiny of the University of Huddersfield's School of Human and Health Sciences Research Ethics Panel (SREP). A detailed application, adhering to all applicable ethical guidelines outlined within the BPS (2014) Code of Practice for Human Research, was submitted (24th November 2015) and subsequently approved (21st December 2015) by the university's SREP (see Appendix VI). Prior to the onset of the study, certain ethical considerations were made and steps taken by the researcher to ensure that any risk of harm posed to participants was kept to a minimum. Specifically, as large numbers of invitations to take part were sent out to prospective participants, many of whom would

not go on to participate, it was decided that initial invitations would not outline that the mock trials related to a sexual crime. Whilst seemingly in contradiction to ethical guidelines surrounding informed consent, experiences of sexual victimisation are notably high within England. As such, inclusion of such detail within letters randomly distributed to the personal addresses of members of the community, whose personal circumstances were not known to the researcher, was felt to be an inappropriate risk which had the possibility of causing unnecessary harm or distress to recipients of the invitations.

Instead, prospective participants were notified of the sexual nature of the mock trial experiments at the earliest opportunity on the online Eventbrite webpage, prior to registering to partake in the study. On the day of experimentation, a detailed information sheet and itemised consent form were given to participants prior to exposure to the mock trial evidence. This ensured that all participants were fully aware of the nature the study before it began (see Appendix VIII). Moreover, as participants would hear details of an alleged sexual crime, prior warning of the type of case that they would be asked to observe, and subsequently discuss among their fellow participants, was made clear from the onset. The information sheet (and debrief) also provided the contact details of free and impartial support services available to participants, regardless of participation in the study, including the Samaritans and Victim Support. Participants were also encouraged to review the questions within their study booklet before signing their consent forms, further ensuring they were fully informed of what they were being asked to partake in.

Pre-trial, it was explicitly explained to participants of their right to withdraw from the study or take a break at any point throughout the day, without the need to provide a reason. Due to the potentially emotive content heard within the case, participants were informed that should they feel upset or distressed in any way, they were free to leave the room or experiment for as long as they needed. Care was taken to ensure that barristers and actors did not present evidence from the scenario in an overly distressing or graphic manner, to further ensure participant wellbeing. Alongside the individual's right to withdraw, all participants were also informed of the right to withdraw their data from the study up until a stipulated date (one month after experimentation). This date and the guidelines for requesting data be removed were provided within the information sheet, which participants were encouraged to take with them at the end of the experiment. The primary researcher's contact details and those of the main project supervisor were also provided, should any participants wish to obtain other information or have any further queries in the future.

Adopting the same procedure utilised within the initial student sample study, participants were afforded full anonymity throughout the research, with their names replaced with unique juror participant numbers from the onset and within all subsequent use of their data. Likewise, anonymised data of all participants was given an additional level of security, in that electronic data files were stored on a password protected hard drive and paper responses within a locked filling cabinet. All electronic data and paper responses will be stored for a period of five years, in accordance with University of Huddersfield procedures. Notably, in a similar manner to that explained in relation to Experiment 1, within live mock trial simulations, some small degree of deception was required to ensure participants' active engagement in the study. Whilst the live presentation of the case was clearly much more engaging than previous videotaped mock trials, in an attempt to replicate the circumstances under which actual jurors make decisions, mock jurors were encouraged on several occasions to take their decision-making task seriously. Specifically, they were reminded that the case they were making decisions about was a genuine case and that their decisions would have important implications for understanding the case. However, as previously mentioned, certain elements of the rape case had been amended and abbreviated in line with the experimental objectives, and therefore the case was not a perfect representation of the original trial.

Additionally, whilst criminal justice practitioners assisted the research by way of providing consultancy during the development phase of the mock trials, the research was not directly conducted in partnership with any UK court. As such, immediately after experimentation was complete, participants were fully debriefed in regard to this and the exact aims of the research were set out. Specifically, mock jurors were notified that their decisions would only be used to inform the research objectives broadly and not any court's decision related to a specific case. A full debrief was verbally given by the researcher and barristers at the end of the experiment, allowing participants the opportunity to ask any clarification questions they had and discuss any aspect of the case or experiment they wished to. Finally, a printed copy of the debrief sheet was also provided, which participants were encouraged to read prior to leaving and take with them after experimentation had concluded.

Chapter 4: Results

ABSTRACT

Within the present chapter the results relative to each aim of the thesis are reported and interpreted in line with convention. According with the four main aims of the research these results are reported in consecutive sub-chapters. Findings are presented relative to the relationship between psychopathic personality traits and juror decisions within both the student and community independent samples whereby latent variable modelling techniques were employed. Likewise, regression model associations which sought to examine whether any predictive relationship existed between rape myth acceptance, personal victimisation, and juror demographics are presented. Within sub-chapter 4.3 results of the confirmatory factorial exploration of the newly devised and validated Juror Decision Scale are displayed and interpreted in terms of the scales reported construct validity and dimensionality. Finally, the association between all variables tested within four separate path models are presented, reporting the correlations displayed between psychopathic personality traits, rape supportive attitudes, witness credibility assessments, decision confidence, and ultimate verdict decisions juror made, both pre- and post-deliberation, across both independent samples.

4.1 THE ROLE OF PSYCHOPATHIC PERSONALITY TRAITS UPON JURY DECISION MAKING – A LATENT PROFILE ANALYSIS

4.1.1 Current Study

The overarching aim of the thesis was to investigate the relationship between a jurors' psychological make-up and the verdict decisions made during criminal trials. Despite a plethora of past research arguing against the existence of such a relationship, finding only weak and inconsistent evidence that factors, such as personality traits, may be associated with verdict decisions, the present study sought to again explore this relationship within the context of a rape trial. Adopting a methodological approach, which vastly improves upon previous simulated jury trial procedures - high in ecological validity, alongside advanced analytical procedures, never previously tested within the domain of jury research, the influence that psychological constructs may have upon juror decisions was directly tested. Therefore, the main objective of the analysis in this sub-chapter, was to examine the relationship between psychopathic personality traits (i.e. affective responsiveness, cognitive responsiveness, interpersonal manipulation, and egocentricity) upon mock juror verdict decisions. Further, in accordance with the experimental design adopted,

the relationship between psychopathic personality traits and juror decisions was tested at two time-points; individual juror verdict decision pre-deliberation and post-deliberation, within both respective samples (Experiment 1 – opportunistically selected student sample; Experiment 2 – randomly selected community sample) from a person-centred rather than variable centred approach.

4.1.2 Descriptive Statistics

Descriptive statistics, including means (*M*), standard deviations (*SD*), and the observed range of scores (minimum and maximum scores) across the Psychopathic Personality Trait Scale (PPTS) four dimensions for all Experiment 1 and 2 participants, are presented in Table 4.1 below. Descriptive results reveal that combined mean scores for all participants, across both data sets, displayed moderate levels of psychopathic personality traits. Additionally, verdict outcome frequencies between experiments and within respective experiments, relative to pre- and post-deliberation individual juror decisions, are displayed in Table 4.2.

Table 4.1

Descriptive Statistics of the PPTS four sub-scales for Experiment 1 (n = 324) and Experiment 2 (n = 100) participants.

Study	Scale	*M*	*SD*	Observed Min	Observed Max
Experiment 1	AR	10.59	3.55	5.00	22.00
	CR	10.56	2.95	5.00	19.00
	EGO	13.10	3.12	5.00	22.00
	IPM	13.23	3.97	5.00	25.00
Experiment 2	AR	11.28	3.28	5.00	21.00
	CR	11.54	2.66	5.00	17.00
	EGO	13.15	3.26	6.00	23.00
	IPM	12.30	3.26	5.00	23.00

Note: PPTS = Psychopathic Personality Traits Scale; AR = Affective Responsiveness; CR = Cognitive Responsiveness; IPM = Interpersonal Manipulation; EGO = Egocentricity.

The verdict decision frequencies displayed in Table 4.2 show that within Experiment 1, the initial verdict decisions that participants gave pre-deliberation were comparably similar however, the majority of participants returned a not guilty verdict (n = 179, 55.2%), and just under half of all participants selected a guilty verdict (n = 145, 44.8%). After deliberation (VD2), the number of participants returning a not guilty verdict decision increased (n = 191, 59.0%), whilst guilty verdict decisions decreased (n = 133, 41.0%). This voting preference was reflected in the collective verdicts returned, with 22 of the 27 separate jury panels returning a not guilty verdict in the case. Comparably, five jury panels returned a collective guilty verdict in relation to the same case. A McNemar's Chi-square test for association was carried out to help determine if there were any significant change between pre-deliberation (VD1) and post-deliberation (VD2) individual juror verdict decisions, within Experiment 1. Results displayed there was no significant change overall in verdict decisions jurors made between pre-deliberation and post-deliberation, χ^2 (1, N = 324) = 2.16, p = .142.

Within Experiment 2, verdict decision frequencies shown within Table 4.2 display that the vast majority of participants returned a not guilty verdict pre-deliberation (n = 78, 78.0%), with around a fifth of participants selecting a guilty verdict (n = 22, 22.0%). After deliberation (VD2), the number of participants returning a not guilty verdict decision increased (n = 85, 85.0%), whilst guilty verdict decisions decreased (n = 15, 15.0%). Again, this voting preference was reflected in the collective verdicts returned, with all nine separate jury panels returning a not guilty verdict in the case. Notably within Experiment 2, when participants were asked what verdict they would have returned had they been a one-person jury, the number of participants who said guilty was greater than the frequency observed pre-deliberation and not guilty verdicts at the lowest number observed throughout all decision time points.

A McNemar’s Chi-square test for association was carried out to help determine any significant change occurred between pre-deliberation (VD1) and post-deliberation (VD2) individual juror verdict decisions, within Experiment 2. Results displayed there was no significant change overall in verdict decisions jurors made between pre-deliberation and post-deliberation, χ^2 (1, N = 100) = 2.77, p = .092.

Table 4.2

Verdict Decision frequencies within experiment 1 (n =324) and experiment 2 (n = 100).

	Experiment 1		Experiment 2	
Scale	Guilty *N* (%)	Not Guilty *N* (%)	Guilty *N* (%)	Not Guilty *N* (%)
VD1	145 (44.8%)	179 (55.2%)	22 (22.0%)	78 (78.0%)
VD2	133 (41.0%)	191 (59.0%)	15 (15.0%)	85 (85.0%)
OPV	131 (40.4%)	193 (59.3%)	24 (24.0%)	76 (76.0%)
Collective Verdict	60 (18.5%)	264 (71.5%)	0 (0.0%)	100 (100.0%)

Note: VD1 = Individual Verdict decision 1 (that participants made pre-deliberation); VD2 = Individual Verdict decision 2 (that participants made post-deliberation); OPV = One Person Jury Verdict decision (that participants said they would have given if they were a one-person jury). Collective Verdict = the final verdict decision given by the combined vote of the jury panel members.

4.1.3 Experiment 1 - Latent Profiling Analysis

Latent profiling analysis (LPA) was used to identify homogeneous groups (hereby known as latent classes) within student sample mock juror participants present within Experiment 1, using the four dimensions of the Psychopathic Personality Trait Scale (PPTS). A two-stage procedure was carried out in M*plus* 7.4 (Muthen & Muthen, 2015).

Firstly, the LPA was carried out to establish the number of different psychopathy classes within the data, and ascertain whether different classes that emerged differed qualitatively or quantitatively. The LPA stage of the model used total psychopathy scores for each of the four psychopathic personality trait dimensions of the PPTS measure (Affective Responsiveness, Cognitive Responsiveness, Interpersonal Manipulation, and Egocentricity). Secondly, using logistic regression, the association between latent classes of these personality traits and the verdict decisions mock jurors made (guilty/not guilty) were assessed. Notably, this process was repeated separately at both verdict decision time points within the experiment (for example, individual verdict decision 1 pre-deliberation, and individual verdict decision 2 post-deliberation).

Within the first LPA stage of the procedure, four alternate models were assessed (a 1-class model through to a 4-class model) using robust maximum likelihood estimation (Yuan & Bentler, 2000). The relative fit of the models was compared using the Akaike Information Criterion (AIC; Akaike, 1987), the Bayesian Information Criterion (BIC; Schwarz, 1978), as well as the sample size adjusted Bayesian Information Criterion (SSA-BIC; Sclove, 1987). The model, which exhibits the lowest value here (between alternative class solutions tested), is considered the best solution available. Strong simulation evidence exists, which suggests that the BIC value should be treated as the best information criterion statistic for reliably identifying the accurate number of latent classes within the data (cf. Nylund, Asparouhov, & Muthen, 2007). The Lo-Mendall-Rubin adjusted likelihood ratio test (LRT; Lo, Mednall, & Rubin, 2001) was also used to compare models with increasing numbers of latent classes. Additionally, entropy values were calculated, which indicate the ability of a given model to correctly classify subjects, whereby higher values indicate better model classification (Ramaswamy, DeSarbo, Reibstein, & Robinson, 1993). Finally, attaining a non-significant value ($p > .05$), relative to any latent class in the model indicates that the previous model tested (with one less class), is the class solution that should be accepted.

4.1.3.1 Model Fit Statistics of the PPTS

The fit statistics for the LPA of psychopathy (as measured with the PPTS sub-scales described above) are presented in Table 4.3. The lowest BIC value is observed for the 3-class solution and the LRT test displays that there is no significant improvement in fit for the 4-class solution. Accordingly, the model fit statistics taken together indicate that the 3-class solution is considered the best model fit for Experiment 1 (student sample).

Figure 4.1 displays the latent profile plot for the 3-class solution (means and standard deviations of psychopathic personality trait sub-scales are displayed in Table 4.4). Class 1 (45.8% of student mock jurors) is the largest group. This group is characterised by generally low mean scores on all four psychopathic personality traits and, as such, is classified as the "low psychopathy group". Class 2 (38.4% of student mock jurors) is characterised by relatively low mean scores on affective and cognitive responsiveness, and moderate mean scores on interpersonal manipulation and egocentricity. This group is therefore classified as the "moderate interpersonal manipulation/egocentricity group". Class 3 (15.8% of student mock jurors) is the smallest group and characterised by relatively high mean scores on affective responsiveness, interpersonal manipulation, and egocentricity alongside low mean scores on cognitive responsiveness. This group was classified as the "high psychopathy group" within the present dataset.

The association between psychopathic personality trait class membership and juror decisions within Experiment 1 was examined using logistic regression at both verdict decision time points. For both verdict decisions made (pre-deliberation – VD1; post-deliberation – VD2), the "low psychopathy group" (class 1) was a reference category to which all other classes were compared against. Results displayed that whilst some differences exist between student jurors' psychopathy group classifications (class 3 with class 1, and class 2 with class 1), there was no statistical significant differences detected between psychopathy groups in relation to verdict decisions made pre-deliberation (VD1) or post-deliberation (VD2) (see Table 4.5).

Table 4.3

Fit Indices for the Experiment 1 Latent Profile Analysis of the Four Psychopathic Personality Trait Factors.

Model	AIC	BIC	SSA-BIC	LRT	*p*	Entropy
1 class	6843.14	6873.38	6848.01	N/A	N/A	N/A
2 classes	6638.45	6687.61	6646.37	207.50	.001	0.786
3 classes	6606.01	6674.05	6616.96	41.03	.049	0.689
4 classes	6589.48	6676.44	6603.48	25.64	.731	0.694

Note: AIC = Akaike information criterion, BIC = Bayesian information criterion, SSA-BIC = sample size adjusted BIC, LRT = Lo-Mendell-Rubin's adjusted likelihood ratio test.

Table 4.4

Means (Standard Deviations) for the 3-class Solution of the Psychopathy Personality Traits Scale sub-scales (PPTS) (Student Sample; n =324).

Item	AR	CR	IPM	EGO
Class 1	8.10 (1.99)	9.19 (2.58)	11.21 (3.46)	11.17 (2.48)
Class 2	11.10 (1.99)	11.13 (2.58)	14.43 (3.46)	14.13 (2.48)
Class 3	16.56 (1.99)	13.15 (2.58)	16.16 (3.46)	16.09 (2.48)

Note: AR = Affective Responsiveness; CR = Cognitive Responsiveness; IPM = Interpersonal Manipulation; EGO = Egocentricity.

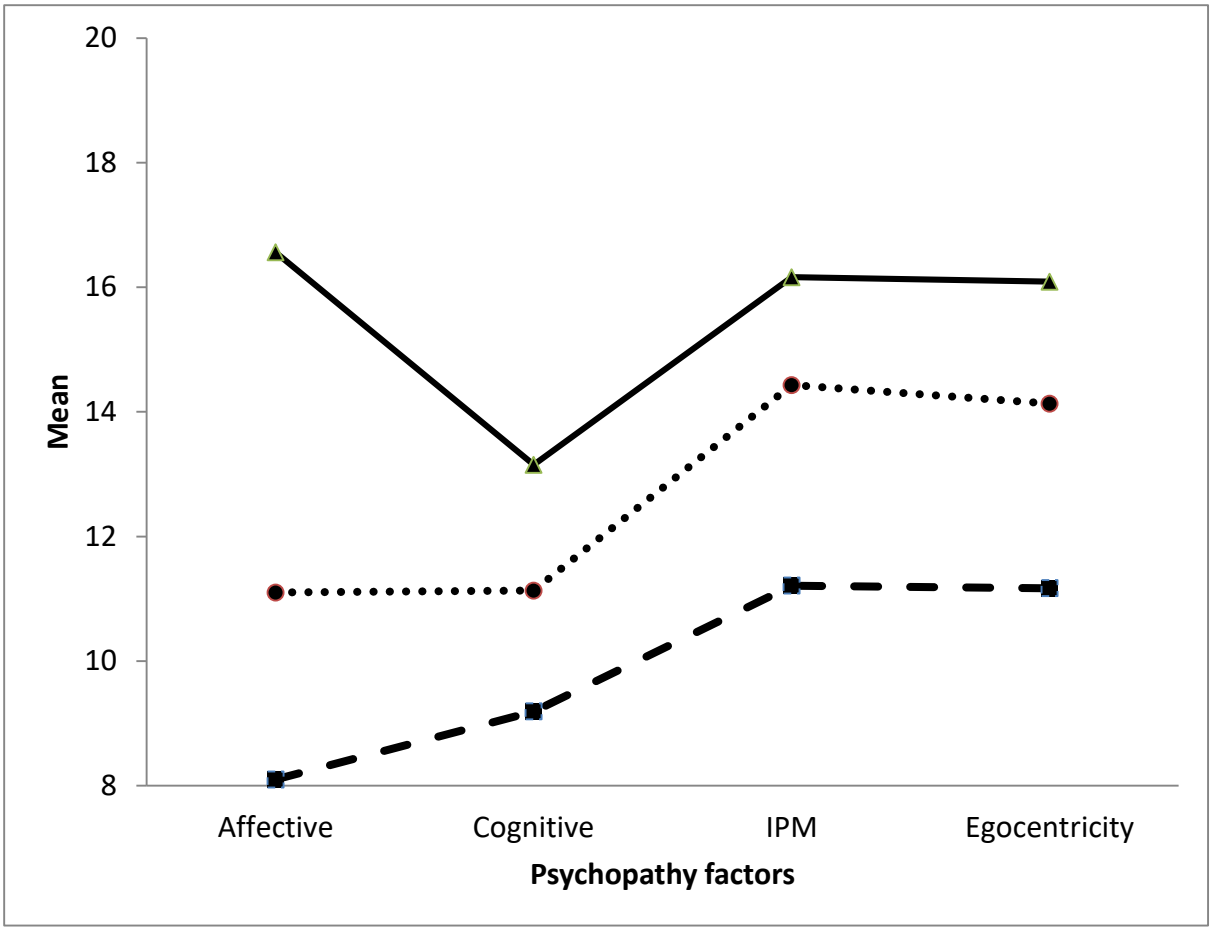

Figure 4.1: Latent profile analysis plot of psychopathic traits. Dashed line - Class 1 = "low psychopathy group" (reference group; 45.8% of cases); Dotted line - Class 2 = "moderate interpersonal manipulation/egocentricity group" (38.4% of cases); Solid line - Class 3 = "high psychopathy group" (15.8% of cases); Affective = Affective Responsiveness; Cognitive = Cognitive Responsiveness; IPM = Interpersonal Manipulation: Egocentricity = Egocentricity.

Table 4.5

Logistic Regression Results - Associations between the 3 Latent Classes of the PPTS and Verdict Decisions (n = 324).

Variable	Class 2 with Class 1 OR (95% CI)	Cohen's *d*	Class 3 with Class 1 OR (95% CI)	Cohen's *d*
VD1	0.74 (0.37/1.52)	0.17	1.08 (0.50/2.33)	0.04
VD2	1.19 (0.57/2.46)	0.10	0.61 (0.28/1.30)	0.27

Note: Class 1 (reference group) = "low psychopathy group"; Dotted line - Class 2 = "moderate interpersonal manipulation/ egocentricity group"; Solid line - Class 3 = "high psychopathy group"; OR = Odds Ratio, 95% CI = Confidence Interval. Cohen (1977) suggested that d = 0.2 be considered a small effect size, 0.5 represents a medium effect size, and 0.8 denotes a large effect size. * $p < .05$; ** $p < .01$; *** $p < .001$

4.1.4 Experiment 2 - Latent Profiling Analysis

Within Experiment 2, latent profiling analysis (LPA) was again used to identify homogeneous groups or latent classes within community sampled mock juror participants, using the four dimensions of the Psychopathic Personality Trait Scale (PPTS). An identical two-stage procedure was carried out in M*plus* 7.4 as was conducted in Experiment 1 (Muthen & Muthen, 2015) (refer to section 4.1.3 above for a full review of LPA procedures).

4.1.4.1 Model Fit Statistics of the PPTS

The fit statistics for the LPA of psychopathy (as measured with the four PPTS sub-scales described above) are presented in Table 4.6. The lowest BIC value is observed for the 3-class solution and the LRT test displayed no significant improvement in fit for the 4-class solution. Taken together the model fit statistics thereby indicate the 3-class solution to represent the best model fit for the Experiment 2 community sampled juror data.

Figure 4.2 below displays the latent profile plot for the 3-class solution (means and standard deviations of personality trait sub-scales are displayed in Table 4.7). Class 1 (38.0% of mock jurors) is characterised by generally low mean scores on all four psychopathic personality traits and as such is classified as the “low psychopathy group”. Class 2 (55.0% of mock jurors) is the largest group and is characterised by relatively low mean scores on affective and cognitive responsiveness, and moderate mean scores on interpersonal manipulation and egocentricity. This group is therefore classified as the “moderate psychopathy group”. Class 3 (7.0% of mock jurors) is the smallest group and is characterised by relatively high mean scores on affective responsiveness and very high scores on interpersonal manipulation and egocentricity. Relatively low mean scores are displayed on cognitive responsiveness. Taken together this group was classified as the “high psychopathy group”.

The association between psychopathic personality traits class membership and juror decisions within Experiment 2 were subsequently examined using logistic regression at both verdict decision time points (see Table 4.8). For both verdict decisions made (pre-deliberation VD1; post-deliberation VD2), the “low psychopathy group” (class 1) was a reference category to which all other classes were compared against.

In relation to verdict decision 1, results suggest that community sampled jurors with high scores on affective responsiveness, interpersonal manipulation, and egocentricity (class 3) are

significantly less likely to return a guilty verdict (OR = 0.06, 95% CI = 0.02/0.26, $p < 0.001$, d = 1.55) in comparison to mock jurors scoring low in all psychopathy personality traits (class 1). For verdict decision 2 post-deliberation, results again suggest that jurors from the "high psychopathy personality group" (class 3) are significantly less likely to return a guilty verdict (OR = 0.08, 95% CI = 0.01/0.56, $p < 0.001$, d = 1.39) in comparison to mock jurors from the "low psychopathy personality group" (class 1). Utilisation of Cohen's d effect size estimator also indicates that the association at both verdict decision time points was very large (Cohen, 1977).

Table 4.6

Fit Indices for Experiment 2 Latent Profile Analysis of the Four Psychopathic Personality Traits Factors.

Model	AIC	BIC	SSABIC	LRT	*p*	Entropy
1 class	2066.35	2087.11	2061.84	N/A	N/A	N/A
2 classes	2030.51	2064.25	2023.19	43.93	0.001	0.85
3 classes	2011.70	2058.42	2001.57	27.60	0.034	0.75
4 classes	2005.32	2065.01	1992.37	15.70	0.158	0.88

Note: AIC = Akaike information criterion, BIC = Bayesian information criterion, SSABIC = sample size adjusted BIC, LRT = Lo-Mendell-Rubin's adjusted likelihood ratio test.

Table 4.7

Means (Standard Deviations) for the 3-class Solution of the Psychopathy Personality Traits Scale dimensions (PPTS) (Community Sample, n =100).

Item	AR	CR	IPM	Ego
Class 1	9.10 (2.57)	10.51 (2.51)	9.47 (2.84)	10.94 (1.90)
Class 2	12.15 (2.57)	12.02 (2.51)	13.42 (2.84)	13.92 (1.90)
Class 3	17.91 (2.57)	13.44 (2.51)	20.93 (2.84)	21.35 (1.90)

Note: AR = Affective Responsiveness; CR = Cognitive Responsiveness; IPM = Interpersonal Manipulation; EGO = Egocentricity.

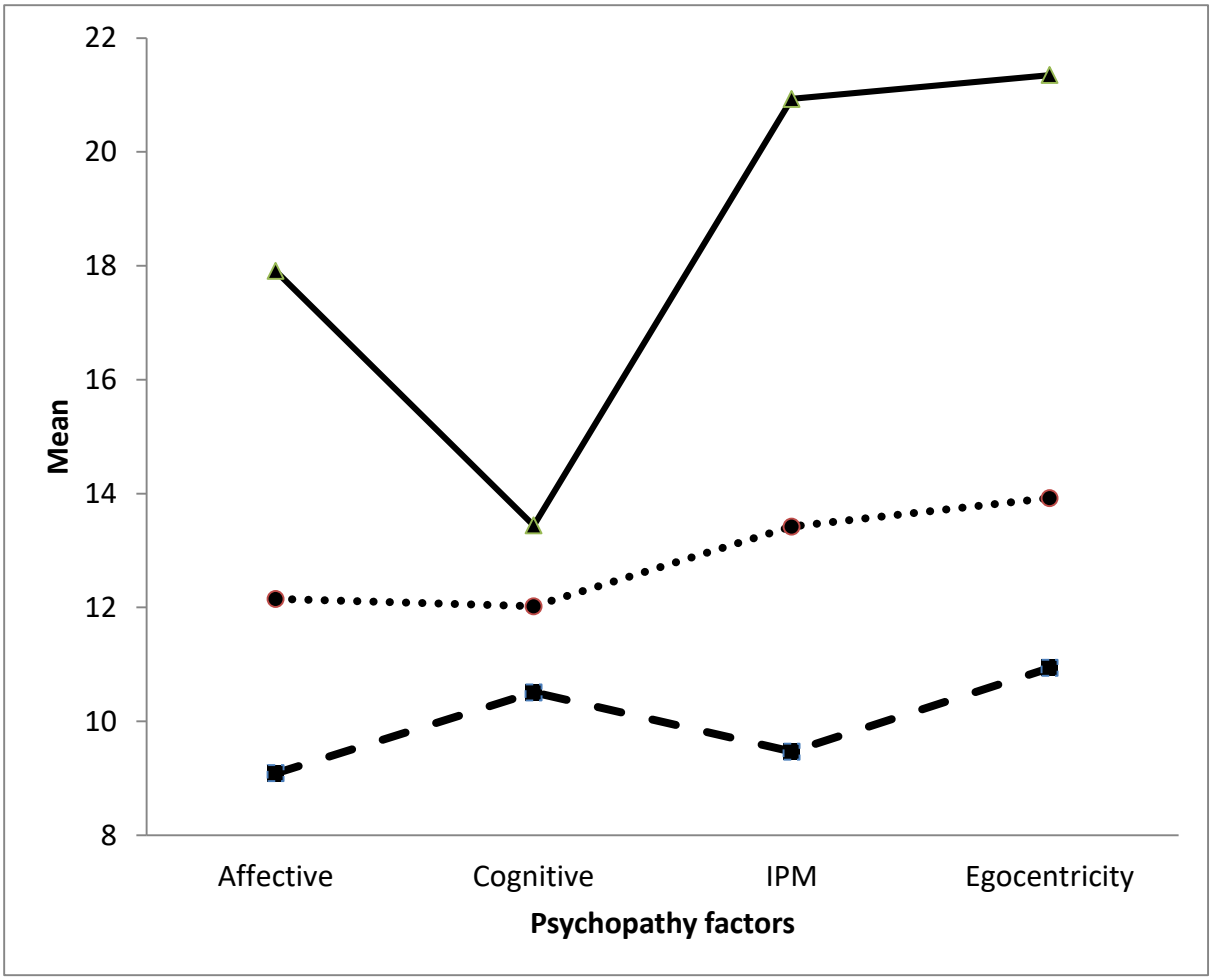

Figure 4.2: Latent profile analysis plot of psychopathic traits (community sample). Dashed line - Class 1 = "low psychopathy group" (reference group; 38.0% of cases); Dotted line - Class 2 = "moderate psychopathy group" (55.0% of cases); Solid line - Class 3 = "high psychopathy group" (7.0% of cases); Affective = Affective Responsiveness; Cognitive = Cognitive Responsiveness; IPM = Interpersonal Manipulation: Egocentricity = Egocentricity.

Table 4.8

Logistic Regression Results - Associations between the 3 Latent Classes of the PPTS and Verdict Decisions (n = 100).

Variable	Class 2 with Class 1 OR (95% CI)	Cohen's *d*	Class 3 with Class 1 OR (95% CI)	Cohen's *d*
VD1	0.28 (0.07/1.21)	0.07	0.06*** (0.02/0.26)	1.55
VD2	0.86 (0.13/5.75)	0.08	0.08*** (0.01/0.56)	1.39

Note: Class 1 = "low psychopathy group"; Dotted line - Class 2 = "moderate psychopathy group"; Solid line - Class 3 = "high psychopathy group"; OR = Odds Ratio, 95% CI = Confidence Interval. Cohen (1977) suggested that d = 0.2 be considered a small effect size, 0.5 represents a medium effect size, and 0.8 denotes a large effect size. * $p < .05$; ** $p < .01$; *** $p < .001$

4.2 THE ROLE OF RAPE ATTITUDES AND PERSONAL VICTIMISATION UPON JURY DECISION MAKING

4.2.1 Current Study

The overarching aim of the thesis was to investigate the relationship between juror psychological make-up (traits, attitudes and experiences) with the verdict decisions made during trial. As the present study sought to explicitly explore this relationship within the context of a rape trial and with the existence of a wealth of literature which has suggested the importance that rape supportive attitudes may have upon juror impartiality, a direct examination of the influence of rape attitudes upon juror decision making was tested. Therefore, the main objective of this sub-chapter was to examine the relationship between rape supportive sexually aggressive attitudes, participant demographics, and personal victimisation experiences, upon mock juror verdict decisions. Further, in accordance with the experimental design utilised, the relationship between the aforementioned factors and verdict decisions were tested at the individual juror (not collective jury panel) level, both pre-deliberation and post-deliberation, in both respective samples (Experiment 1 – student sample; Experiment 2 – community sample).

4.2.2 Descriptive Statistics – Experiment 1

Descriptive statistics for all continuous variables are presented in Table 4.9 and descriptive statistics for all categorical variables are presented in Table 4.10. The mean age of participants within the Experiment 1 student sample was 24.86 years (*SD* = 9.34), whilst the mean participant score on the AMMSA was 93.70 (*SD* = 25.74). The sample was predominately female (64.8%), and of the 114 participants who reported they had previously been a victim of crime, 24 stated this was a sexual crime, equating to 7.4% of the total sample. Notably, 20.1% of the sample stated that a close friend or family member had reportedly been the victim of serious sexual offence such as rape. Additionally, Table 4.11 contains independent samples t-test results for AMMSA between gender and ethnic groups.

Table 4.9

Descriptive Statistics of age and the AMMSA scale for experiment 1 participants (n = 324).

Scale	*M*	*SD*	Observed Min	Observed Max
Age	24.86	9.34	18	70
AMMSA	93.70	25.74	37	161

Note: AMMSA = Acceptance of Modern Myths about Sexual Aggression total score.

Table 4.10

Frequency of endorsements for gender and victimisation categorical variables (n = 324).

Variable	Frequency (%)
Gender	
Male	114 (35.2%)
Female	210 (64.8%)
Victim of crime	
Yes	114 (35.2%)
No	210 (64.8%)
Victim of serious crime	
Yes	30 (9.3%)
No	294 (90.7%)
Victim of sexual crime	
Yes	24 (7.4%)
No	300 (92.6%)
Friends/family that have been victim of serious sexual crime	
Yes	67 (20.1%)
No	256 (79.9%)

Independent sample t-test results for sexually aggressive attitudes suggest that male (M = 99.23) and female (M = 90.68) participant scores on the AMMSA differed significantly (t (321) = 2.884, $p < .01$, d = .33). The degree of difference in mean scores was shown to be small and, overall, men scored higher in such sexually aggressive attitudes. Results also suggest a difference in sexually aggressive attitudes between ethnic groups, with Caucasian respondents (M = 89.93) scoring significantly lower on the AMMSA (t (321) = -3.701, $p < .001$, d = .41) than Black and Asian minority ethnic respondents (M = 100.88).

Table 4.11

Descriptive Statistics and group differences in AMMSA scale scores between gender; males (n = 114) and females (n = 210), and ethnicity; Caucasian (n =213) and Black Asian Minority Ethnic (BAME) (n = 111) participants.

Scale	Group	*M*	*SD*	*t*	Cohen's *d*
AMMSA	Males	99.23	26.67	2.884**	.33
	Females	90.68	24.77		
	Caucasian	89.93	25.41	-3.701***	.41
	BAME	100.88	24.94		

Note: AMMSA = Acceptance of Modern Myths about Sexual Aggression total score. Cohen (1977) suggested that $d = 0.2$ be considered a small effect size, 0.5 represents a medium effect size, and 0.8 denotes a large effect size. * $p < .05$; ** $p < .01$; *** $p < .001$

4.2.3 Binary Logistic Regression – Experiment 1

Direct binary logistic regression was conducted to establish the impact of age, gender, personal victimisation (criminal victimisation generally, serious victimisation, and sexual victimisation), having close friends/relatives that have reportedly been a victim of a sexual crime, as well as attitudes held towards sexual aggression (measured with the AMMSA scale), on the verdict decision preferences of mock jurors in a rape trial. Notably, this was measured at the individual juror level and at two time-points, pre-deliberation (VD1) and post-deliberation (VD2). Preliminary analyses were conducted and displayed no violation of the assumptions of multicollinearity occurred at either time point.

Firstly, a test of the complete model relating to the verdict decision made pre-deliberation (VD1), was undertaken. Containing all predictor variables against a constant only model, the complete model was statistically significant (χ^2 (7, N = 324) = 40.97, $p < .001$), indicating that the model was able to distinguish between mock jurors who reported a guilty verdict preference, with those who reported a not guilty verdict preference. The model as a whole explained between 12% (Cox & Snell R Square) and 16% (Nagelkerke R Square) of the variance in verdict decisions made pre-deliberation, and correctly classified 65% of cases.

As displayed in Table 4.12 below, only two variables made a unique statistically significant contribution to the model (victim of a sex crime and sexual aggression attitudes [AMMSA]). AMMSA was a significant predictor of verdict preference (OR = .98, $p < .001$, d = .01), found to be negatively related to guilty verdicts. This indicated that mock jurors with higher scores on the AMMSA, were more likely to vote not guilty than those who scored low in sexually aggressive attitudes, when controlling for all other factors in the model. Additionally, the largest effect was found for previous sexual victimisation, which was positively related with verdict decisions (OR = 4.17, $p < .05$, d = .80), when controlling for all other factors in the model. This indicates that mock jurors with personal experience of such victimisation, were 4.17 times more likely to return a guilty verdict than participants without such experiences, at the pre-deliberation stage of the trial.

Table 4.12

Logistic regression model of the demographic, victimisation, and attitudinal predictors of individual juror verdict decision 1 (VD1) and verdict decision 2 (VD2) (n = 324).

Variables	*B*	*SE*	OR (95% CI)
VD1			
Age	-0.01	0.01	1.00 (.97/1.02)
Gender	0.13	0.26	1.14 (.69/1.89)
Victim of crime	-0.27	0.30	0.76 (.42/1.38)
Victim of serious crime	0.45	0.60	1.57 (.48/5.13)
Victim of sexual crime	1.43	0.72	4.17* (1.02/16.99)
Friends/fam victim of sex crime	0.04	0.30	1.04 (.58/1.88)
AMMSA	-0.02	0.01	0.98*** (.97/.99)
VD2			
Age	-0.01	0.01	0.99 (.96/1.02)
Gender	-0.09	0.26	0.92 (.55/1.54)
Victim of crime	0.27	0.30	1.31 (.73/2.35)
Victim of serious crime	0.72	0.59	2.05 (.65/6.48)
Victim of sexual crime	0.66	0.65	1.94 (.54/6.97)
Friends/fam victim of sex crime	-0.05	0.30	0.95 (.53/1.73)
AMMSA	-0.02	0.01	0.98*** (.97/.99)

Note: Dependent variables: VD1 = Individual Juror Verdict decision pre-deliberation (guilty/not guilty), VD2 = Individual Juror Verdict decision post-deliberation (guilty/not guilty). AMMSA = Acceptance of Modern Myths about Sexual Aggression total score, OR = odds ratio. *SE* = standard error. 95% CI = confidence interval. $*p < .05$; $**p < .01$; $***p < .001$.

A further test of the complete model relating to the verdict decision made post-deliberation (verdict decision 2), was also undertaken. Containing all predictor variables against a constant only model, the complete model was statistically significant ($\chi 2$ (7, N = 324) = 38.17, p < .001), indicating that the model was able to distinguish between mock jurors who reported a guilty verdict preference, with those who reported a not guilty verdict preference. The model as a whole explained between 11% (Cox & Snell R Square) and 15% (Nagelkerke R Square) of the variance in verdict decisions made post-deliberation, and again correctly classified 65% of cases.

As displayed in Table 4.12, only one variable made a unique statistically significant contribution to the model relating to the Verdict Decision 2. Again, the AMMSA was a consistent predictor of verdict preference (OR = .98, p < .001), found to be negatively related to guilty verdicts. It also indicated that mock jurors with lower scores on the AMMSA were more likely to vote guilty than those who scored higher in sexually aggressive attitudes, when controlling for all other factors in the model.

4.2.4 Descriptive Statistics – Experiment 2

Descriptive statistics for all continuous variables are presented in Table 4.13 and descriptive statistics for all categorical variables are presented in Table 4.14. The mean age of participants within Experiment 2 community sample was 45.00 years (SD = 15.75), whilst the mean participant score on the AMMSA was 97.62 (SD = 29.92). The sample was evenly distributed by gender where this was reported, with females making up 48% and males 46% of participants (please note missing values account for the remaining 8% of participants who failed to disclose their gender). In total, 41% of mock jurors reported they had previously been a victim of crime, with 7% of the total sample stating this was a sexual crime. Notably, 15% of the sample also stated that a close friend or family member had reportedly been the victim of serious sexual offence, such as rape.

Table 4.13

Descriptive Statistics of age and the AMMSA scale for all experiment 2 participants (n = 100).

Scale	*M*	*SD*	Observed Min	Observed Max
Age	45.00	15.75	18	70
AMMSA	97.62	29.92	37	177

Note: AMMSA = Acceptance of Modern Myths about Sexual Aggression total score.

Table 4.14

Frequency of endorsements for gender and victimisation categorical variables (n = 100).

Variable	Frequency (%)
Gender	
Male	46 (46.0%)
Female	48 (48.0%)
Victim of crime	
Yes	41 (41.0%)
No	58 (58.0%)
Victim of serious crime	
Yes	7 (7.0%)
No	91 (91.0%)
Victim of sexual crime	
Yes	7 (7.0%)
No	91 (91.0%)
Friends/family that have been victim of a sexual crime	
Yes	15 (15.0%)
No	83 (83.0%)

Note: The difference between sample size and frequencies/ total numbers in categories, reflect missing values.

Table 4.15 contains independent sample t-test results for sexually aggressive attitudes between gender groups, ethnic groups, and level of education categories within community sampled participants. Results suggest that male (M = 104.09) and female (M = 92.25) participant scores on the AMMSA differed significantly (t (91) = 2.00, $p < .05$, d = .42). The degree of difference in mean scores was shown to be small, with men scoring higher in sexually aggressive attitudes overall. Results further suggest a difference in sexually aggressive attitudes between differing ethnic groups, with Caucasian respondents (M = 93.52) scoring significantly lower on the AMMSA (t (91) = -1.915, $p < .05$, d = .40) than Black and Asian minority ethnic respondents (M = 105.92). The degree of difference in mean scores was again shown to be small. In relation to educational attainment, results also suggest that participants with less than a university degree qualification (M = 103.93) scored significantly higher on the AMMSA (t (91) = 2.512, $p < .05$, d = .51) than those who had a university degree qualification and above (M = 89.05). The degree of difference observed in mean scores here was displayed to be moderate.

Table 4.15

Descriptive Statistics and group differences in AMMSA scale scores between gender; males (n = 49) and females (n = 51), ethnicity; Caucasian (n =67) and Black Asian Minority Ethnic (BAME) (n = 24), and level of education; less than university educated (n = 57) and university educated and above (n = 43) participants.

Scale	Group	*M*	*SD*	*t*	Cohen's *d*
AMMSA	Males	104.09	29.34	2.00*	.42
	Females	92.25	28.04		
	Caucasian	93.52	28.86	-1.92*	.40
	BAME	105.92	25.71		
	Less than Uni degree	103.93	28.28	2.51*	.51
	Uni degree & above	89.05	30.27		

Note: AMMSA = Acceptance of Modern Myths about Sexual Aggression total score. Cohen (1977) suggested that $d = 0.2$ be considered a small effect size, 0.5 represents a medium effect size, and 0.8 denotes a large effect size. * $p < .05$; ** $p < .01$; *** $p < .001$. Differences between total sample size and frequencies in categories reflect missing values.

4.2.5 Binary Logistic Regression – Experiment 2

Direct binary logistic regression was conducted to establish the impact of age, gender, personal victimisation (criminal victimisation generally, serious victimisation, and sexual victimisation), having close friends/relatives that have reportedly been a victim of a sexual crime, as well as attitudes held towards sexual aggression (AMMSA), on the verdict decision preferences of mock jurors within a rape trial. Notably, again, this was measured at the individual juror level and at two time-points, pre-deliberation (VD1) and post-deliberation (VD2). Preliminary analyses were conducted and displayed no violation of the assumptions of multicollinearity occurring at either time point.

A test of the complete model relating to the verdict decision made pre-deliberation (VD1) within the community sample was undertaken. Containing all predictor variables against a constant only model, the complete model was statistically significant (χ^2 (7, N = 100) = 17.15, p < .05), indicating that the model was able distinguish between mock jurors, who reported a guilty verdict preference, with those who reported a not guilty verdict preference. The model as a whole explained between 17% (Cox & Snell R Square) and 26% (Nagelkerke R Square) of the variance in verdict decisions made pre-deliberation, and correctly classified 80% of cases.

As displayed in Table 4.16, only two variables made a unique statistically significant contribution to the model (gender and AMMSA). AMMSA was a significant predictor of verdict preference (OR = .96, p < .01, d = .02), found to be negatively related to guilty verdicts. This indicated that mock jurors, with lower scores on the AMMSA, were more likely to vote guilty than those who scored higher in sexually aggressive attitudes, when controlling for all other factors in the model. Additionally, gender was strongly related with verdict decisions (OR = .28, p < .05, d = .70), when controlling for all other factors in the model. Based on gender group classifications, this indicated that female mock jurors were more likely to return a guilty verdict than their male counterparts, at the pre-deliberation stage of the trial.

Table 4.16

Logistic regression model of the demographic, victimisation and, attitudinal predictors of individual juror verdict decision 1 (VD1) and verdict decision 2 (VD2) (n = 100).

Variables	*B*	*SE*	OR (95% CI)
VD1			
Age	-0.02	0.02	0.99 (.95/1.02)
Gender	-1.26	0.63	0.28* (.08/.98)
Victim of crime	0.35	0.61	1.42 (.43/4.67)
Victim of serious crime	-1.96	1.52	0.14 (.01/2.78)
Victim of sexual crime	-1.19	1.27	0.30 (.03/3.66)
Friends/fam victim of sex crime	0.78	0.88	2.18 (.39/12.15)
AMMSA	-0.04	0.01	0.96** (.94/.99)
VD2			
Age	-0.03	0.02	0.98 (.94/1.02)
Gender	-0.30	0.66	0.74 (.20/2.70)
Victim of crime	0.29	0.65	1.33 (.37/4.78)
Victim of serious crime	-0.21	1.47	0.81 (.05/14.41)
Victim of sexual crime	0.52	1.08	1.68 (.20/13.97)
Friends/fam victim of sex crime	-1.59	1.23	0.21 (.02/2.30)
AMMSA	-0.02	0.01	0.98* (.95/.99)

Note: Dependent variables: VD1 = Individual Juror Verdict decision pre-deliberation (guilty/not guilty), VD2 = Individual Juror Verdict decision post-deliberation (guilty/not guilty). AMMSA = Acceptance of Modern Myths about Sexual Aggression total score, OR = odds ratio. *SE* = standard error. 95% CI = confidence interval. $*p < .05$; $**p < .01$; $***p < .001$.

Finally, a test of the complete model relating to verdict decisions made post-deliberation (VD2), was undertaken. Containing all predictor variables against a constant only model, the complete model was not statistically significant (χ^2 (7, N = 100) = 7.15, p >.05), indicating that the model was not sufficiently able distinguish between mock jurors who reported a guilty verdict preference, against those who reported a not guilty verdict preference. Despite this, examination of the Hosmer-Lemeshow Goodness of Fit Test displayed the model fit could not be considered poor χ^2 (8, N = 100) = 2.90, p =.94). Examination of the Cox & Snell R Square and Nagelkerke R Square values displayed the model as a whole explained between 8% and 13% respectively, of the variance in verdict decisions made post-deliberation and again correctly classified 85% of cases.

As displayed in Table 4.16, only one variable made a unique statistically significant contribution to the model relating to the verdict decision two time-point. AMMSA was a consistent predictor of verdict preference (OR = .98, p < .05, d = .01), found to be negatively related to guilty verdicts. Again, this indicated that mock jurors with lower scores on the AMMSA, were more likely to vote guilty than those who scored higher in sexually aggressive attitudes, when controlling for all other factors in the model.

4.3 DEVELOPMENT, CONSTRUCT VALIDITY AND DIMENSIONALITY OF THE JUROR DECISION SCALE (JDS)

4.3.1 Current Study

Whilst Pennington and Hastie's (1992) Story Model provides a detailed conceptualisation of the decision-making processors, thought to underlie a jurors' decision to vote guilty or not guilty and remains the dominate explanation of jury decision making. To date, a lack of empirical research exists, which has sought to verify important features of the theory. In particular, one central aspect of the model termed the certainty principles (for a detailed explanation refer to chapter 2) has, to the author's knowledge, never been empirically tested or verified. Therefore, the aim of the current study and analytical sub-chapter was to develop and validate a measure of individual juror decision making relative to criminal trials, directly integrating theoretical features of the Story Model of jury decision making (Pennington & Hastie, 1992) into an empirically testable scale. Accordingly, the factorial structure and construct validity of the scale developed, termed the Juror Decision Scale (JDS) was tested using confirmatory factor analysis. Please note, for a detailed description of the JDS scale development, refer to Chapter 3 Experiment 1 measures section.

4.3.2 Descriptive Statistics

Descriptive statistics of Experiment 1 data for the three JDS factors (Complainant Believability, Defendant Believability, and Confidence in Decision) at both verdict decision time points (VD1 = pre-deliberation; VD2 = post-deliberation), are presented in Table 4.17 below. Descriptive statistics including means (*M*), standard deviations (*SD*), median (*Mdn*), and the observed range of scores on the AMMSA and Self-Esteem scales are also presented in Table 4.17. Statistics reveal consistent moderate mean scores on the three JDS sub-scales across both time points.

Table 4.17

Descriptive Statistics for the JDS factors pre-deliberation (verdict decision 1 – VD1) and post-deliberation (verdict decision 2 – VD2), rape attitudes (AMMSA), and self-esteem (SES).

Variables	*M*	*SD*	*Mdn*	Observed Min.	Observed Max.
JDS VD1 (total score)	52.11	5.80	51.00	35	74
Confidence in Decision	7.09	1.44	7.00	2	10
Complainant Believability	22.32	4.72	22.00	10	33
Defendant Believability	22.71	4.29	23.00	8	35
AMMSA	93.70	25.74	91.00	37	161
SES	20.76	4.51	21.00	10	37
JDS VD2 (total score)	51.87	6.22	51.00	34	78
Confidence in Decision	7.57	1.60	8.00	2	10
Compliant Believability	21.27	5.12	21.00	7	35
Defendant Believability	23.03	4.83	23.00	10	35

Note: JDS = Juror Decision Scale; VD1 = Individual Verdict decision 1 (that participants made pre-deliberation); VD2 = Individual Verdict decision 2 (that participants made post-deliberation); AMMSA = Acceptance of Modern Myths about Sexual Aggression total score; SES = Self-Esteem.

4.3.3 Confirmatory Factor Analysis Procedure

To examine the dimensionality and construct validity of the JDS, traditional confirmatory factor analysis (CFA) techniques and confirmatory bifactor analysis procedures (cf. Reise, Moore, & Haviland, 2010) were undertaken at both verdict decision time points (VD1 – pre-deliberation & VD2 – post-deliberation). Three alternative models of the JDS were specified and assessed using M*plus* 7.4 (Muthen & Muthen, 2015) with Maximum Likelihood Robust (MLR) estimation. The CFA was used to determine factor loadings and identify the best factorial structure.

At both verdict decision time points, Model 1 is a one-factor solution, where all 16 JDS items load onto a single latent factor. Model 2 is a correlated three-factor solution, where items load on the complainant believability factor (items 2, 3, 4, 5, 6, 7 and 8), defendant believability factor (items 9, 10, 11, 12, 13, 14 and 15), and confidence in decision factor (items 1 and 2). Model 3 (see Figure 4.3 below) is a bifactor conceptualisation with one general factor (all items) of juror decision making, alongside three subordinate factors, as described in Model 2.

The overall fit of each model and the relative fit between the three differing models were assessed using a range of goodness-of-fit indices. The Chi-square statistic (χ^2), Comparative Fit Index (CFI; Cronbach, 1990), Tucker Lewis Index (TLI; Tucker & Lewis, 1973), Root-Mean-Square Error of Approximation (RMSEA; Steiger, 1990) with the associated 90% confidence interval (90% CI), Standardised Root Mean Square Residual (SRMR), and Bayesian Information Criterion (BIC; Schwarz, 1978) were reported for all CFA models. For CFI and TLI, values above or approaching .95 are indicative of good model fit and above .90 acceptable model fit (Bentler, 1990; Hu & Bentler, 1999). Likewise, for RMSEA and SRMR, values less than .05 suggest good model fit and below .08 acceptable model fit (Bentler, 1990; Hu & Bentler, 1999). For BIC values comparing alternate models, the lowest value is indicative of the best fitting model (Nylund, Asparouhov, & Muthen, 2007).

Finally, due to criticisms surrounding Cronbach's alpha coefficient indicators of internal consistency (cf. Raykov, 1997; 1998), composite reliability was used within the present analysis to assess internal reliability of the JDS factors, with values above .60 typically considered acceptable (Diamantopoulos & Siguaw, 2000).

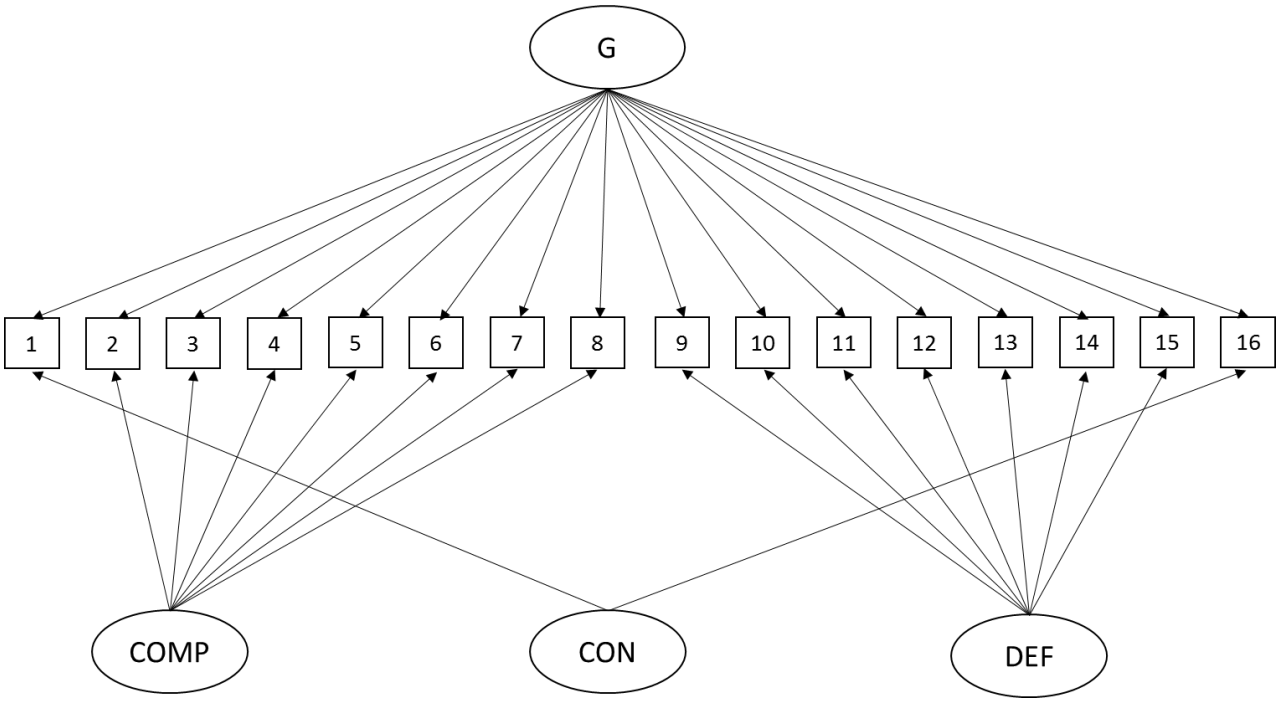

Figure 4.3: Bifactor solution of the JDS; G = general factor of JDM (items 1-16); COMP = Complainant Believability (items 2-8); DEF = Defendant Believability (items 9-15); CON = Decision Confidence (items 1 & 16).

4.3.4 Confirmatory Factor Analysis Results

Table 4.18 displays the fit indices for the three alternative models of the JDS at both verdict decision time points (VD1, VD2). At both time points, the one-factor model and correlated three-factor model were rejected, based upon exhibiting CFI and TLI values considerably below the .95 approximate level of acceptance (Bentler, 1990; Hu & Bentler, 1999). Furthermore, the RMSEA and SRMR values were also considerably above the .05 level of acceptance for the one-factor and correlated three-factor models. Taken together the combination of fit statistics suggest the bifactor model of the JDS provides the best fit to the data, at both verdict decision time points; VD1 (CFI = .94, TLI = .92, SRMR = .04, RMSEA = .07 [90%CI = .05/.08], BIC = 11119.99), VD2 CFI = .96, TLI = .94, SRMR = .04, RMSEA = .07 [90%CI = .05/.08], BIC = 10700.38). Notably, the BIC statistic, for the bifactor model at both verdict decision time points, was lower than that displayed for all alternative models, an important indication that it represents the best fitting model (cf. Nylund, Asparouhov, & Muthen, 2007).

Table 4.18

Fit Indices for Three Alternative Models of the JDS, during stage VD1 (pre-deliberation) and stage VD2 (post-deliberation).

Stage	Models	χ^2	*df*	CFI	TLI	RMSEA	90% CI	SRMR	BIC
VD1	1. One-factor	1149.72*	104	.49	.41	.16	.17/.19	.16	12034.38
	2. Correlated 3 factors	813.79*	101	.90	.89	.10	.08/.12	.07	11201.76
	3. Bifactor	204.42*	85	.94	.92	.07	.05/.08	.04	11119.99
VD2	1. One-factor	1606.68*	104	.52	.45	.21	.20/.22	.17	11980.06
	2. Correlated 3 factors	353.86*	101	.90	.89	.09	.08/.10	.07	10785.36
	3. Bifactor	199.60*	85	.96	.94	.07	.05/.08	.04	10700.38

Note. JDS = Juror Decision Scale; CFI = Comparative Fit Index; CI = Confidence Interval; *df* = degrees of freedom; RMSEA = Root-Mean-Square Error of Approximation; SRMR = Standardized Root Mean Square Residual; TLI = Tucker Lewis Index; BIC = Bayesian Information Criteria; χ^2 = chi square goodness of fit statistic. * Indicates χ^2 are statistically significant ($p < .05$).

The appropriateness of the bifactor model of the JDS is also determined by examining factor loadings for statistical significance. Inspection of the factor loadings for the three JDS factors, relative to Verdict Decision 1 (Table 4.19) and Verdict Decision 2 (Table 4.20), provides clear evidence of the appropriateness of including these latent factors in the scoring of the JDS.

All three JDS factor loadings are statistically significant ($p < .001$), in a positive direction at both verdict decision points and, notably, overall the items more strongly load onto each of the three JDS factors, than on the general factors. The superiority of the three JDS factors over the general factor in the conceptualisation of the JDS factorial structure is therefore displayed. This thereby suggests that across both verdict decision time points, individual juror decision making is comprised of three subscales (complainant believability, defendant believability, and decision confidence) whilst controlling for the general factor.

Table 4.19

Standardized Factor Loadings for the Three JDS Factors and General Factor (G) pre-deliberation (VD1).

MCSI-R items	G	CONF	COMP	DEF
1. Thinking about your individual verdict decision of 'guilty' or 'not guilty', how confident are you that you have made the correct decision?	.14*	.82***		
2. How well did the evidence match and cover what the complainant said happened?	.34***		.42***	
3. How complete was the complainant's story in the sense that no aspects were missing or left unsupported by the evidence?	.35***		.54***	
4. How plausible was the complainant's version of events, in that you think what they said happened, is both possible and likely?	.64***		.43***	
5. How coherent was the complainant's story, meaning that the different stages described as happening were logically connected?	.49***		.53***	
6. How unique was the complainant's account, in that you feel it was the only possible explanation of the evidence heard?	.34***		.61***	
7. How consistent was the complainant's version of events with the evidence presented overall?	.36***		.51***	
8. Overall, how much do you believe the complainant's version of events?	.76***		.43***	
9. How well did the evidence match and cover what the defendant said happened?	.08			.61***
10. How complete was the defendant's story in the sense that no aspects were missing or left unsupported by the evidence?	.03			.73***
11. How plausible was the defendant's version of events, in that you think what they said happened, is both possible and likely?	.57***			.55***
12. How coherent was the defendant's story, meaning that the different stages described as happening were logically connected?	.25*			.75***
13. How unique was the defendant's account, in that you feel it was the only possible explanation of the evidence heard?	.54***			.39***
14. How consistent was the defendant's version of events with the evidence presented overall?	.38**			.63***
15. Overall, how much do you believe the defendant's version of events?	.74***			.47***
16. Finally, how confident are you overall that you have reached the correct verdict decision in this case?	.01	.84***		

Note. Factor loadings are statistically significant at * $p < .05$; ** $p < .01$; *** $p < .001$. CONF = Confidence in Decision; COMP = Complainant Believability; DEF = Defendant Believability.

Table 4.20

Standardized Factor Loadings for the Three JDS Factors and General Factor (G) post-deliberation (VD2).

MCSI-R items	G	CONF	COMP	DEF
1. Thinking about your individual verdict decision of 'guilty' or 'not guilty', how confident are you that you have made the correct decision?	.11	.76***		
2. How well did the evidence match and cover what the complainant said happened?	.39***		.62***	
3. How complete was the complainant's story in the sense that no aspects were missing or left unsupported by the evidence?	.29**		.79***	
4. How plausible was the complainant's version of events, in that you think what they said happened, is both possible and likely?	.76***		.37***	
5. How coherent was the complainant's story, meaning that the different stages described as happening were logically connected?	.41***		.51***	
6. How unique was the complainant's account, in that you feel it was the only possible explanation of the evidence heard?	.47***		.57***	
7. How consistent was the complainant's version of events with the evidence presented overall?	.63***		.49***	
8. Overall, how much do you believe the complainant's version of events?	.83***		.35***	
9. How well did the evidence match and cover what the defendant said happened?	.30***			.67***
10. How complete was the defendant's story in the sense that no aspects were missing or left unsupported by the evidence?	.24***			.72***
11. How plausible was the defendant's version of events, in that you think what they said happened, is both possible and likely?	.48***			.66***
12. How coherent was the defendant's story, meaning that the different stages described as happening were logically connected?	.17*			.76***
13. How unique was the defendant's account, in that you feel it was the only possible explanation of the evidence heard?	.41***			.53***
14. How consistent was the defendant's version of events with the evidence presented overall?	.32***			.72***
15. Overall, how much do you believe the defendant's version of events?	.63***			.62***
16. Finally, how confident are you overall that you have reached the correct verdict decision in this case?	.12	.92***		

Note. Factor loadings are statistically significant at * $p < .05$; ** $p < .01$; *** $p < .001$. CONF = Confidence in Decision; COMP = Complainant Believability; DEF = Defendant Believability.

The correlations between the three JDS factors, relative to Verdict Decision 1, were low (complainant believability and decision confidence $r = .10$, $p > .05$; complainant believability and defendant believability $r = -.30$, $p < .001$; defendant believability and decision confidence $r = .14$, $p < .05$) indicating little overlap between the variables. Correlations between the three JDS latent factors relative to Verdict Decision 2, were also low (complainant believability and decision confidence $r = .05$, $p > .05$; complainant believability and defendant believability $r = -.36$, $p < .001$; defendant believability and decision confidence $r = .25$, $p < .001$) indicating little overlap between the variables.

Whilst there does not appear to be a significant overlap between JDS variables at VD1 or VD2 decision points, establishing differential predictive validity between alternative dimensions of a multidimensional scale has previously been recommended (cf. Boduszek & Debowska, 2016; Carmines & Zeller, 1979). In the present analysis, this involves ensuring that the three dimensions of the JDS are associated differentially with external variables. Table 4.21 below displays the results of the regression analysis at both decision time points. In relation to Verdict Decision 1, complainant believability forms a significant negative correlation with rape attitudes (AMMSA), whereas a significant positive relationship is observed between defendant believability and AMMSA scores. While negatively correlated, decision confidence was non-significantly related to AMMSA scores. Defendant believability was significantly negatively correlated with self-esteem, as was decision confidence, although this relationship was not statistically significant.

In relation to Verdict Decision 2, AMMSA was again significantly negatively correlated with the complainant believability dimension and significantly positively correlated with defendant believability. Decision confidence (but not defendant believability) was significantly negatively associated with self-esteem, whilst complainant believability was positively correlated, yet not statistically significantly. These results confirm that complainant believability, defendant believability, and decision confidence should be included as separate subscales in the JDS.

Table 4.21

Regression models displaying associations between the Three JDS Factors and External Variables.

	Verdict Decision 1		Verdict Decision 2	
Variable	Self-Esteem (F [3, 320] = 3.58, $p < .05$) β (95% CI)	AMMSA (F [3, 319] = 11.61, $p < .001$) β (95% CI)	Self-esteem (F [3, 320] = 6.01, $p < .001$) β (95% CI)	AMMSA (F [3, 319] = 12.76, $p < .001$) β (95% CI)
Confidence in Decision	-0.04 (-.15/.07)	-0.03 (-.13/.08)	-0.17** (-.28/-.06)	0.01 (-.11/.11)
Complainant Believability	0.03 (-.09/.14)	-0.16** (-.27/-.05)	0.07 (-.04/.19)	-0.24*** (-.35/-.12)
Defendant Believability	-0.16** (-.27/-.04)	0.23*** (.11/.34)	-0.09 (-.21/.03)	0.16** (.04/.27)

Note: Verdict Decision 1 = Individual Verdict decision 1 (that participants made pre-deliberation); Verdict Decision 2 = Individual Verdict decision 2 (that participants made post-deliberation); AMMSA = Acceptance of Modern Myths about Sexual Aggression total score; SES = Self-Esteem. **$p < .01$, *** $p < .001$.

Finally, internal reliability of the three JDS factors was calculated using composite reliability in place of traditional Cronbach's alpha (as suggested by Boduszek & Debowska, 2016; Raykov, 1997). Using the formula displayed below where; CR = composite reliability of the factor score, λ_i = standardised factor loading, and Var (ε_i) = standard error variance, results demonstrate good internal reliability for the JDS factors pre-deliberation (Verdict Decision 1) and post-deliberation (Verdict Decision 2).

$$CR = \frac{(\sum \lambda_i)^2}{(\sum \lambda_i)^2 + \sum \mathrm{Var}(\varepsilon_i)}$$

At Verdict Decision 1, results displayed that; confidence in decision (.82), complainant believability (.70), and defendant believability (.79), alongside the general factor (.74), exhibited good internal reliability. Likewise, at Verdict Decision 2, confidence in decision (.83), complainant believability (.72), and defendant believability (.85), as well as the general factor (.79), exhibited good internal reliability, when considering that values above .60 are considered to be acceptable (Diamantopoulos & Siguaw, 2000)

4.4 INTEGRATING THE ROLE OF PSYCHOPATHIC PERSONALITY TRAITS AND ATTITUDES TOWARDS RAPE WITH THE JUROR DECISION SCALE (JDS) SUB SCALES AND VERDICT OUTCOMES – A PATH ANALYSIS.

4.4.1 Current Study

The results displayed within previous sub-chapters indicated a relationship between psychopathic traits and juror decision making, as well as sexually aggressive attitudes upon verdict outcomes. Likewise, drawing upon theoretical principles of the Story Model, and utilising Confirmatory Factor Analysis (CFA) techniques to develop and validate an empirical measure of jury decision making, results revealed a statistical relationship between witness credibility assessment (Juror Decision Scale - JDS) items, and the three sub-factors displayed (Complainant Believability, Defendant Believability, Decision Confidence). Whilst a direct relationship between particular juror constructs and verdict decisions has thus far been displayed, what is missing in the current thesis is an examination of the directed dependence of these constructs upon JDS sub-scale factors, and the subsequent dependence of the three JDS factors upon the verdict decisions jurors made. Alternatively put, a path analysis allows the relationship between psychopathic traits, sexually aggressive attitudes, witness believability, decision confidence, and verdict outcomes to be examined within a more structured model. Therefore, the main objectives of the current analyses were to test; (1) whether psychopathic personality traits and attitudes towards sexual aggression are significantly correlated with juror beliefs in a complainant and defendant's stories, alongside confidence in verdict decisions (measured through the three factors of the JDS) and, (2) whether the three JDS factors are significantly correlated with individual juror verdicts at both verdict decision time points (pre-deliberation and post-deliberation) and between experimental samples (student and community jurors). Based upon previous findings obtained in previous analytic sub-chapters, it was hypothesised that sexually aggressive attitudes would have a direct effect upon the JDS factors, and further that JDS factors would have a direct effect upon verdict decisions, across all verdict decision time points and between experimental samples. Moreover, it was hypothesised that the four PPTS traits would have no direct effect on JDS factors in Experiment 1 student sample, but may exhibit some direct effects upon witness believability assessments in the community sample, where again it was suggested that JDS factors would have a direct effect upon verdict decisions pre and post deliberation.

4.4.2 Path Analysis

Path analysis constitutes an extension of multiple regression, estimating the significance and magnitude of causal connections between variables included in the analysis. Based upon previous theory and the findings obtained within earlier sub-chapter analyses, four separate path models were specified and tested using Mplus 7.4 (Muthen & Muthen, 2015) with robust maximum likelihood (MLR) estimation. Preliminary analysis was conducted in SPSS 22 to ensure that all data were suitable for path analysis. Four distinct models were tested to examine the presence of any such relationship at both verdict decision time points, across the two experimental data sets. Model 1 relates to jurors' Verdict Decision 1 within Experiment 1 (see Fig 4.4), Model 2 relates to jurors' Verdict Decision 2 within Experiment 1 (see Fig. 4.5), Model 3 relates to jurors' Verdict Decision 1 within experiment 2 (see Fig 4.6), and Model 4 relates to jurors' Verdict Decision 2 within Experiment 2 (see Fig. 4.7). In essence, path analysis was used to assess the relationship between all variables in each respective model and, as such, five exogenous variables or factors (Affective Responsiveness, Cognitive Responsiveness, Interpersonal Manipulation, Egocentricity, and Acceptance of Modern Myths about Sexual Aggression) and three endogenous variables/factors (Complainant Believability, Defendant Believability, and Decision Confidence), were examined against the verdict decision outcome variable.

The overall fit of each model was assessed using the following statistics; Chi-square (χ^2), Comparative Fit Index (CFI; Cronbach, 1990), Tucker Lewis Index (TLI; Tucker & Lewis, 1973), Root-Mean-Square Error of Approximation (RMSEA; Steiger, 1990), with the associated 90% confidence interval (90% CI), and Standardised Root Mean Square Residual (SRMR). A non-significant Chi-square value (Kline, 2005) and CFI and TLI values above .95 are indicative of good model fit (Bentler, 1990; Hu & Bentler, 1999). CFI and TLI values above .90 are, however, considered adequate model fit (Dhingra, Boduszek, & O'Connor, 2016; Hu & Bentler, 1999). Likewise, RMSEA and SRMR values less than or approaching .05 suggest good model fit (Bentler, 1990; Hu & Bentler, 1999).

4.4.3 Descriptive Statistics and Subscale Differences

4.4.3.1 Experiment 1

Experiment 1 descriptive statistics, including means (M), standard deviations (SD), and the observed range of scores all for continuous variables used in the present analysis, are presented above. Specifically, descriptive statistics for the four sub-scales of the PPTS are displayed in Table 4.1 and for the AMMSA scale total scores, alongside the three JDS factors (Complainant Believability, Defendant Believability, and Confidence in Decision) at both verdict decision time points (VD1 = pre-deliberation; VD2 = post-deliberation), refer to Table 4.17. Experiment 1 verdict decision frequencies at both decision time points, are also displayed in Table 4.2 above.

Descriptive results reveal that student mock juror participants, on average, displayed moderate levels of psychopathic personality traits (AR, CR, IMP, EGO) and sexually aggressive attitudes (AMMSA). Statistics also reveal consistent moderate mean scores on the three JDS sub-scales across both decision time points. Paired sample t-tests were conducted to examine whether any significant difference occurred in JDS sub-scale scores VD1 to VD2. Results revealed that Complainant Believability scores at the VD1 point (M = 22.32) compared with at the VD2 point (M = 21.27) differed significantly (t (323) = 5.812, $p < .001$, d = .21) with the degree of difference shown to be small, in that overall student jurors' belief in the complaints story decreased after deliberation had taken place. Results also suggest a significant difference in decision confidence between VD1 (M = 7.10) and VD2 (M = 7.57), with student jurors reporting higher confidence in their verdict decision after deliberations (t (323) = -5.699, $p < .001$, d = .31). The degree of difference in mean scores was again shown to be small. No statistically significant change in Defendant Believability scores was detected between decision points.

Verdict decision frequencies displayed that initial verdict decisions made by participants pre-deliberation (VD1) were comparably similar (not-guilty verdict = 55.2%, guilty verdict = 44.8%), and that the number of participants returning a not guilty verdict increased post-deliberation (VD2) (not guilty verdict = 59.0%, guilty verdict = 41.0%). Notably, however, a McNemar's Chi-square test for association displayed that there was no statistically significant change in the verdict decisions made by mock jurors between pre-deliberation and post-deliberation; χ^2 (1, N = 324) = 2.16, p = .142.

4.4.3.2 Experiment 2

Experiment 2 descriptive statistics for the four sub-scales of the PPTS are displayed in Table 4.1 above and Table 4.13 for the AMMSA scale total scores. Descriptive statistics for the three JDS factors within Experiment 2, at both verdict decision time points (VD1 and VD2), are displayed in Table 4.22 below, and verdict decision frequencies in Table 4.2 above. Descriptive results reveal that community mock juror participants displayed moderate levels of psychopathic personality traits (AR, CR, IMP, EGO) and sexually aggressive attitudes (AMMSA), although notably mean scores on both scales were overall slightly higher those observed in the Experiment 1 student sample.

Statistics also reveal consistently moderate mean scores on the three JDS sub-scales across both time points. Notably, when compared to the Experiment 1 student sample, community sampled mock jurors in Experiment 2 displayed lower mean scores in assessments of the complainant's believability at both pre-deliberation and post-deliberation time points. Paired samples t-tests were conducted to examine whether any significant difference occurred in JDS sub-scale scores VD1 to VD2 within Experiment 2. Results display that Complainant Believability scores at the VD1 point (M = 19.67) compared with scores at the VD2 point (M = 17.76) differed significantly (t (98) = 5.297, $p < .001$, d = .45), with the degree of difference shown to be small, in that overall community sampled jurors belief in the complaints story decreased after deliberation had taken place. No statistically significant change in Defendant Believability or Decision Confidence scores was detected between decision points.

Examination of verdict decision frequencies within Experiment 2 displayed a higher proportion of community sampled mock jurors decided that the defendant was not guilty at the pre-deliberation time point (VD1; not guilty = 78.0%) than student mock jurors did within Experiment 1, at the same decision point. Within Experiment 2, the number of participants returning a not guilty verdict post-deliberation increased further (VD2; not guilty = 85.0%). Again, a McNemar's Chi-square test for association was conducted to examine whether there was a significant change between the two verdict decision time points within Experiment 2. However, results revealed no statistically significant change occurred between pre-deliberation (VD1) and post-deliberation (VD2) verdict decisions made; χ^2 (1, N = 100) = 2.77, p = .092.

Table 4.22

Descriptive Statistics for the JDS factors pre-deliberation (verdict decision 1 – VD1) and post-deliberation (verdict decision 2 – VD2) within experiment 2 (n = 100).

Variables	*M*	*SD*	*Mdn*	Observed Min.	Observed Max.
JDS VD1					
Confidence in Decision	7.31	1.52	8.00	4	10
Complainant Believability	19.67	4.34	19.00	12	35
Defendant Believability	22.42	4.16	23.00	13	32
JDS VD2					
Confidence in Decision	7.70	1.85	8.00	2	10
Compliant Believability	17.76	4.11	17.00	10	30
Defendant Believability	22.81	6.38	22.00	12	67

Note: JDS = Juror Decision Scale; VD1 = Individual Verdict decision 1 (that participants made pre-deliberation); VD2 = Individual Verdict decision 2 (that participants made post-deliberation).

4.4.4 Model Testing

4.4.4.1 Experiment 1

To test the verdict decision models proposed within Experiment 1, a two-step procedure was adopted. The first step was to analysis the overall model fit, which includes all direct paths from predictors (exogenous factors) and covariates (endogenous factors) to verdict decisions. The second step involves examining the statistical significance, strength, and direction of the path coefficients between factors.

Figures within Table 4.23 below demonstrate that for Model 1 (see Figure 4.4), the chi-square statistic was non-significant, and examination of other goodness-of-fit statistics indicated good model fit for the proposed model paths with Verdict Decision 1, made by student jurors (χ^2 (5) = 5.21, $p > .05$, CFI = .99, TLI = .99, RMSEA = .01 [90% CI = .00/.08], SRMR = .01).

Figure 4.4 displays the path coefficients between all factors in the proposed Model 1. As can be seen, a significant negative relationship existed between sexually aggressive attitudes and belief in the complainant's story, alongside a significant positive relationship between sexually aggressive attitudes and belief in the defendant's story. AMMSA had no significant relationship with decision confidence and none of the psychopathic personality traits were shown to be significantly related to the JDS factors (see Figure 4.4). Importantly, in terms of the JDS factors, a significant moderate positive relationship was found between belief in the complainant's story and guilty verdicts pre-deliberation (VD1), as well as a statistically significant negative relationship between belief in the defendant's story and guilty decisions (VD1). Whilst confidence in verdict decisions was positively related to guilty verdicts, this was not statistically significant in Model 1 (relative to the Verdict Decision 1 time point).

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Table 4.23

Fit Indices for the Four Alternative Path Models of the PPTS sub-scales and AMMSA with JDS sub-scales, upon Individual Verdict Decision Making at VD1 (pre-deliberation) and VD2 (post-deliberation), in both experimental samples.

Study	Models	χ^2	*df*	CFI	TLI	RMSEA	90% CI	SRMR
Experiment 1	1 *(VD1)*	5.21*	5	.99	.99	.01	.00/.08	.01
	2 *(VD2)*	10.81*	5	.96	.81	.06	.00/.11	.02
Experiment 2	3 *(VD1)*	7.14*	5	.98	.90	.06	.00/.17	.02
	4 (*VD2)*	3.48*	5	1.00	1.15	.00	.00/.11	.03

Note: PPTS = Psychopathic Personality Trait Scale; AMMSA = Acceptance of Modern Myths about Sexual Aggression; JDS = Juror Decision Scale; CFI = Comparative Fit Index; CI = Confidence Interval; *df* = degrees of freedom; RMSEA = Root-Mean-Square Error of Approximation; SRMR = Standardized Root Mean Square Residual; TLI = Tucker Lewis Index; χ^2 = chi square goodness of fit statistic; VD1 = Individual Verdict decision 1 (that participants made pre-deliberation); VD2 = Individual Verdict decision 2 (that participants made post-deliberation). * Indicates χ^2 are statistically significant ($p < .05$).

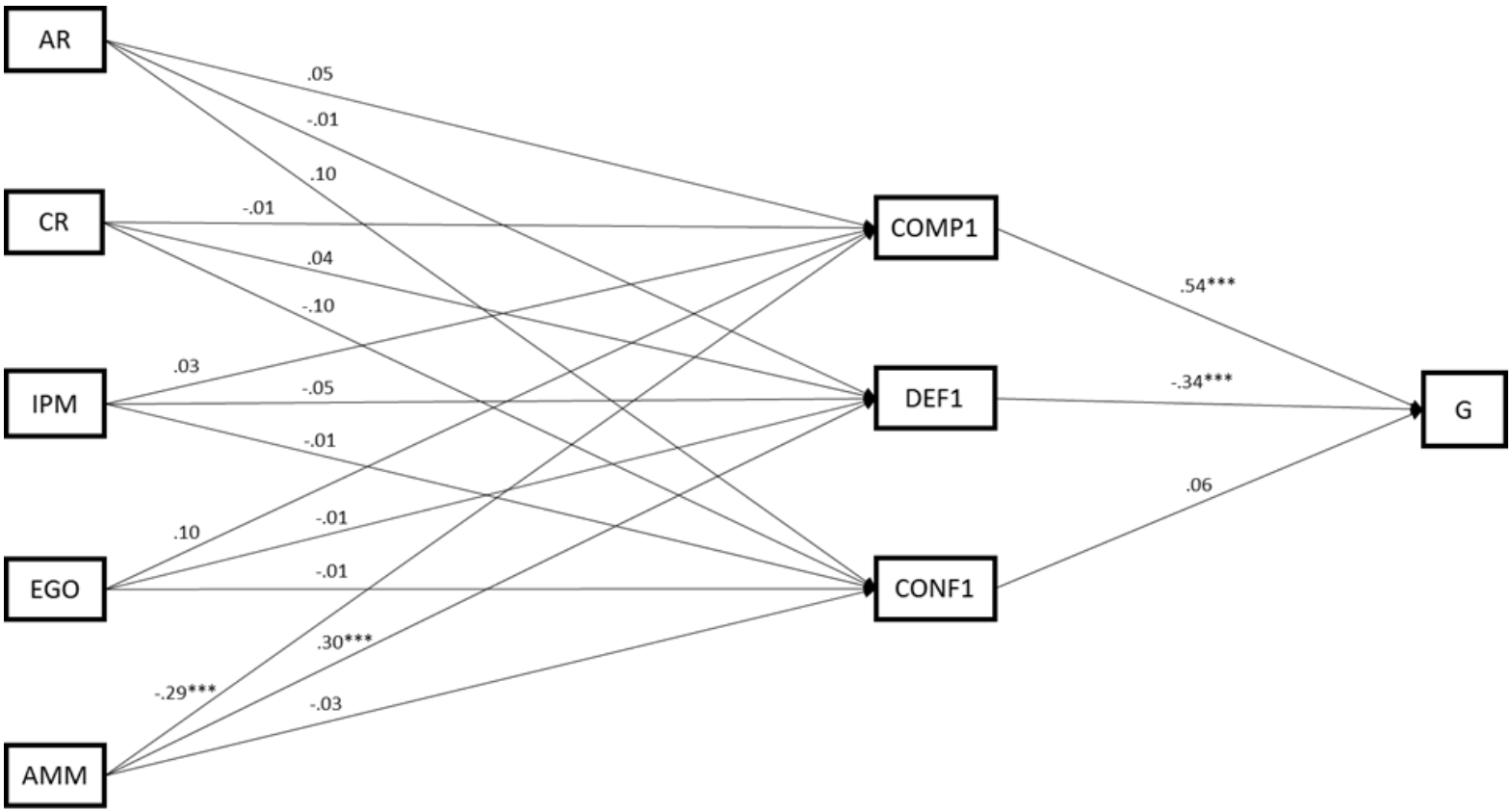

Figure 4.4: Path model of the Psychopathic Personality Trait Scale four sub-scales (AR, CR, IPM, & EGO) and Rape Attitudes (AMMSA) through the three Juror Decision Scale sub-scales (COMP, DEF, CONF), upon verdict decision 1, within the experiment 1 student sample. AR = Affective Responsiveness; CR = Cognitive Responsiveness; IPM = Interpersonal Manipulation; EGO = Egocentricity; AMM = Acceptance of Modern Myths about Sexual Aggression total score; COMP1 = Complainant credibility rating during verdict decision 1; DEF1 = Defendant credibility rating during verdict decision 1; CONF1 = Confidence in verdict decision 1; G = Guilty Verdict. ***$p < .001$.

The fit of the proposed Model 2, with all possible direct paths (see Figure 4.5) indicated a good model fit. Figures in Table 4.23 above display the Chi-square statistic was non-significant and overall other goodness-of-fit statistics were within an acceptable range for the proposed model paths with verdict decision 2 (χ^2 (5) = 10.81, p > .05, CFI = .96, TLI = .81, RMSEA = .06 [90% CI = .00/.11], SRMR = .02).

Figure 4.5 below displays the path coefficients between all factors in Model 2. As can be seen, a significant negative relationship exists between sexually aggressive attitudes and belief in the complainant's story at the second verdict decision point, alongside a significant positive relationship between sexually aggressive attitudes and belief in the defendant's story again at the second verdict decision stage. Again, AMMSA had no significant relationship with decision confidence and none of the psychopathic personality traits were shown to be significantly related to the JDS factors (see Figure 4.5). In terms of the JDS factors, a significant moderate positive relationship was found between belief in the complainant's story and guilty verdicts post-deliberation (VD2), as well as a statistically significant negative relationship between belief in the defendant's story and guilty verdict outcomes (VD2). Whilst confidence in verdict decisions was again positively related to guilty verdicts, this was not found to be statistically significant for student mock jurors.

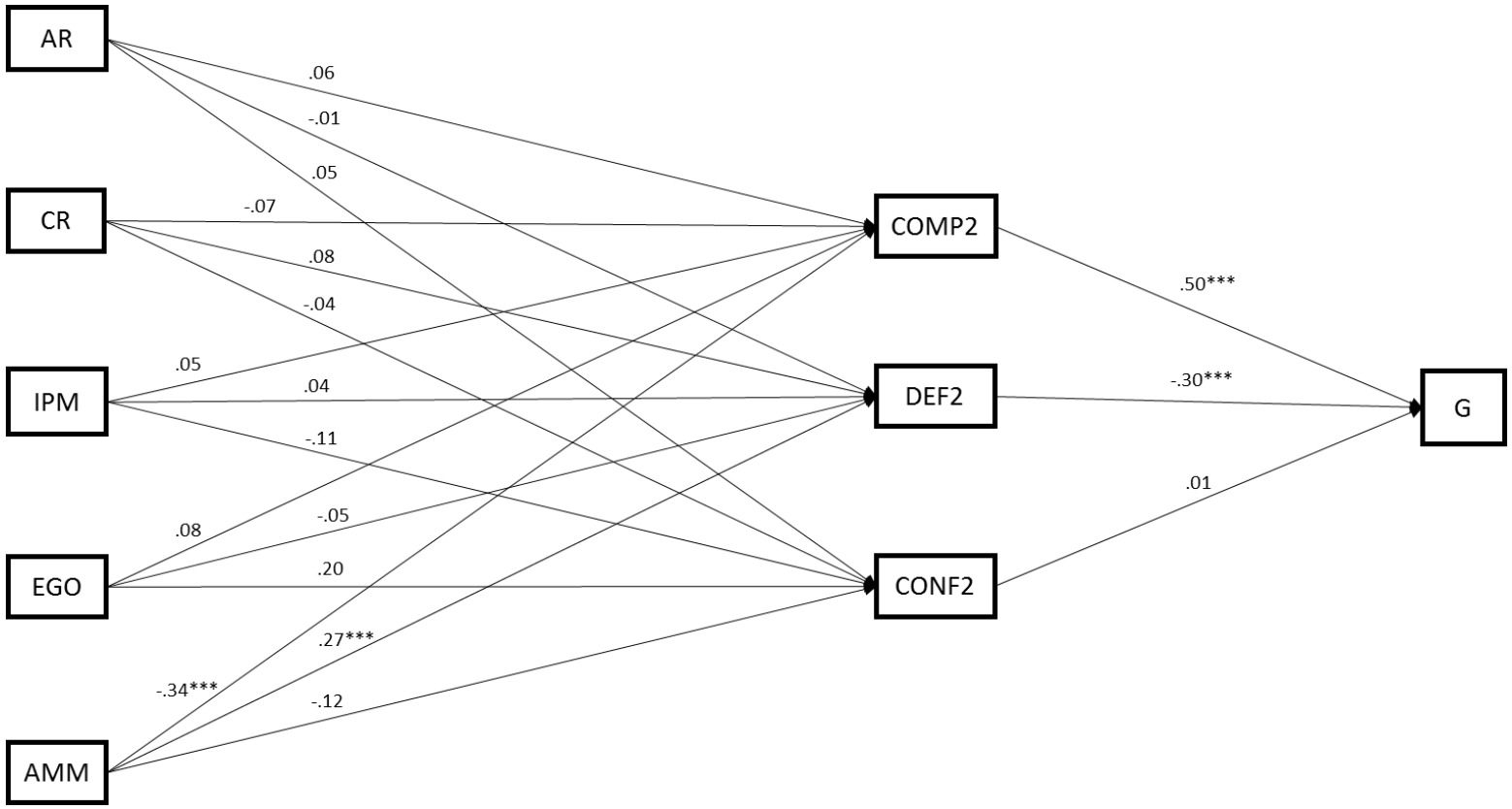

Figure 4.5: Path model of the Psychopathic Personality Trait Scale four sub-scales (AR, CR, IPM, & EGO) and Rape Attitudes (AMMSA) through The three Juror Decision Scale sub-scales (COMP, DEF, CONF), upon verdict decision 2 within the experiment 1 student sample. AR = Affective Responsiveness; CR = Cognitive Responsiveness; IPM = Interpersonal Manipulation; EGO = Egocentricity; AMM = Acceptance of Modern Myths about Sexual Aggression total score; COMP2 = Complainant credibility rating during verdict decision 2; DEF2 = Defendant credibility rating during verdict decision 2; CONF2 = Confidence in verdict decision 2; G = Guilty Verdict. ***$p < .001$.

4.4.4.2 Experiment 2

To test the verdict decision models proposed within Experiment 2, an identical two-step procedure was adopted, firstly analysing the overall model fit of Models 3 and 4, and secondly examining the significance and direction of the path coefficients between factors. Figures within Table 4.23 above show that for Model 3 (see Figure 4.6), the Chi-square statistic was non-significant and, overall, other goodness-of-fit statistics were within an acceptable range for the proposed model paths with Verdict Decision 1, made by community sampled jurors (χ^2 (5) = 7.14, $p > .05$, CFI = .98, TLI = .90, RMSEA = .06 [90% CI = .00/.17], SRMR = .02).

Figure 4.6 displays the path coefficients between all factors in the proposed Model 3. A significant negative relationship was again displayed between sexually aggressive attitudes (AMMSA) and belief in the complainant's story (COMP1). Notably, a significant positive relationship also exists between sexually aggressive attitudes and belief in the defendant's story (DEF1), as well as decision confidence (CONF1). Within Experiment 2, at the pre-deliberation decision point, the psychopathic personality trait affective responsiveness (AR) was shown to be significantly negatively related to belief in the defendant's story, and interpersonal manipulation (IPM), significantly negatively related to belief in the complainant's story (see Figure 4.6). Associations between the remaining psychopathic personality trait factors and the JDS factors were not shown to be statically significant. In terms of the JDS factors, a significant moderate positive relationship was again displayed between belief in the complainant's story and guilty verdicts pre-deliberation (VD1), as well as a statistically significant negative relationship between belief in the defendant's story and guilty decisions (VD1). Decision confidence (CONF1) was also significantly positively related to guilty verdicts within Path Model 3 community jurors at the VD1 time-point.

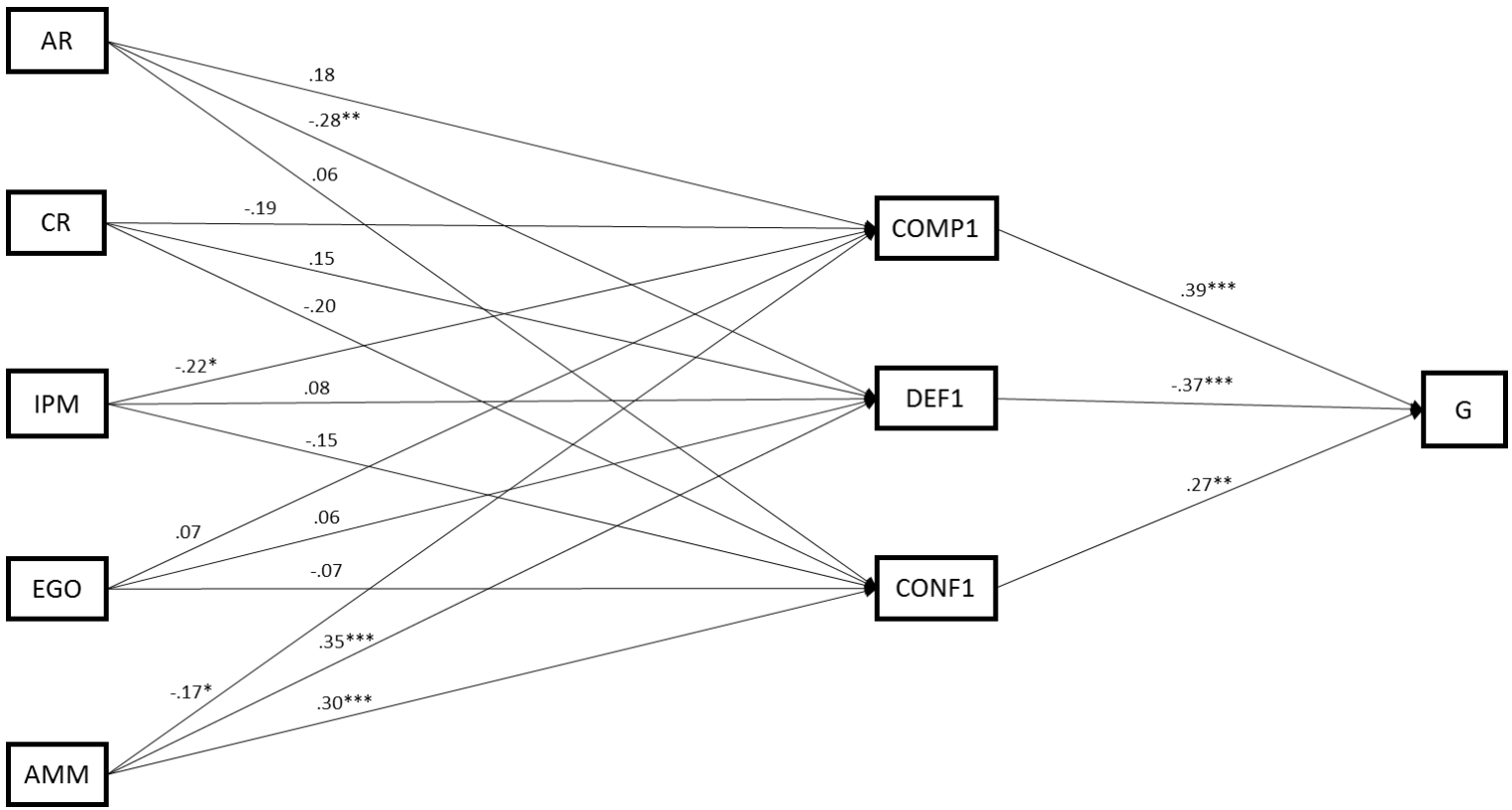

Figure 4.6: Path model of the Psychopathic Personality Trait Scale four sub-scales (AR, CR, IPM, & EGO) and Rape Attitudes (AMMSA) through The three Juror Decision Scale sub-scales (COMP, DEF, CONF), upon verdict decision 1 within the experiment 2 community sample. AR = Affective Responsiveness; CR = Cognitive Responsiveness; IPM = Interpersonal Manipulation; EGO = Egocentricity; AMM = Acceptance of Modern Myths about Sexual Aggression total score; COMP1 = Complainant credibility rating during verdict decision 1; DEF1 = Defendant credibility rating during verdict decision 1; CONF1 = Confidence in verdict decision 1; G = Guilty Verdict. *$p < .05$, **$p < .01$, ***$p < .001$

The fit of the proposed Model 4, with all possible direct paths (see Figure 4.7), again indicated a very good model fit. Figures in Table 4.23 above show that the Chi-square statistic was non-significant and all other goodness-of-fit statistics were within the stipulated ideal range for the proposed model paths with Verdict Decision 2 ($\chi 2$ (5) = 3.48, $p > .05$, CFI = 1.00, TLI = 1.15, RMSEA = .00 [90% CI = .00/.11], SRMR = .03).

Figure 4.7 below displays the path coefficients between all factors in the proposed Model 4. A significant negative relationship was again consistently displayed between sexually aggressive AMMSA attitudes and belief in the complainant's story (COMP2). Notably, a significant positive relationship also exists between sexually aggressive attitudes and belief in the defendant's story (DEF2), as well as decision confidence (CONF2). A differential relationship between psychopathic personality traits was observed post-deliberation, to the effects observed at the pre-deliberation decision point. Notably, whilst affective responsiveness (AR) remained significantly negatively related to belief in the defendant's story, interpersonal manipulation (IPM) was no longer shown to be significantly negatively related to belief in the complainant's story, and was in fact now shown to be positively related to COMP2, yet statistically non-significant (see Figure 4.7). Associations between all remaining psychopathic personality trait factors and the JDS factors were also not found to be statistically significant.

In terms of the JDS factors, a consistent significantly positive relationship was observed between belief in the complainant's story and guilty verdicts post-deliberation (VD2), as well as a statistically significant negative relationship between belief in the defendant's story and guilty decisions (VD2). Whilst decision confidence (CONF2) remained positively related to guilty verdicts, within Path Model 4, this was no longer found to be statistically significant.

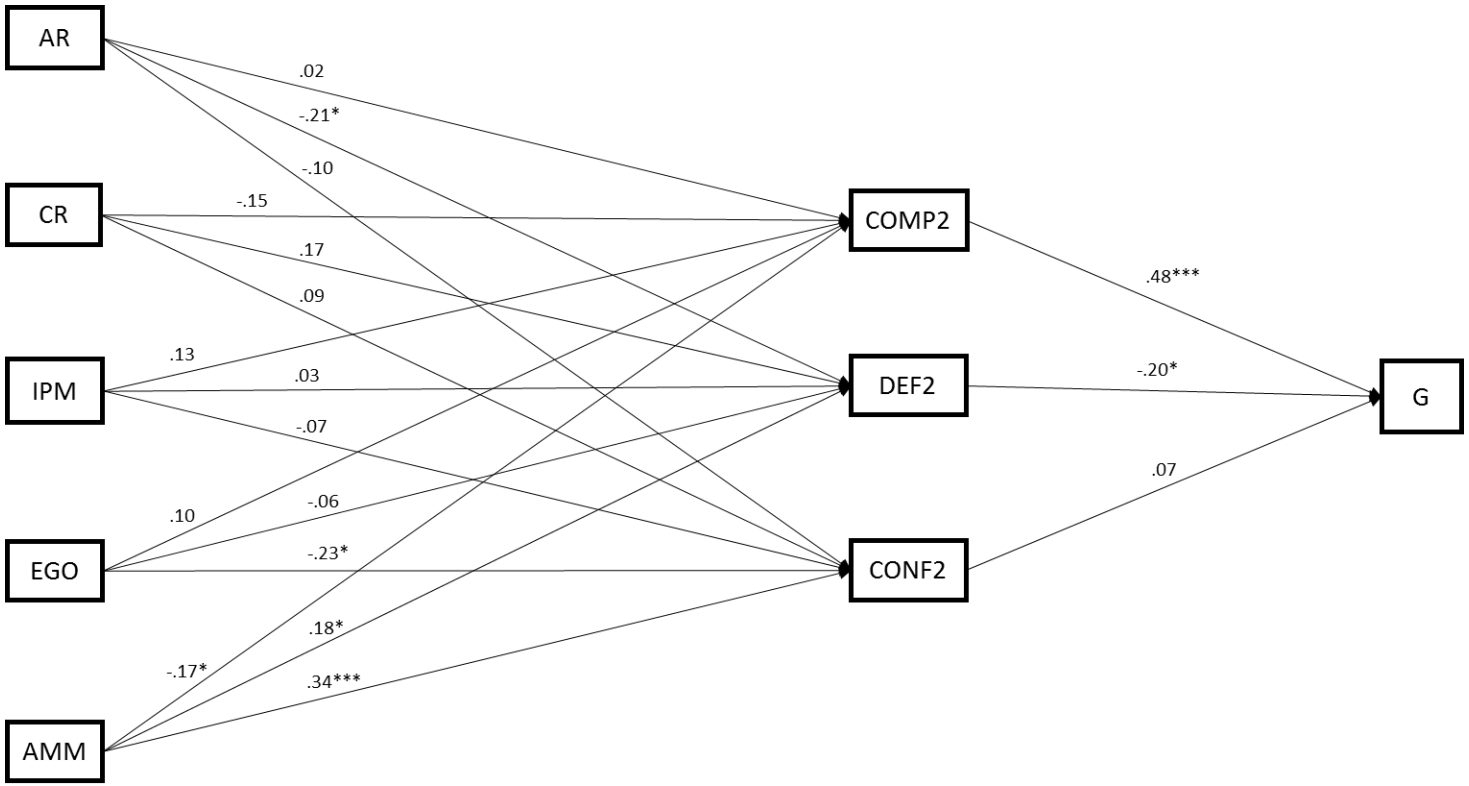

Figure 4.7: Path model of the Psychopathic Personality Trait Scale four sub-scales (AR, CR, IPM, & EGO) and Rape Attitudes (AMMSA) through The three Juror Decision Scale sub-scales (COMP, DEF, CONF), upon verdict decision 2 within the experiment 2 community sample. AR = Affective Responsiveness; CR = Cognitive Responsiveness; IPM = Interpersonal Manipulation; EGO = Egocentricity; AMM = Acceptance of Modern Myths about Sexual Aggression total score; COMP2 = Complainant credibility rating during verdict decision 2; DEF2 = Defendant credibility rating during verdict decision 2; CONF2 = Confidence in verdict decision 2; G = Guilty Verdict. *$p < .05$, **$p < .01$, ***$p < .001$.

Chapter 5: Discussion and Conclusion

ABSTRACT

Within the present chapter the results relative to each aim of the thesis are discussed in turn. Current findings which elucidate the relationship between psychological traits and attitudes, as well as demographic and victimisation variables upon juror decision making are accounted for in terms of past research. Results of the confirmatory factorial exploration of the newly devised and validated Juror Decision Scale are also discussed, alongside conclusions drawn in respect of the path analyses conducted. Notably the association between all variables tested in the four respective path models are outlined. Finally, the chapter draws conclusions from the empirical explorations and findings obtained within the current research. Study limitations are outlined as are the practical, theoretical, methodological, and research implications before future research directions are discussed. Final conclusions drawn from the research are then considered.

5.1 THE ROLE OF PSYCHOPATHIC PERSONALITY TRAITS UPON JUROR DECISION MAKING

With no prior utilisation of person-centred analysis in the context of juror decision making research, the current exploration constitutes the first study to profile mock jurors based upon personality-derived psychopathic traits. Using latent profiling analysis (LPA) and subsequently multinomial logical regression, the research attempted to firstly, identify meaningful differences in psychopathic personality trait groupings (termed classes) between participants, and secondly, examine whether alternate classes identified were differentially associated with the verdict decisions mock jurors made. Therefore, within the context of an improved experimental paradigm designed to be high in ecological validity whereby more reliable empirical findings can be obtained, the previously untested relationship between psychological constructs and juror decision making was examined. Specifically, psychopathic personality traits and their association with juror decisions within the context of a rape trial were investigated, making use of a newly developed scale and conceptualisation of psychopathy. Importantly, LPA were conducted separately upon the two independent samples; an opportunity student sample within Experiment 1 and systematically randomly selected community sample within Experiment 2. Logistic regression were conducted at both verdict decision points (pre-deliberation and post-deliberation).

Within Experiment 1, LPA identified three meaningful classes of psychopathic personality traits among the student sample. This included a small number of participants in the high psychopathy group (16%) who exhibited elevated scores on three of the four PPTS factors (affective responsiveness, interpersonal manipulation, and egocentricity), a moderate egocentricity-interpersonal manipulation psychopathy group (38%) characterised by moderate scores in such traits, and a low psychopathy group of participants (46%) who exhibited low scores on all four PPTS traits. Importantly, whilst some quantitative differences in intensity were observed between the groups relative to such traits, no significant association was detected between participant's psychopathic personality class membership and the verdict decisions made at either decision point. Alternatively put, psychopathic personality traits were found to have no direct relationship upon the individual verdict decisions student mock jurors made during trial, neither pre-deliberation nor post-deliberation.

Within Experiment 2, LPA again identified three meaningful latent classes of psychopathic personality traits among the community sample. Displaying a similar grouping pattern, mock jurors in the high psychopathy group (7%) exhibited elevated scores on three of the four PPTS factors. This included high scores on the affective responsiveness component and very high scores on interpersonal manipulation and egocentricity traits. A moderate psychopathy group was displayed (55%) and characterised by participants with moderate scores on interpersonal manipulation and egocentricity traits, with relatively low scores on both (lack of) affective and cognitive responsiveness traits. Finally, a low psychopathy group of participants was displayed (38%), who exhibited reduced scores on all four psychopathic personality traits. Interestingly contrasting with the findings obtained for student mock jurors above, a significant association was found between psychopathic personality class membership and the verdict decisions community mock jurors made.

To elaborate further, present results display mock jurors in the high psychopathy group were significantly less likely (OR = 0.08) to return a guilty verdict than jurors within the low psychopathy group. More importantly however, this relationship was consistently obtained at both verdict decision time points (i.e. pre- and post-deliberation), with very large effect size values exhibited for such associations. Alternatively put, within the community sample, jurors who scored high on affective responsiveness, egocentricity, and interpersonal manipulation psychopathic personality traits were significantly more likely than jurors who scored low in such traits, to return a not guilty verdict. This association was not only found to be strong (as indicated by the effect sizes exhibited across both time points) but consistent irrespective of the influence of deliberation,

in that, such a relationship was evident with juror's pre-deliberation verdict decision and post-deliberation verdict decision. The current findings therefore offer some important insights and conflicting findings to those obtained within past research whereby little evidence of a relationship between jurors' psychological traits and subsequent decision making, was historically obtained (Lieberman & Sales, 2007).

Traits such as (a lack of) affective responsiveness were shown to have an important influence upon individual verdict decisions. Increased scores were associated with a greater likelihood of returning a not guilty verdict and jurors exhibiting reduced scores on the trait were conversely more likely to return a guilty verdict. In consideration of previous research which found mock jurors who exhibited greater empathy for victims during trial were more likely to make pro-victim judgements during deliberation (Bottoms et al., 2014; Deitz et al., 1982), results suggest the ability to emotionally respond to the feelings of others directly influences the verdict decisions jurors make during trial. Something which appears particularly important in the context of a rape trial whereby an inability to emotionally respond to a victims suffering is likely to influence the extent to which any perceived victimisation or criminality actually occurred. In fact previous research seemingly supports such a notion finding increased scores in the Callus Affect component of the PCL-R (a trait closely related to the Affective Responsiveness component within the PPTM), was significantly related to heightened scores in rape myth acceptance (RMA) and general negative attitudes towards victims of rape. Boduszek et al. (2016) conceptualised (a lack of) Affective Responsiveness as representing general emotional shallowness and a deficit in affective empathy. Taking account of this conceptualisation alongside the consistency in findings displayed by Debowska et al. (2015) and Bottoms et al. (2014) with the present results, the relationship between heightened scores in the trait and evidence of a jurors increased likelihood of returning a not guilty verdict within the context of a rape trial seems unsurprising. The present finding therefore suggests in the context of a rape trial, deficits in affective responsiveness likely impede the juror's ability to appropriately respond to the complainant's testimony, seemingly predisposing them towards a not guilty verdict.

The significance of psychopathic personality traits such as interpersonal manipulation and egocentricity were also displayed within the present analysis. Specifically, community sampled jurors with elevated scores on both traits were shown to have an increased likelihood of returning a not guilty verdict. To date, no previous research has sought to examine the importance of such traits or psychopathy more broadly, upon juror decision making. Although as the results were obtained within the context a realistic rape trial, findings appear to support past research which

found heightened levels of egocentricity appeared to play a role in the formation of attitudes which allow men to disregard the perpetration harm towards women (Debowska, Boduszek, & Willmott, 2017). As such the present study findings constitute early evidence of the role that such psychopathic personality traits can have upon individual verdict decision formation and with a consistent relationship displayed pre- and post-deliberation, the final verdict decisions jurors ultimately return at trial. Despite this the present findings do seemingly concord with past research which found Interpersonal Manipulation to be significantly positively associated with the extent to which child rape myths were accepted outside of a jury context (Boduszek et al., 2016).

Perhaps more interesting again in line with the present results which displayed heightened scores in interpersonal manipulation were associated with an increased likelihood of returning a not guilty verdict, Debowska et al. (2017) found the interpersonal manipulation trait to be a significant correlate of attitudes towards male sexual dating violence. Circumstances not to distinct from the rape trial in which the present study sample of jurors made decisions upon. It thereby appears that those skilled at manipulating others may hold attitudes which condone violent behaviour. With manipulation tactics previously associated with sexual coercion in offender samples (DeGue, DiLillo, & Scalora, 2010), Debowksa et al. (2017) concluded interpersonal violence prevention programs should focus on remodelling perceptions surrounding the unacceptability of such tactics within prison settings. Whilst clearly of practical relevance for jurors exhibiting such problematic traits in the context of jury deliberations, assessment and treatment in light of current legislative restrictions that surround the peremptory questioning of jurors, make such a remedy almost impossible. Nonetheless, the present findings do offer further support for the premise of juror screening, as an attempt to reduce predisposed bias from the jury process.

Likewise, the co-occurrence of elevated scores on egocentricity and lack of affective responsiveness traits also seemingly supports the assertion made previously of an interactional relationship between such components. Here it is argued, when combined, such elevated traits appear to further impede an individual's ability to recognise the emotional state of others. Evidenced somewhat in the association displayed between mock jurors exhibiting increased scores and the resulting decreased likelihood of returning a guilty verdict (Boduszek et al. 2016; Boduszek et al, 2017). Taken together, the present results appear to suggest traits measuring the individual juror's sense of self-importance and ability to manipulate others, alongside general inability to emotionally respond to the feelings of others, have clear practical relevance when attempting to assess and reduce predisposed bias within the courtroom.

Interestingly low to moderate scores on the (lack of) Cognitive Responsiveness component were notably similar between all three psychopathy group classifications, appearing to suggest that despite other trait differences found, the community sample had comparable abilities in recognising emotions in others. Whilst this trait seemingly has little differential association upon the verdict decisions different classes of jurors made, contrasting with the importance found for Affective Responsiveness, the present results do support Boduszek and colleagues assertion that affective and cognitive responsiveness should be measured as two distinct components within the psychopathic personality conceptualisation (Boduszek et al. 2016; Boduszek et al. 2017).

Also of interest, the present findings offer some degree of support for broader on-going debate surrounding the representativeness of student sampled mock jurors when compared with community selected participants. Despite a large body of research arguing any psycho-demographic differences observed had a negligible impact upon respective samples decision formation (Eisenberg et al, 2002; Diamond et al, 1998; Green & Bornstein, 2003), the present results offer an alternate perspective. In line with recent research by Keller and Weiner (2011) and McCabe et al., (2010) who found evidence that student and community samples differed significantly in attitudes and cognitive processing styles - which in turn impacted ultimate culpability decisions - the present study failed to obtain evidence of a significant association between psychopathic personality traits and verdict decisions in students. This was despite such an association being found within community mock jurors. However, whilst juror eligibility was matched between respective samples and similar latent profile classifications found, several methodological differences were still in existence between the two samples. Accordingly, whilst of interest, such differences mean clear inferences cannot be reliably drawn surrounding the extent to which student sampled mock jury findings can be considered externally valid or not.

Overall, whilst many have argued that psychological constructs have limited predictive utility in relation to juror voting preferences (Cutler et al., 1992; Liberman & Sales, 2007), with others describing the pursuit of such a relationship as unnecessarily, simplistic, and occupying jury researchers for too long (Kovera & Austin, 2016), the present findings provide important evidence which sits in contrast to such a position. Likewise, past studies which have seen value in such exploration have focused almost exclusively upon psychological traits such as authoritarianism and constructs which govern juror's general tendencies to adhere to authority, as well as broader belief systems surrounding wrongdoing. Whilst finding some limited evidence of a relationship between such traits and verdict decisions (Kravitz et al., 1993; Morna & Comfort, 1982; Sosis, 1974), meta-analytic reviews conclude only weak and inconsistent evidence of such an association

exists (Narby et al. 1993). However, of the four psychopathic personality traits examined in line with Boduszek et al.'s (2016) recent conceptualisation, heightened scores on three traits were found to be differentially predictive of voting preferences. A relationship shown to be consistent and seemingly unaffected by the deliberation process. In fact whilst many legal scholars and practitioners have traditionally considered deliberations to be the point during which any preconceived bias is removed from the decision making process, as a product of the collective group consensus and sensibility prevailing, the current findings appear to suggest such a premise is largely unsupported. A conclusion drawn from the direct influence the psychopathic personality traits tested were found to consistently have upon community juror decisions both pre-and post-deliberation. Clearly the need to reduce the potential bias and seemingly predisposed influence such personality traits have upon verdict decisions, is of central importance. No more so than within the context of rape trials where unique features of the crime (Willmott, 2016) and high attrition rates (Temkin & Krahe, 2008) already pose significant barriers which reduce a victims likelihood of obtaining a conviction.

Alternatively, evidence of a discernible relationship between a juror's psychological make-up and the verdict decisions made during a contested rape trial offers early evidence of a counter narrative, suggesting personal characteristics may have more of an influence than first thought. Whilst recognising that such endeavours may be considered simplistic and unnecessary by some, the importance of such relationships upon the impartiality assumption of the jury trial process cannot be ignored. This is particularly important when considering many jury systems around the world require no justification for a verdict decision and tend to be final (Kapardis, 2014). Undoubtedly further replication of the present study is required upon varying and distinct samples before conclusively arguing the importance of psychopathic personality traits upon juror decisions.

5.2 THE ROLE OF RAPE ATTITUDES AND PERSONAL VICTIMISATION UPON JUROR DECISION MAKING

The overall aim of the current study was to examine the role of rape attitudes, juror demographics, and personal victimisation experiences upon individual juror decision making, specifically within the context of a rape trial. Firstly, based upon past research which links various demographics with an increased likelihood of subscribing to rape myths (Barnett et al., 2016; Suarez & Gadalla, 2010), group differences were explored for gender, ethnicity, and education. Secondly, and perhaps more importantly, a wealth of past research has indicated the importance

of rape supportive attitudes upon verdict outcomes. Previous studies have reported increased rape myth acceptance scores to be associated with jurors' general negative perceptions of a rape complainant, as well as their propensity to return a not guilty verdict (Bohner, 1998; Dinos et al., 2014; Ellison & Munro, 2010; 2015; Finch & Munro, 2005; Pollard, 1992; Raitt & Zeedyk. 1997; Temkin & Krahe, 2008; Whatley, 1996). Yet despite such a strong empirical evidence base, criticisms surrounding the subtlety of rape attitude scales used in past research, alongside more significant concerns surrounding the methodological settings typically utilised (thought to lack external and ecological validity), has resulted in a general disregard for such findings and lack of uptake by policy makers. Additionally, although studies have found evidence of an association between personal victimisation and the acceptance of myths surrounding sexual violence (Debowska et al., 2015), research is also yet to examine the role of previous sexual victimisation upon juror decision making during related rape trials. Therefore, in accordance with the broader aims of the thesis, the second objective sought to examine whether psycho-social factors including age, gender, personal victimisation, and rape attitudes were significantly predictive of mock juror decisions within the context of a realistic mock rape trial. To do this, the AMMSA scale, specifically devised to be a more subtle and comprehensive measure of rape myth acceptance (Gerger et al., 2007), was utilised alongside victimisation and demographic variables. Importantly, the role of such variables upon individual verdict decision formation was investigated using logistic regression analyses, and examined separately upon the two independent samples and at both individual juror decision points (pre-deliberation and post-deliberation).

Within the student sample, group differences in AMMSA scores were found for gender and ethnicity, with men scoring significantly higher than women, and Black and Asian minority ethnic (BAME) participants scoring significantly higher than Caucasian participants. Within the community sample a consistent result was displayed, with both men and BAME participants again scoring significantly higher in rape myth acceptance. Whilst effect size estimators suggest overall all differences were small, the results indicate a discernible relationship does exist between observer demographic characteristics and the likelihood of subscribing to such myths. Although some studies have previously reported evidence of an association with ethnic background (Mori et al., 1995; Reling, et al., 2017), the present results surrounding gender are in accordance with a large body of past research that found men from diverse settings, were more likely to subscribe to such myths than women (Burt, 1980; Carroll et al., 2016; Grubb & Turner, 2012; Hayes, Abbott, & Cook, 2016; Hayes, Lorenz, & Bell, 2013; Johnson, Kuck, & Schander, 1997; Kopper, 1996).

Further support of the apparent gendered nature of rape attitudes adds weight to the assertion that pro-rape and broader sexually aggressive attitudes towards women appear socially constructed, previously found to feed into more general belief systems surrounding the role, treatment, and sexual objectification of women in society (Burt, 1980; Muehlenhard & Linton, 1987; Temkin & Krahe, 2008). In fact, research has shown men exhibiting elevated scores in rape myth acceptance commonly report having used verbal coercion, deception, physical force, and explicit sexually aggressive behaviour to obtain sex in the past (Jozkowski, & Peterson, 2013; Koss & Dinero, 1988; Wright, & Tokunaga, 2016), with the number of men who admit they would rape a woman if they knew they would not get caught oscillating around 30% (Briere & Malamuth, 1983; Hamilton & Yee, 1990). Although other research with offender populations found general violent tendencies were not necessarily predictive of sexually aggressive attitudes or offending (Debowska et al., 2017), in a recent systematic review, Johnson and Beech (2017) drew attention to numerous past studies that found heightened rape myth acceptance to be strongly associated with an individual's proclivity to commit rape. In fact, reviewing research directly conducted with convicted rapists, the aforementioned authors highlight that cognitive distortions surrounding attitudes supportive of sexual violence are historically found to be a significant risk factor with predictive validity for future sexual recidivism. Consequently, high prevalence rates of sexual violence perpetrated by men against women (MOJ, 2015) appear unsurprising and clearly highlights the need for more widespread recognition of the problematic impact such inaccurate assumptions can thereby have. Whilst societal level change undoubtedly poses significant challenges, with much past research highlighting the increased prevalence and currency of sexually violent beliefs within male dominated environments, such as college fraternities, sports teams, the military, and prison (Carroll et al., 2016; Debowska, Boduszek, Dhingra, & DeLisi, 2016; Hayes, Abbott, & Cook, 2016; Hayes, Lorenz, & Bell, 2013; Kopper, 1996), more focused programmes which foster a direct approach to challenging such belief systems may have greater success. Moreover, it stands to reason that if such all-male settings can create a sub-culture in which such sexually violent and rape myth accepting attitudes are developed, then focused efforts within such settings seem intuitively likely to be an environment where they may be more persuasively discouraged.

Whilst educational differences were not examined in the student sample (deemed to be of little value due to the comparable level of education within such a population), in the community sample the relationship between educational attainment and AMMSA scores was explored. Results displayed that education appears to be an important prerequisite in the acceptance of such attitudes

in that, participants who reported having less than a university degree (or equivalent), exhibited significantly higher scores on the AMMSA than those with at least a university degree qualification. In light of past research which found intelligence and socio-economic status had some association with the acceptance of rape myths (Anderson, Cooper, & Okamura, 1997), alongside a direct relationship between intelligence and jurors' voting preferences (Denove & Imwinkerlried, 1995; Esienberg et al., 2005; Sealy & Cornish, 1973), the role of intelligence in the courtroom appears to have some influence. It is possible that the role of intelligence may be accounted for in terms of critical thinking capabilities in that, those with greater educational attainment are both more able and willing to critically appraise, rather than passively accept, preconceived attitudes that are common place in society. Seemingly adding weight to such an assertion, past research has displayed rape myth acceptance to be significantly positively associated with traditional gender role beliefs and the subscription of racist attitudes (see Suarez & Gadalla, 2010; Wright & Tokunaga, 2016).

Pertaining to the second objective which sought to verify whether psycho-social factors were predictive of mock juror decisions, acceptance of modern myths surrounding sexual aggression were found to be significantly negatively associated with the individual verdict decisions jurors made. Importantly the relationship between elevated rape myth acceptance and not guilty verdicts was consistently displayed within student and community sampled mock jurors. Notably, whilst some legal scholars have argued the presence and strength of any relationship is mitigated by the deliberation stage of jury trials, expecting group deliberation to isolate, reduce, and remove the influence that any individual preconceived biased attitudes may have (see Kapardis, 2014), the present results display such an assumption appears inaccurate. In fact, amongst all of the variables tested pre- and post-deliberation, attitudes towards rape (as measured by the AMMSA) were the most consistent predictor of verdict outcomes, with elevated scores shown to be significantly associated with not guilty verdict decisions.

Therefore, congruent with past research that found greater rape myth acceptance reduced a juror's belief in rape complainant testimony and ultimately the verdict returned (Dinos et al., 2014; Ellison & Munro, 2010; Finch & Munro, 2005; Pollard, 1992; Raitt & Zeedyk. 1997; Temkin & Krahe, 2008; Whatley, 1996), the totality of the present results likewise displays that irrespective of the sample adopted, attitudes towards rape were significantly predictive of juror voting preferences. Therefore, despite concerns surrounding the reliability of results obtained within past research, based primarily upon issues of ecological validity, as well as the samples and scales employed, present study findings obtained within a more realistic mock trial approach,

provide convincing evidence supporting the aforementioned assertions that rape biases appear to unfairly affect juror decision making within rape trials.

Evidence that heightened acceptance of rape myths appears to directly affect jurors' decision making appears to suggest such attitudes may predispose jurors towards returning a verdict unsupportive of the complainant's version of events. A premise which itself brings the impartiality assumption underlying juror decision making into question (Burrowes, 2013; Ellsworth, 1993). Whilst it is of course entirely possible that jurors who returned a not guilty verdict did so in accordance with English law, which stipulates, to vote guilty requires that a juror be sure beyond a reasonable doubt (Judicial College, 2016). However, when considering the relationship between greater acceptance of rape myths and not guilty verdicts was obtained consistently between both samples and across all verdict decision points, such verdicts appear to be more the product of inherent predispositional characteristics than merely decision uncertainty. Perhaps more convincingly however, recognising that decreased scores in AMMSA within the present research were equally and conversely found to predict a juror's likelihood of returning a guilty verdict (across both samples and decision points), the predispositional bias effects of rape attitudes appear difficult to ignore.

Pertaining to the role of personal sexual victimisation upon verdict outcomes, results displayed that within the student sample, personal experience of rape was significantly predictive of juror's selection of a guilty verdict, pre-deliberation (OR 4:17). However, this association was no longer found to be significant post-deliberation. Comparably, within the community sample, despite displaying relatively similar rates of personal sexual victimisation reported by participants, such a factor had no significant relationship upon verdict decisions pre- or post-deliberation. Importantly, whilst being the victim of a sexual offence may impact upon juror's initial verdict inclinations within the context of a rape trial, in line with past research (Dunlap et al., 2015) the present results suggest such a bias was not significantly predisposing following group deliberation. Such results therefore suggest that despite its intuitively appealing insight, personal experience of sexual victimisation played no significant role in juror's final decision making. Following examination of the role of gender, results displayed that within the community sample gender was a statistically significant predictor of individual verdict decisions pre-deliberation, when controlling for all other factors in the model. Moreover, in accordance with past research which found gender may have some predictive association with the verdict inclinations jurors make (Brekke & Borgida, 1998; Kovera, et al., 1999), men were shown to be more inclined towards not guilty verdicts, with the converse true for females. Likewise, with rape attitudes found to be a

significant predictor at all verdict decision time points within the community sample, and a wealth of research finding that gender is predictive of RMA, it is perhaps unsurprising that males were found to be more likely that females to return a not guilty verdict. Displaying further evidence of the apparent gendered nature of doubt surrounding victim allegations within rape. However, as was found for the role of previous victimisation, post-deliberation gender was not a significantly associated with individual verdict decisions. As the gender-verdict decision relationship was only found pre and not post-deliberation, the importance of gender upon final verdict outcomes appears overall unsupported in the present research. Alternatively put, whilst gender appears to predispose jurors towards initial verdict inclinations, with men more inclined to return a not guilty verdict and women more inclined to position their decision in accordance with the complainants account, following deliberation evidence of such a gender bias is no longer directly associated with the verdict decisions made.

Consequently, the current findings thereby offer important insights into the broader debate surrounding the role of personal characteristics upon jury decision making. Despite the presence of any relationship having previously being suggested to be weak and inconsistent (see Kovera & Austin, 2016; Liberman & Krauss, 2009), the attitudinal characteristics of mock jurors were shown to be directly related to the verdict decisions returned during trial, across samples tested and at all verdict decision points. Findings which thereby support previous assertions that case-relevant attitudes appear to be amongst the most reliable predictors of juror verdict decisions within related trials (Cutler et al., 1992; Moran et al., 1990).

5.3 CONSTRUCT VALIDITY AND DIMENSIONALITY OF THE JUROR DECISION SCALE (JDS)

Pennington and Hastie's (1992) Story Model provides a detailed conceptualisation of the decision-making process thought to underlie a jurors' decision to vote guilty or not guilty. However, whilst credited for its comprehensiveness and widely regarded as the dominate explanation of juror-level decision making, to date no prior research has sought to empirically test or verify important theoretical features underlying the model. In particular, a central feature of the model which suggests whilst listening to competing accounts given by a defendant and complainant during trial, jurors assess the believability of both stories according to subscribed set of *certainty principles*. Here, based upon the extent to which each story is determined to be coherent, complete, and plausible (amongst other certainty principles), the theory posits the story

that is rated as being most believable, will be accepted as the individual jurors verdict decision. However, with no measure currently in existence, it was necessary to develop a self-report scale which directly integrated the theoretical certainty principle features into an empirically testable measure. The main objectives of the current study were therefore to develop a valid and reliable scale that permitted the Story Models conceptualisation of individual juror decision formation to be examined - subsequently named the Juror Decision Scale (JDS). Secondly, to evaluate the dimensionality and construct validity of the JDS using confirmatory techniques. Specifically, confirmatory factor analysis (CFA) and confirmatory bi-factor analysis techniques were applied upon student sampled mock-jurors, who after being exposed to a simulated rape trial, completed the self-report JDS pre- and post-deliberation. Therefore, in order to test Pennington and Hastie's (1992) assertion that jurors conduct certainty principle assessments of competing accounts heard during trial, which in turn determine what story jurors consider most believable and make a verdict decision in line with, the factorial structure of the JDS was investigated.

It has previously been suggested that in order to fully explore the factorial structure of a proposed measure, a number of alternate conceptually sound solutions should be tested (Boduszek & Debowska, 2016; Reise, Moore, & Haviland, 2010). In the current study three alterative models of the JDS were identified and tested at both pre and post deliberation verdict decision points (a one-factor model, a three-factor model, and a bifactor model with three grouping factors), using confirmatory techniques. The results displayed that the only acceptable solution for the 16-item JDS at both verdict decision points (as indicated by examination of the model fit statistics) was the bifactor model with three grouping factors (Complainant Believability, Defendant Believability, and Decision Confidence), whilst controlling for a general factor. Notably, as the majority of co-variation between the observed indicators was explained by the three grouping factors, again at both decision points, these factors formed the basis for creating the instruments subscales (see Reise, Moore, & Haviland, 2010). According to Boduszek and Debowska (2016), when compared with traditional CFA procedures, bifactor modelling allows the validity of a single factor to be assessed alongside incorporating elements of construct multi-dimensionality. Adopting this approach subsequently elucidated the JDS as a multi-dimensional concept.

Additionally, whilst the three JDS factors displayed little overlap with one another overall, the need to establish differential predictive validity between sub-scales on a multidimensional scale has been previously recommended (Carmines & Zeller, 1979). Ensuring sub-scales measure separate theoretical (rather than just statistical) factors by establishing differential predictive validity thereby allows conceptual distinctiveness to be reliably ascertained (Boduszek &

Debowska, 2016). Indeed, the present results displayed that across both decision time points, the three JDS factors correlated differently with external measures. For example, the complainant believability sub-scale was significantly negatively associated with rape attitudes (as measured using the AMMSA scale) both pre and post-deliberation. In line with past research and the results obtained in the present thesis (see sub-chapter 5.2 above), this appears to indicate that greater acceptance of rape myths does reduce a juror's belief in rape victim's testimony (Dinos et al., 2014; Ellison & Munro, 2010; Finch & Munro, 2005; Pollard, 1992; Raitt & Zeedyk. 1997; Temkin & Krahe, 2008; Whatley, 1996). Conversely, the defendant believability sub-scale was found to be significantly positively associated with AMMSA scores, again both upon juror's pre-deliberation and post-deliberation verdict decisions. The combination of such thereby provides some early support for Pennington and Hastie's (1992; 1993) certainty principle assertions in that, heightened scores on the complainant believability sub-scale seemingly co-existed with reduced scores in defendant believability, when measured in association with external variables. Clearly however the need to examine the existence of any relationship upon individual verdict decisions is required before such conclusions can be reliably drawn (refer to Chapter 5 sub-section 5.4 for related path analyses results).

Interestingly, relative to mock juror's pre-deliberation individual verdict decision results, defendant believability was found to be significantly negatively correlated with self-esteem, indicating that low self-esteem appears predictive of increased belief in the defendant's but not the complainant's testimony. A similar negative correlation was also found post-deliberation however notably, the association was not found to be statistically significant. With no research to the authors knowledge directly examining the relationship between juror self-esteem and the judgements made in respect of the credibility of competing witness testimony, future research should seek to disentangle what may be an interesting area of further exploration. Notably, evidence of a predictive relation between juror self-esteem and judgements surrounding the credibility of a defendant or complainant, may provide further evidence which supports the results obtained in the present exploration (see discussion sub-chapter 5.1) of a relationship between juror characteristics and verdict decisions. Interestingly, decision confidence was found to be significantly negatively associated with self-esteem, post-deliberation. A similar though non-significant correlation was also displayed at the pre-deliberation time point, seemingly suggesting that jurors exhibiting greater self-esteem were not in fact those most confident in the verdict decision choice made. Again with little exploration of the importance of self-esteem upon juror confidence in verdict decisions, further research is undoubtedly warranted.

A particularly interesting finding obtained pertains to the differential predictive validity displayed between the complainant and defendant believability sub-scales. Whilst established in relation to external variables rather that the specific verdict decision individual jurors made, the findings do provide early support in line with Pennington and Hastie's (1992) assertion that prior to selecting a verdict decision, jurors assess competing accounts in terms of which is deemed to be most believable. Shown to be significantly associated in opposing directions with rape myth acceptance, assessments made according to certainty principle items included in the JDS (surrounding a stories completeness, plausibility, coherence amongst others), may not only be drawn upon to decide which story will ultimately be selected (Pennington & Hastie, 1992) but appear to be influenced in themselves by prior attitudes jurors held. Alternatively put, whilst the certainty principle items comprised with the JDS are clearly important determinants upon individual decision formation as first theorised, these assessments appear to be influenced in themselves by preconceived attitudes jurors hold.

Overall, despite some present study limitations the most pertinent of which surrounds the use of self-report measures commonly associated with a perceived response bias (Podsakoff, MacKenzie, Lee, & Podsakoff, 2003), the present research adds something of an empirical contribution to an almost exclusively theoretical literature surrounding the Story Models conceptualisation of the certainty principles. Whilst several studies have sought to substantiate claims that jurors construct competing stories during trial and other studies have sought to establish the importance of isolated features including plausibility, coherence, and completeness upon mock juror assessments (Canter, Grieve, Nicol, & Benneworth, 2003; Jackson, 1996), of guilt (Voss & Van Dyke, 2001; Yale, 2013), no research to date has developed and validated a complete scale which permits comprehensive testing of such an assertion. In fact, the development of the JDS alongside demonstrating its multidimensional conceptualisation and that associated items are best captured by three distinct grouping factors whilst controlling for a general factor, permits future testing of the assertion that a juror's greater belief in a complainant or defendant's story, has any significant or differential association with individual juror verdict decisions made.

5.4. INTEGRATING THE ROLE OF PSYCHOPATHIC PERSONALITY TRAITS AND ATTITUDES TOWARDS RAPE WITH THE JUROR DECISION SUB-SCALES (JDS) AND VERDICT OUTCOMES

Whilst a direct relationship between juror characteristics and verdict decisions was displayed within previous results, what has remained untested within the current exploration up until this point is an examination of the directed dependence of all constructs shown to be important, upon the three JDS dimensions, and the subsequent dependence of such factors upon the verdict decisions jurors ultimately made. Alternatively put, utilisation of path analysis allows the relationship between psychopathic personality traits, rape attitudes, witness believability, decision confidence, and verdict outcomes to be examined within a structured path model. Therefore, the first objective of the current exploration was to test whether psychopathic personality traits and acceptance of modern myths about sexual aggression were significantly associated with juror beliefs in complainant's and defendant's stories, as well as the confidence jurors reported for their verdict preferences. Secondly, to verify whether the JDS factors conceptualised as jurors' differing beliefs surrounding a complainant's and defendant's stories and decision confidence, were themselves significantly related with the individual verdict decisions jurors made. In order to test the presence of such associations within a single model, path analyses were undertaken separately upon student and community samples, both pre- and post-deliberation.

Interestingly, in what equates to the first attempt to model the relationship between juror characteristics, witness assessments, and verdict outcomes, results displayed that rape attitudes were significantly associated with complainant and defendant believability assessments both pre- and post-deliberation, across both independent samples. Specifically, a significant negative association was found between AMMSA scores and belief in a rape complainant's story across all decision points. Conversely AMMSA scores were found to be significantly positively associated with belief in a defendant's story, again irrespective of the whether mock jurors were students or more jury representative members of the community. Alternatively put, an increased acceptance of rape myths was shown to be significantly associated with an increased belief in a defendant's story during trial, whilst also associated with a decreased belief in the complainant's version of events. These findings are thereby seemingly consistent with past research that suggested those holding elevated scores in rape myth acceptance also tended to display an increased proclivity for use of sexually coercive and aggressive tactics in order to obtain sex (Jozkowski & Peterson, 2013; Koss & Dinero, 1988), impacting their determination of blame and wrongdoing when such circumstances were explained. The results appear to display the predisposing nature of rape

attitudes, seemingly inhibited juror's impartial assessment of witness testimony, biasing them towards belief in the defendants account. Again such findings are in accordance with a wealth of past research which displayed elevated rape attitudes directly impact upon the extent to which victim allegations are believed during trial (Burt, 1980; Finch & Munro, 2005; Raitt & Zeedyk, 1997; Temkin & Krahe, 2008; Whatley, 1996).

More importantly however, alongside the presence of an association between rape attitudes and the extent to which a witness's testimony is believed, the present research displayed such complainant and defendant believability assessments were also associated with the verdict decisions jurors made. Again with the direction of associations found to be the same between all verdict decision time points and across independent samples, a juror's belief in a complainant's story was significantly positively associated with the likelihood of juror's returning a guilty verdict and belief in a defendant's story was significantly negatively associated with the likelihood of jurors returning a guilty verdict. For clarity, these findings thereby display that jurors who believed the complainants version of events were less likely hold negative attitudes towards rape and more likely to return a guilty verdict. Alternatively, those believing the defendant's account, more likely to hold negative attitudes towards rape and more likely to return a not guilty verdict. The totality of such findings thereby not only supports Pennington and Hastie's (1992) Story Model conceptualisation in that, certainty principle assessments of competing witness stories appear to underlie a jurors verdict decision selection (established through use of the JDS sub-scales), but further supports the notion that attitudinal constructs affect juror assessments of the evidence presented during trial and ultimately the verdicts they return.

The significant associations displayed between rape attitudes and a decreased belief in the complainants account which co-occurs alongside an increased belief in a defendant's account within the context of a contested rape trial, in turn also found to be significantly associated with the ultimate verdict returned, displays strong and comprehensive evidence for the first time of the complex ways in which negative attitudes towards rape are likely to impact upon jurors ultimate verdict decisions within such trials. Accordingly, the findings thereby offer more comprehensive evidence which supports previous research and theoretical assertions that, at least within rape trials, attitudes towards rape act as significant inhibitors towards a jurors likelihood of returning a guilty verdict (Burrowes, 2013; Dinos et al., 2015; Ellison & Munro, 2010; 2015, Temkon & Krahe, 2008). Evidence of which gives weight to the argument that jurors exhibiting such bias should be screened out of the jury trial process (Willmott, 2016; Willmott & Boduszek, 20016; Willmott, Boduszek, & Booth, 2017), or at the very minimum the existence of such inherent bias

be more readily accepted by the English criminal justice system as a possible cause of low conviction rates within English rape trials.

Other important associations displayed between belief in a witness's testimony and final verdict outcomes were obtained within the community sample mock jury trials. Alongside a significant positive correlation between, rape attitudes and decision confidence, and decision confidence and guilty verdicts pre-deliberation, components of psychopathic personality were also found to be negatively correlated with belief in witness accounts. Specifically, (lack of) affective responsiveness was significantly associated in a negative direction with belief in a defendant's story and interpersonal manipulation was also significantly negatively associated belief in a complainant's story. Whilst such a correlation was found to hold and be consistent in relation to the role of affective responsiveness in defendant believability, none of the aforementioned associations were found to be significantly correlated with verdict decisions at the post-deliberation phase. Therefore, whilst attitudes appear to have some relationship with the degree of confidence jurors had in their verdict decisions pre-deliberation, and psychopathic traits have upon assessments of the witness accounts at the same decision point, such effects were not found to impact upon the final verdict decisions jurors made in either sample's path models. Despite this further research is required to more conclusively elucidate the influence and importance of such traits upon decision confidence and decision formation within future replications of the study.

5.5 STUDY LIMITATIONS

Despite the importance and significance of the findings obtained within the present research, as with all research some limitations did exist. The first and perhaps most pertinent of which relates to the studies use of self-report measures. Despite widespread use, self-report measures are commonly criticised for their reliance on respondent honesty. A problem thought to be of particular importance within psychology whereby measurement tools are used in order to gain some degree of insight into attitudes and beliefs of those responding (Podsakoff, MacKenzie, Lee, & Podsakoff, 2003). Clearly then use of such self-report scales within the present research may have introduced an element of response bias which could result in skewed findings. Given that the prevalence of rape myths in society are known to be high and that participants adopting the role of a mock juror in the present study knew that they were taking part in a contested rape trial, may have led some to respond in a socially desirable or distorted manner. Although attempts to minimise such effects were carried out by utilising rape myth acceptance scales specifically

developed as a more subtle measure of such attitudes, it remains possible that demand characteristics may have meant such jurors responded in a socially desirable way. Likewise, attempting to measure levels of psychopathic tendencies within individuals who are known to be highly manipulative presents similar challenges. Despite this, anonymised questionnaires and detailed instructions given to participant's pre-completion, notifying them of the importance of being honest in their responses and that no attempts to identify them as an individual would ever occur, were adopted in an attempt to reduce the impact of such effects.

Additionally, whilst important differences were observed between student and community samples within the present research, a lack of complete uniformity between the respective methodological procedures prevents direct comparisons from being conclusively made. Moreover, alongside differences in the sample employed a number of other factors differed between experiments including; the manner in which the trial was presented and evidence delivered (video format versus live simulation), trial length (two hours versus one whole day), and the way in which participants were approached (poster advertisements versus personalised postal invitations). Although such differences tend to reflect the general procedural differences employed within student sample mock jury research as opposed to more realistic endeavours which draw upon community samples, clearly future research should seek to reduce the number of extraneous variables that may interact with any differences which exist. Recognising the numerous other ways in which both experiments were advanced when compared with past jury research, e.g. utilisation of real case materials, professional lawyers within genuine trial environments, legal consultation surrounding the admissibility of evidence presented, some degree of insight is however provided regarding the external validity existing within student sample jury research. Future research which seeks to replicate the present study methodology whilst implementing greater experimental controls may thereby allow such external validity effects to be more readily investigated and understood.

One final limitation worth noting within the present research surrounds the gravity associated with mock juror decisions. A concern with almost all research which attempts to experimentally investigate juror decision making is the extent to which the decisions made by mock-jury participants are representative of those made by real jurors during genuine trials. Clearly in order for jury studies to be in accordance with research ethics it is necessary to inform participants that their decision making relates not to a genuine case but a trial simulation. A factor which will seemingly thereby have a bearing upon the degree of attention, effortful processing, and general engagement with the decision making process participants provide. However, whilst

recognising the potential influence of such an effect within the present research, concerted efforts were made during methodological development (pre-experimentation) to limit any impact observed therein. For example, jurors were informed that the case they were deciding upon related to an actual rape allegation that had previously been to trial and in order to foster participant engagement, they were informed that the research formed part of an ongoing working relationship with the UK court system. Inferring the importance of their decision making task, participants were asked to take their role as a juror seriously and treat the process as though they were making decisions as the real jurors within the genuine trial. The totality of which did seemingly display a heightened level of participant engagement, as evidenced by the extended and at times heated discussions undertaken by participants during the deliberation phase of the study. Although clearly a limitation that is encountered within all jury research, attempts to foster a realistic trial environment and conditions under which genuine jurors make their decisions, thereby appeared to mitigate the strength of such effects.

5.6 THEORETICAL AND RESEARCH IMPLICATIONS

Although numerous competing explanations attempt to account for juror-level decision making, none have been so widely adopted in the literature as Pennington and Hastie's (1992) Story Model. Utilisation of the model over alterative theories is partially explained by the author's specific attempt to comprehensively account for juror decision making from initial decision formation, through to final verdict classification. Yet whilst intuitively appealing and evidenced in part by the authors early endeavours to display the importance of narrative constructions of evidence during trial, a large proportion of the theory remained empirically untested. As such, the development and validation of the JDS within the current thesis not only provides a means through which core features of the model's conceptualisation can be empirically tested but in light of results from the present structural path model analyses, provides early evidence in support of the decision making pathways that jurors seemingly undertake. With the current development and validation of the empirically testable JDS scale, which incorporates certainty principle features considered integral within the models original conceptualisation, Pennington and Hastie's (1992) Story Model account of individual decision formation can be more readily examined within future research. As such, in order to further substantiate the importance of certainty principle assessments upon individual decision formation, future explorations are able to utilise the JDS within diverse mock-juror samples, across a variety of trial types. Although providing preliminary support for the model, it is of course entirely possible the rape case used within the present exploration may have

had some unique qualities that led to the support obtained for the models conceptualisation. To therefore ensure that this was not simply the case and examine whether the same theorised certainty principle processing and assessment of competing stories underlies juror decision formation in other crimes, such as, homicide or manslaughter whereby blame is also disputed, mock jury research should seek to replicate the current findings within such future experimental explorations. Nonetheless, the present research has displayed the ability to test theoretical concepts previously assumed in the Story Model, without attempts to empirically verify. Future research should thereby seek to more readily isolate and examine the importance of other components of competing juror-level theories in order to continue to develop understanding surrounding how jurors in fact arrive at the verdict decisions they select.

Greater development in understanding the interaction between personal constructs, evidence interpretation, and verdict decision making obtained within the present research also has theoretical and research implications within the domain of jury decision making. Moreover, evidence of such a relationship extends current understanding of the Story Model in that, whilst it was only previously theorised that personal inferences impacted upon juror's interpretations of competing stories, which in turn were thought to inform a juror's final verdict decisions, the present results provide the first empirical support of such an interactive association. In fact, evidence obtained of a structured association between such factors not only displays such a relationship exists but goes some way to inform the Pennington and Hastie's (1992) theory, displaying the role of personal inferences and characteristics to be more important than the models current conceptualisation accounts for. In light of such contributions future research should thereby also seek to replicate the present findings and further examine the interaction between juror constructs and the perceived story construction phase individual jurors appear to undertake. Finally, as the Story Model equates to a juror-level explanation of decision formation in that, the theory provides no account of the role of group deliberation after the individual has constructed a story and decided upon a verdict (pre-deliberation explanation), with the current research displaying certainty principle assessments which underlay pre-deliberation decision formation for the most part, held consistent irrespective of deliberations, the model can be asserted as an explanation which accounts for how the majority of jurors arrive at their final verdict decision.

5.7 METHODOLOGICAL RECOMMENDATIONS

Following the detailed construction of the present research methodology and directly considering the limitations which exist within past research, a number of recommendations emerge that future explorations would benefit from employing. Firstly, in light of the legislative restrictions which currently limit research access to real jurors around the world and particularly within the UK, the need to ensure ecological and external validity remains paramount. With student samples yet to have been reliably shown to exhibit external validity, the need to conduct experimentation upon more representative samples remains apparent. Where student samples are utilised, the need to assess and ensure their eligibility to serve as a genuine juror should thereby constitute an essential minimum inclusion criterion within the study. Perhaps more importantly, although the present findings displayed no significant change in verdict decisions occurred between pre-deliberation participant decisions and those made after deliberation, this should not be taken to assume that the first pre-deliberation decision jurors make will hold consistent post-deliberation for all jurors, in varying cases. It may well be the case that greater variation in verdict decisions occur in trials where less prevalent societal attitudes appear to have relevance to the facts of the case and as such the need for group deliberation within any mock jury research is always required in order that the study can be considered to exhibit adequate external validity. As such, in order that jury research continues to advance useful knowledge and is considered to be a reliable representation of the jury decision making process undertaken by genuine jurors, researchers should seek to assess jury-level not just juror-level decision making, in combination. The credibility of findings, considered to exhibit adequate external validity will thereby likely transpose into policy maker's willingness to draw upon, and adopt, results obtained therein.

Additionally, in order to meet a minimum basic standard of ecological validity, required for subsequent research findings to be readily interpreted in line with genuine juror processing, some degree of collective group deliberation is also required. In fact, incorporating six core criteria within the initial development of any jury study, factors which Diamond (1997) first stipulated were most likely to reduce the ecological validity of mock jury research, namely inadequate; sampling, simulations, deliberations, dependant variables, prior field work operationalisation, and participant engagement, would permit a greater amount of ecologically reliable research to be produced. In turn, such a structural approach to methodology would ensure that a basic minimum standard of mock jury research is consistently produced within the literature and subsequently used to inform legal policy and future research. The need for greater use of advanced analytical procedures such as person-centred and structural modelling techniques are also clearly warranted.

Due to the lack of jury explorations to date which make of such procedures, alongside the greater statistical power often afforded with such procedures, these factors alone may improve the reliability and validity of future jury research endeavours.

5.8 PRACTICAL APPLICATIONS AND POLICY IMPLICATIONS

A number of implications emerge from the present research, important upon both legal policy and within more practical settings. Firstly, taken together the current research demonstrates that justice systems around the world and particularly those which make use of a jury system, are wrong to simply assume that juror characteristics have no significant bearing upon the verdict decisions made during trial. In fact, the role of psychological constructs and attitudes appear in many instances within the present research, to be directly related and even predictive, of the decisions that jurors make. With this in mind a greater appreciation of the potential for predisposed bias is undoubtedly required, particularly within rape trials where convictions rates are routinely low. With impartiality a core premise underlying the jury model of delivering justice, one possible implication of the present findings is the need to assess or more reliably measure, the extent to which juror decisions may be considered fair and indeed impartial within genuine rape trials.

Whilst current English law rarely permits any peremptory challenges or questioning of genuine jurors pre-trial or in fact at any point during their jury service, the present findings arguably make a case for the introduction of some degree of juror screening pre-trial. Whilst clearly such a process will have cost implications and involve some level of disruption to historic English jury procedures, where evidence of a direct relationship is displayed between certain juror characteristics and the verdict decisions jurors made during trial, and that deliberation had no significant influence upon such a predispositional relationship, the need to assess the extent to which such bias is problematic remains paramount. This is a position seemingly only strengthened further when considering the underlying premise of the jury model of delivering justice is that use of lay persons as ultimate decision makers are perceived to constitute a fairer means of determining guilt. In accordance with such random selection procedures, the degree to which genuine jurors bring pre-existing bias into a genuine courtroom environment remains untested within the UK and therefore such an impartiality assumption remains just that, only assumed. In fact, some legal scholars have raised similar concerns in the past. Darbyshire et al. (2003) described random selection procedures in England as having a blind faith in impartiality, with Zander (2005) in his report to government policy makers on the issue of derestricting legislation which prevents

researchers from examining the fairness assumption of jury decision making, concluding any access granted would likely lead to such a degree of undesirable conduct being observed, that abolition of the juror process would undoubtedly be called for. Whilst abolishment of the jury system is not asserted by the present author, the need to further assess the extent to which real juror's decisions may be compounded by preconceived bias and whether screening procedures in fact provide a possible means of reducing undesirable bias from entering the jury decision making process, is called for.

The notion of juror screening asserted on the basis of the present study results do however have directly applicable implications for countries such as the US that already adopt some degree of juror screening procedures within the voir dire process. As such, rather than trial consultants and attorneys making crude assumptions surrounding likely juror bias pertinent to a given case or drawing upon constructs previously found to be weak predictors of jurors verdict preferences, measures and traits displayed to be of greater practical and predictive relevance within the present research may provide a more feasible basis for such predictions. Particularly within the domain of scientific jury selection, which although often characterised by non-scientific research, the present results would offer an alternative means by which conclusions can be drawn. Likewise, with biases resulting from preconceived assumptions shown to impact upon jurors decisions, it stands to reason that judges themselves may suffer from similar negative influences. Importantly as jury trials account for just one percent of all criminal cases decided in the UK each year, with most being heard and decided by three legally untrained magistrates, the need to examine the extent to which such decisions may also be confounded by similar effects remains apparent.

In terms of policy, the present results make a case for further utilisation of jury guidance surrounding preconceived bias and in particular, rape myth acceptance within related trials. Whilst previous research conducted by legal scholars Ellison and Munro (2010; 2015) has led to judges in the UK now routinely warning jurors in rape trials to avoid drawing upon such attitudes when making verdict decisions, the degree to which jurors are both able to put such biases aside and willing to do so, remains disputed. It is therefore presently asserted that based upon the current findings, and pre-existing literature which displays how widely rape myth acceptance permeates throughout society, that English jurors should therefore be screened and determined to be 'rape trial eligible' before hearing evidence in such cases. Maybe then the problem of rape bias upon jury verdict decisions can be more readily recognised and somewhat reduced.

Further, some degree of appreciation must also be given to the extent to which such biasing rape attitudes and psychological constructs shown to be important within the present research, are in fact implicit. Thereby, where such constructs are found to be held below conscious awareness, then the degree to which any policy changes that introduce greater judicial instructions or directions be given to jurors during trial in an attempt to prevent the negative outcomes of such bias from entering the decision making process, remains questionable. Regardless, it is therefore recommended that an overall improved and increased awareness of the impact that juror characteristics and traits may have upon the impartiality of decisions, be more formally recognised by the English criminal justice system, accounted for in terms of policy where appropriate, and more readily monitored or assessed by granting greater researcher access to jurors where policy is likely to have little effect.

Overall, the main practical applications and policy implications of the present research therefore surround the need for criminal justice systems around the world and in particular within England, to more readily recognise, and attempt to reduce, predisposed juror bias emerging from inherent characteristics. Policy makers should pay greater attention to the present findings as such results were obtained within the context of a study purposely designed to be a closer replication of a genuine English jury trial than any prior research conducted. The degree of reliability ascribed to such findings should therefore be accounted for when reviewing evidence of a relationship between juror constructs and verdict outcomes that was obtained both pre- and post-deliberation, drawing into question previous judicial assumptions that group deliberation simply neutralises preconceived bias or assumptions taken into the jury room. Accordingly, a clear need for greater researcher access with genuine or shadow jurors hearing evidence in similar cases is required. Permitting such would allow first hand and undisputable evidence of the role that such factors have upon genuine verdict outcomes and juror decision making to be ascertained. Regardless of such research access being permitted, the present findings alone provide a reliable evidence base from which it can be concluded that genuine trial outcomes, particularly within rape trials, are being unfairly effected by preconceived juror bias. As such the need to adopt screening procedures which make use of well-established and validated psycho-social measures provides an opportunity to not only assess the extent of the problem but reduce and possibly remove juror bias whereby it is displayed.

Finally, as alluded to above, the present findings also make a strong case for the need to loosen current legislative restrictions which govern research access to genuine jurors. Within England and Wales, the Contempt of Court Act prevents jurors from disclosing any element of

their deliberations after the trial has concluded and seemingly more questionably, for the most part largely prohibits researchers from asking jurors any questions about their experiences. Notably, with current empirical evidence highlighting the apparent relationship between juror attitudes, biases, and general psychological make-up, greater research access would thereby permit further findings to be obtained without the continued issue of ecological and externally validity undermining the findings obtained.

5.9 FUTURE RESEARCH DIRECTIONS

One seemingly obvious area of future research development surrounds the need to undertake a mixed method approach when examining the role of juror bias upon verdict outcomes. Clearly future research should seek to replicate the present findings using the same psycho-social measures in an alternative sample and within the context of differing rape trial scenario before any conclusive policy amendments should be made. More than this however, future research would benefit from combined quantitative assessments of preconceived bias measured in much the same way of the present study, alongside qualitative examination of deliberation discussions. It may therefore be possible to retrospectively examine whether jurors who score high in traits such as interpersonal manipulation and heightened rape attitudes, display such bias and predispositions within their deliberative interactions with other jurors. Where qualitative assessments display evidence of such bias within juror discourse, the present findings would be strengthened further, in turn offering additional support for the need to conduct juror screening procedures pre-trial.

Another interesting area for potential future research development surrounds the extent to which alternative stories can be presented during trial, and may impact the verdict decisions jurors then subsequently make. Based upon the present findings and assertions previously made by other researchers (cf. Burrowes, 2013), perhaps attempts to present alterative narratives during trial, which rather than feeding into rape myth misconceptions, directly sought to challenge such views from the onset, may lead to alternative stories being constructed. Moreover, of particular relevance within rape trials due to wide spread societal attitudes held towards rape, alongside several unique features of the crime not found in other cases (e.g. lack of physical evidence, DNA offering little insight into consent), where lawyers begin to present alternative stories of contested rape situations, jurors may draw less heavily upon preconceived ideas. Future research should therefore seek to qualitatively examine whether non-typical evidence presentation by prosecution lawyers, whereby facts and figures which challenge rape myths are included as part of the evidential story

construction, may lead to alternative stories being constructed. For example, where the prosecution evidence outlines that in line with most rape victims the complainant reported the allegation within two weeks following the offence and whilst this may appear unusual, it is in fact the typical period of reporting. Such fact-informed evidential support may thereby result in pre-existing cognitive biases no longer becoming activated by the story which is presented during trial.

Moreover, it may therefore be possible that instead of the common approach taken during rape trial arguments which generally involves the prosecution attempting to display the complainant's lack of carelessness and own blame for the rape, with the defendant constructed as having taken no steps under the circumstances to ascertain consent, that prosecution lawyers instead begin to assign greater weight to the importance of outlining the role of the defendant's culpability in stories presented. Rather than an emphasis on what the complainant said and did during the contested sexual situation, the need to construct a counter-narrative whereby the default position is focused upon an assumption that it is the defendant's responsibility to ascertain that consent was sought (rather than a more common approach of displaying a lack of consent was given by the alleged victim). Whilst undoubtedly complex, future research should seek to investigate the ability of such counter narratives in altering the stories which jurors thereby construct and are used to inform the verdict decisions made within rape trials. Where such alternative narratives are found to reduce the use of preconceived assumptions jurors draw upon, greater possibilities surrounding the involvement of police investigators gathering evidence more akin to such a pro-victim narrative being conveyed in court, may help improve upon current rape attrition rates and low conviction rates. Likewise, future research may therefore also benefit from directly exploring whether educating jurors around the specifics of consent and law of consent outside of the often overly legally complex instructions given by a trial judge, in turn has any effect upon the reduced reliance of rape supportive statements whilst making verdict decisions during rape trials.

Finally, where greater access to real juries is granted in the future, research should seek to directly test the extent to which removal of jurors found to score high in rape bias and psychopathic personality traits unfavourable to an impartial assessment of the evidence, thereby leads to fairer verdict outcomes (and perhaps an increased number of guilty verdicts), being attained at trial. Additionally, with the benefits of advanced methodologies and statistical procedures displayed within the present research, the need for future research which makes greater use of ecologically valid experimental procedures alongside more powerful advanced statistical approaches, will allow the influence of further bias to be investigated and perhaps age old concepts previously

found to be weak predictors, to be elucidated as more reliable predictors of verdict outcomes that previously thought.

5.10 CONCLUSION

Within the English criminal justice system, trial by jury remains the gold standard means of delivering justice. The complex mix of evidence against those accused, alongside testimony which challenges the police interpretation of the facts, is thought to be resolved simply through exposure to a jury of our peers. Of course in practice, things are unlikely to be so simple, something which the present research has alluded to. In fact, discussing jury decisions with any police officer typically results in the same opinion being expressed, that the only predictable feature of the jury – is their unpredictability. Despite this, in the aftermath of a verdict being returned, the typical response from the public and the press alike, is one of unwavering acceptance. Irrespective of the media's portrayal of a defendant or complainant pre-trial, once the jury has decided, rarely will this decision be challenged. Public opinion polls consistently display high levels of support for trial by jury, with more than 80% of British citizens strongly advocating use of the system. Likewise, those working within the judiciary, appear to share such a view. The previous Attorney General Dominic Grieve, responsible for all prosecutions brought in England until mid-2014, stated the jury system to be an essential feature of British justice, "deeply ingrained in our national DNA". Despite this, over recent year's critics of the jury system have steadily begun to grow, particularly within the academic community and appearing to be the result of an increasing number of cases and crime types where questionable verdicts were returned. Cases that police officers describe as 'nailed shut' routinely fail to obtain guilty verdicts and those generating strong public opinion appear most susceptible to bias, with many questions surrounding what other factors may influence the decision to vote guilty or not, remaining unanswered.

Despite this within England and Wales around 30,000 cases progress to full trial each year, resulting in approximately 400,000 jurors being summoned to take part. Interestingly, unlike in other countries where those selected are questioned extensively before the trial begins, within England the law prevents jurors from being asked almost anything related to the case. The reasoning for this being that the random selection of jurors, without the need for qualifying features (except for age, sound mental health, and a lack of criminal convictions), is highly regarded within the English system and, in fact, considered to be fundamental to the fairness of verdicts. This broad inclusion criterion is thought to ensure that varied and representative members of the community

are present within different cases. As such, huge value (and trust) is placed in the random composition of twelve people from the local community, each of whom bring alternative views and opinions on the case. Yet with such a wide spectrum of people acting as jurors, comes a whole host of associated biases. Biases which bring the assumption of juror impartiality, into question, no more so that within the present research.

Until now research emerging primarily out of the United States has shown that although some relationship appears to exist between the personal characteristics of jurors themselves and the verdicts they return, specific reliable predictors have been more difficult to ascertain. Factors such as the variation in juror age across the jury panel, as well as racial and gender composition, have all been shown to have some influence upon the final judgements made. In fact, more recently, research has shown that - irrespective of the evidence presented at trial - attitudes that jurors hold towards specific aspects of a case may themselves be able to predict the decisions that individual jurors will make. The totality of the present research which displayed reliable evidence of a relationship between particular traits and verdict outcomes within the realms of an advanced methodological paradigm and utilizing advanced statistical procedures, thereby contributes significantly to the current evidence base pertaining to such a biasing effect. Clearly, evidence of a relationship between juror rape attitudes, psychopathic personality traits, and the verdict decisions jurors make, raises serious questions surrounding how impartial and fair juror decision making truly is.

As the offence of rape generates fierce public opinion and debate it is not surprising that such effects appear exacerbated during related trials. Despite police figures revealing that false allegations represent just a small proportion of all reported rapes, the common public view towards those reporting such crimes remains one of disbelief and discontent. Substantial evidence exists which displays how widespread inaccurate beliefs surrounding how a ‘real rape victim’ behaves, alongside misconceptions of the typical motivations for claiming rape, are in society. These attitudes are so profound that judges must now routinely warn jurors against drawing upon these false beliefs when making decisions during the trial. However, the extent to which these instructions are taken into consideration remains questionable.

In an attempt to test whether juror bias affects the fairness of decision making, a new approach was devised within the present research. Members of the public and students were invited to take on the role of the jury in much the same way as real juries are selected, responding to the mock summons invitations and observing case material drawn from genuine rape trials. Every

mock juror completed attitudinal and personality assessments, some of which have never before been applied to jurors in this context before. Then, with the participation of real lawyers and professional actors, the jurors observed a reconstruction of a genuine rape case, in the most realistic experiment seemingly ever conducted in this way before, over the course of an entire day. The case used was selected as it had equal evidence in favour of both the complainant's and defendant's version of events. Alongside this, there was also little other objective evidence for jurors to go on, something that is commonplace within 'acquaintance' rapes, which tend to take place in private and between people in some way known to one another. The hypothesised premise was that a discernible relationship exists between a jurors' psychological makeup, attitudes towards rape, and the ultimate verdict returned would strongly suggest preconceived biases have much more of a direct influence upon the fairness of rape trials, than has previously been portrayed or reported.

In conclusion, whilst prior research has primarily sought to examine the role of juror characteristics upon verdict outcomes in isolation, displaying weak and inconsistent evidence of such an association overall, the present research sought to conduct such an exploration within a more methodologically sound and statistically comprehensive paradigm. In fact, whilst obtaining evidence of direct associations between psychopathic personality traits, and rape attitudes upon juror decisions within the current findings, a more complex analysis of the association between such traits and jurors assessments of witness evidence upon ultimate verdicts returned, was clearly needed. Likewise, although dominate theory acknowledges the role personal attitudes and inferences upon individual decision formation, to date there has been no attempt to model such a relationship – nor empirically test the underlying constructs existing within the models conceptualisation. Thus, in light of the aforementioned findings discussed, a more complex understanding of the direct relationship characteristics such as psychopathic personality traits have and the path through which rape attitudes impact upon juror's interpretation of the evidence, and ultimately the stories they construct during trial. Not only do the present findings support previous assertions made of the degree to which rape bias appears to unfairly impact upon the verdict decision jurors make during trial but they offer a more comprehensive, methodologically valid and statistically reliable, basis from which such claims can be made.

Should the jury system in England therefore be overhauled and abolished? I argue not. Should it be modernised and reviewed based upon the aforementioned empirical evidence obtained? Most definitely - which in turn will arguably make for fairer verdict outcomes, whereby biased jurors are isolated from the process. Not just for complainants, but for defendants as well.

Appendices

APPENDIX I

Trial Before :

HIS HONOUR JUDGE THOMPSON

NOTTINGHAM CROWN COURT

- -

Between :

THE CROWN

- v -

JAKE WALKER

- -

- -

Crown Prosecution Barrister: Stewart Tucker QC for the Complainant

Defence Barrister: Nicholas Wright QC for the Defendant

- -

TRIAL

Nottingham Crown Court
Code 2095
Carrington Street, Nottingham, NG2 1EE

Charge Sheet

Count 1 RAPE

Contrary to Section 1 of the Sexual Offences Act 2003, the Defendant JAKE WALKER is charged with unlawful Rape of SARAH ADAMS at approximately 3:25 AM on February 9th 2014.

HM Courts &
Tribunals Service

The information you are about to read relates to the Crown Court trial of JAKE WALKER, who appears before the Court charged with one count of Rape against a female named, SARAH ADAMS. Your role is to read the testimony and evidence, following the instructions given to you by the judge before deciding whether you find the defendant guilty or not.

JUDGES INSTRUCTIONS

Members of the Jury you have been called here today to undertake an important public duty that will require you to decide the guilt of the defendant who has entered a plea of Not Guilty to the charge of Rape. Shortly, you will be asked to consider the evidence in this case before deciding whether you find him guilty or not guilty in relation to this charge.

Before we begin the trial, it's important you know the difference between your role as the jury and my role as the judge. As the judge it is my responsibility to be the judge of law, ensuring all evidence you hear is fair and admissible in court. This I have done. As members of this jury, it is your role to be the judge of the facts and evidence you will hear. You are likely to hear competing accounts of the same event and it is for you to determine what you consider factual. At the end of the trial you will be asked to return a verdict, a verdict which you must base on the evidence alone. By the same token, I ask that you postpone your final judgement on the evidence, until all the evidence is complete. In an instance where you find the defendant guilty, you must be sure beyond a reasonable doubt. If you are not sure of his guilt then you must return a verdict of not guilty.

In this day in age it is also important to remind you that discussions about the evidence should only take place when all 12 jurors are present in the jury room. Likewise, you should not discuss the case with anybody outside of your fellow jurors, not least family and friends whose views you may trust, either face to face, over the telephone or over the internet, including on sites such as Facebook. Not only would doing so run the risk of disclosing confidential information but could consciously or otherwise, have an effect on your own judgements in the case. Finally, you should be aware that within English law, we have a system of open justice in which the representative parties themselves decide what evidence is to be included at trial. It is upon that evidence alone that you, the jury, must reach your verdict. You should not attempt to find further information about the case from any other source including, from the internet. Doing so would be unfair to both the accused and the complainant because neither would be aware of the research and its results upon your verdict decisions and, therefore, would be unable to respond to it.

The trial will be structured like this. First you will be presented with the undisputed information about the case, meaning those aspects that both the prosecution and defence agree happened. After this you will hear the alleged victim's version of events, presented by the Crown Prosecution Service barrister and subsequently the alleged offender's version of what happened, presented by his defence barrister. After all the witness testimony and evidence has been heard you will be given some further instructions from me. In the meantime however, if you feel it will help you make your decision at the end of the trial, you may take notes throughout on any aspects you see fit. The evidence will now begin.

UNDISPUTED CASE INFORMATION

On 8th February 2014, the defendant, JAKE WALKER (25), travelled from Birmingham to visit his brother, James (19) who was a student at University in Derby. James shared a flat with five other students each having separate rooms with en-suite facilities. One of the flat mates was the complainant SARAH ADAMS (19). The defendant Jake and complainant Sarah had met on a previous occasion. She was invited to spend the afternoon with the defendant and his brother, but had declined to do so.

On the evening of February 4th the defendant and his brother had arranged to go out for drinks into Derby city centre where they were joined by James girlfriend, Holly (19) and the complainant Sarah. It is common ground that all four drank a considerable amount of alcohol stating that they had brought "round for round" all evening. Sarah had two pints of cider and over the course of the night, an addition four to six vodka's mixed with Red Bull. Jake who was also drinking earlier in the day, drank two pints of lager before he too moved on to Vodka Red Bull.

At around 3:00am all four returned back to the shared accommodation. The brother and his girlfriend were the first to leave, but they were followed minutes afterwards by the accused, Jake and complainant, Sarah. CCTV coverage showed the defendant and complainant returning to her flat, arm in arm as well as Sarah using her key fob to open the door so they were able to get inside. CCTV also showed Sarah to be visibly unstable but Jake appeared to be fine. It is also common ground that on arrival back at the flat, both girls were was sick from the alcohol consumed. Holly in the kitchen and the complainant in her shower room where it is agreed that she was lying on the floor vomiting. It is accepted that the defendant Jake helped Sarah to wash her hair after she was sick in it but there is no suggestion of any sexual activity, wanted or otherwise, at this point. After this point we know for certain that sexual intercourse took place however, the versions of events begin to differ regarding whether this took place with consent.

THE PROSECUTION CASE

It is the prosecution's case that although Sarah was clearly effected by her alcohol consumption she nonetheless made clear, as far as she was able to under the circumstances, that she had not given her consent to sexual intercourse. However, despite this the defendant had chosen to continue to pursue sexual intercourse and that without having obtained consent from her, went on to have sex with Sarah in a manner that amounts to Rape.

WITNESS TESTIMONY: SARAH ADAMS

"After being sick, the next thing I remember was lying on the bed, but I don't remember exactly how I got there. It would have been about 3:30 in the morning. James was lying on the bed too. I was naked from the waist down but don't remember taking my pyjamas off. At first he was just lying at the side of me and then the next thing I remember is him coming close to my face and asking if I had a condom. I said no.

I didn't specifically say no to him but in my body language I made clear that I didn't want to have sex with him. Because of being sick and the way I was acting it was obvious that I didn't want to do it. I was extremely drunk and disorientated. I just felt like it wasn't happening. I knew I didn't want this but I didn't know how to go about stopping it. I just froze. I just didn't feel co-ordinated in my body. I specifically remember his penis in my vagina, and that I was lying on my back. When he penetrated me, it hurt, it was painful, and I said "ow". I remember groaning in pain because he told me to "shush". To try and stop it I turned over and curled myself up in a ball facing the wall. His penis was out for a while and I hoped he would stop, but then he penetrated me again. When it ended though I was still facing the wall. I don't even know if he used a condom or not, or whether he finished [ejaculated] or not. After he stopped he asked me if I wanted him to stay but I said "no". I remember thinking in my mind "just get out of my room", but I didn't actually say it. I didn't know what to say or think, whether he would turn and beat me. I remember him leaving and the door shutting and that was it. I just got up and locked the door and then lay back on my bed curled up in a ball for a while. Then after what seemed about an hour, I rang my friend Emily crying and told her what happened. She told me to tell my mum so I did and the police came straight around." **NOTE:** The victim's friend and her mother also gave evidence at trial confirming that she had called them approximately 4:50am informing them what had happened and that this matched the account above.

Cross Examination – Under cross examination by the defence, it was suggested to Sarah that she states she didn't consent but by her own admission she didn't actually tell the defendant she didn't want sexual intercourse. She agree that although she didn't specifically say the words "no" or try to stop him, that this was because she just didn't know how to react as she; "I just froze" and "hadn't really recovered from how I felt in the bathroom". She also stated that she believes it was obvious that she didn't give her consent, as she moaned in pain and he just told her to shush and carried on as well as the fact that she only just been sick. Although she agree that her memory was somewhat patchy, she said that she is certain that she did not consent to have sex with the defendant and that he just did it anyway without doing anything to check for her consent.

THE DEFENSE CASE

It is the Defence's case that although the complainant may have become less inhibited because she was intoxicated, she was capable of consenting to sexual intercourse, that she in fact did consent and that the defendant had a reasonable belief based on steps he'd taken that she was consenting. As such they suggest her account is at best an inaccurate memory of events and at worse a fabricated account based upon her regret of sleeping with the defendant.

WITNESS TESTIMONY: JAKE WALKER

"When we got back to the flat she had been sick and so I helped her wash it out of her hair. I then helped her into her room and to her find her pyjamas and told her to put them on while I went to get her some water. I even left the room while she changed and then went back to give her the water and make sure she was alright. When I went back in, she was awake and sitting up in the bed and seemed as though she was not as drunk anymore. So I sat on the edge of the bed, and that's when things started to get more sexual. This would be about 3:30ish.

I was stroking her arm, not in a strange way but kind of in a way to test if she didn't mind me touching her. This kind of progressed from stroking in a comforting nature to more sexual touching. She didn't say or do anything to stop me, she just seemed to be going along with it and I took that as she wanted me to continue. Eventually I put the top of my fingers inside the waistband of her pyjama trousers, which could have given her an opportunity to stop me if she didn't want to do anything but she didn't and when I motioned for her to remove her pyjama trousers, by like pulling them down slightly, she removed them fully herself. After that I took off my own trousers and we had brief sex. She was moist when I touched her which made me think she even more that she was turned on and actually rolled on to her back, opening her legs. When we started having sex she was groaning like in a pleasurable way. I did tell her to "shush" but this was just so the other flat mates wouldn't hear.

In terms of the condom, it was while we were having sex that she asked me "do you have a condom?", and I told her that I didn't. I asked her if she had one but she said "no". I got the impression that she was concerned about having unprotected sex, so I just stopped. She didn't actually say that, I just got that impression. It wasn't even going on for long and I didn't ejaculate. But I can categorically say that she never said or did anything to give the impression that she was in pain, or that she was not consenting. After I stopped, I went to the bathroom to wash my face and when I came out asked her whether she wanted me to stay the night but she said no, so I just kissed her shoulder and left her room. I ended up sleeping on the sofa and didn't think anything of it until the police came the next day."

Cross Examination – Under cross examination by the prosecution, it was suggested to Jake that based upon his own description of how drunk the complaint was in that, he had to clean sick from her hair and physically walked her to the bed, was it not obvious that she was unlikely to want and consent to sexual intercourse. Furthermore, although the prosecution did not suggest that Sarah was incapable of consenting, they say that according to the law he failed to take any steps under the circumstances, to form a reasonable belief that consent was given and instead took her vulnerable state as an opportunity to rape her. In response Jake accepted that the complainant never physically said yes to sexual intercourse and that in hindsight he should probably have obtained this under the circumstances just to make sure. However, he denied that he had fabricated an account of her positive response to his advances instead stating that he was certain, that she had consented.

MEDICAL EVIDENCE

A medical expert testified that a forensic examination of the complainant following the reported rape, displayed that she had suffered some light bruising consistent with the application of a degree of force around her pubic area but had sustained no internal bruising within the vagina. He advised that while intercourse had most certainly occurred between the two parties, displayed through DNA testing, the evidence available following his examination of the complainant was neither consistent nor inconsistent with a rape taking place.

JUDGES FINAL INSTRUCTIONS

General Directions

Members of the jury, in this case you have heard two competing accounts of the same event, one of which amounts to Rape and one of which amounts to a lawful sexual encounter.

The prosecution have invited you to convict the defendant on the charge of Rape, arguing that irrespective of the effects of alcohol the complainant, Sarah, simply did not consent to the sexual intercourse which took place. Her ability to fend off sexual advances may have been effected by the alcohol consumed but ultimately her capacity to consent remained and as far as she could under the circumstances, she made clear that she did not want to have sexual intercourse. Further still, the defendant failed to take any adequate steps to form a reasonable belief that she had given consent. They suggest under the current law this in itself amounts to rape. The defence however, invites you to acquit to defendant on the charge of Rape, arguing instead that the evidence you have heard from the complainant is made up of patchy memory at best and does not adequately display that she did not consent. Alternatively the defence suggest that the complainant did consent, and that not only did the defendant believe the complainant consented to sexual intercourse but that this belief was reasonable as he undertook several steps under the circumstances, to ensure consent was granted. Whether the events took place as have been described, is a matter for you to decide.

Before I inform you of the relevant matters of law that you should consider, I must first draw your attention to the experience of the court in similar cases. You will recall at the beginning of the trial I explained that it is my role to give directions on the law but it is your collective role to be the judge of the facts. When making judgements about these facts you must disregard any stereotypes you hold about what is a typical rapist or rape victim. Indeed there is no classic offender the same way there is no classic response of a victim. You must judge the evidence dispassionately not based on your emotions or any other biases you may have.

You must also be aware of the burden and standard of proof in criminal trials such as this. The burden of proof lies with the prosecution and what this means is that it is not for the defendant to prove his innocence but for the crown prosecution service to prove his guilt. In order for you to accept that they have displayed this guilt, you must also collectively agree that it was displayed beyond a reasonable doubt. When determining what is a reasonable doubt we simply state that you must be sure, to return a guilty verdict. Anything less than being sure of the defendant's guilt and you must return a not guilty verdict.

You should also be aware that you do not need to decide every issue in the case, only the issues that are important to the verdict and these I will shortly bring to your attention. Likewise if I have left something out of my summary that you think is important or included something that you disagree with, that is fine, you may disregard or include it in your discussions. Remember it is you, not me, who is the judge of the facts. Overall it is for you to weight up the evidence and testimony and ultimately decide upon crucial aspects of the case and whether they make you sure or not, of the defendant guilt.

Legal Directions

Undoubtedly the voluntary consumption of alcohol has played some part in this case however it does not necessarily play a defining role in your decisions of guilt, according to the law. A person is guilty of rape when *Person A*; (a) intentionally penetrates the vagina, anus or mouth of another person with his penis, (b) *Person B* does not consent to the penetration and (c) *Person A* does not reasonably believe that *Person B* consents. Whether a belief in consent is to be considered reasonable will have to be based on the circumstances of the case however essentially relates to any specific steps that the defendant has taken to ascertain whether the compliant consented or not. What is therefore an essential question for your decision in this case, is whether the evidence has proven to you that the defendant had sexual intercourse with the complainant without her consent, or that where he had a belief that she had consented, this was not a reasonable belief regarding whether adequate steps were taken to inform such a belief. What steps are considered to equate to a reasonable belief is again a something you must decide. You must draw your own conclusions on these matters from the evidence you have heard overall.

A separate issue in this case, involves the voluntary consumption of alcohol and whether this level of intoxication removed the complainant's freedom and capacity to consent. However, this is not a stance point in which the prosecution have put forward as relevant in this case. When this may have been relevant for example, would be where the complainant was said to have been unconscious through drink and therefore would obviously have not been able to consent to sexual intercourse. However as this wasn't suggested to be the case in the complainants evidence you need not consider whether alcohol removed her freedom or capacity to consent, as she herself doesn't suggest that it did.

Therefore it is not a question of whether alcohol itself caused a lack of consent but rather a question of whether the evidence has proven to you that the defendant had sexual intercourse with the complainant, without obtaining her consent. In order to this you must first select a Jury foreman who will manage the deliberations and attempt to return a unanimous to the Court.

Experimenter Verdict Instructions

Please now go to the jury room and attempt to reach your verdict. Please bear in mind that although you have simply read this case outside of the real trial itself, all of the evidence is drawn from a real case and the decisions you make are therefore going to have important implications in understanding that case. With this in mind we ask that you try to treat the deliberation as though you were making the decision as a juror in the original trial.

1. **Complete the Verdict Decision form 1**

   - *Please complete this form individually and do not correspond with any other jurors at this time.*

2. **Group Deliberation**

   - *Along with your fellow jurors, you must attempt to reach a unanimous verdict.*

APPENDIX II

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Dominic Willmott
Doctoral Researcher
HHR1/10 Research Building
University of Huddersfield
Queensgate – HD1 3DH

Date: 14/01/2016

Mrs [redacted]
Court Manager,
[redacted] Crown Court
[redacted]
[redacted]

Dear Mrs [redacted],

Further to our previous correspondence, I would like to provide written notification of my request made to attend [redacted] crown court for the purposes of filming for an upcoming research project. You have provisionally granted permission to do so via telephone on, Thursday 21st January 2016, subject to written details being provided. Please find the requested researcher information below.

- *Name* - Mr. Dominic Willmott
- *DOB* – 24.03.1989
- *Occupation* – Doctoral researcher at the University of Huddersfield (Psychology department)

The purpose for the request to visit is to film within a real life courtroom setting, a rape trial re-enactment. This footage will be edited into differing trial scenarios that will form the basis of a criminal rape trial reenactment, developed for the purposes of a research project operating out of the University of Huddersfield. The access requested will be used for the research purposes outlined only and only as part of this particular university approved project.

Thank you in advance for the opportunity to use the court room and all being in order, I look forward to meeting you next week.

Yours Sincerely,

Dominic Willmott

APPENDIX III

University of HUDDERSFIELD
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Ever wanted to sit on a jury?

Never been asked?

Strong views about crime?

Now is your chance…

As part of an important research project within the University of Huddersfield's Psychology Department, we would like to invite you to take part in a mock jury trial taking place in Feb - April 2016

In the reconstructed criminal trial, you will be given some information on the law and hear evidence about what happened in the case from real criminal justice personnel.

You will then be asked a series of questions before deliberating the case with your fellow jurors, to decide if you find the defendant guilty or not guilty of the crime.

So, if you're **18 – 75 years old** and have a free hour or so to take part - please email for further details and to book your place at:

Principle Researcher – Dominic Willmott:

Project Supervisor – Dr. Daniel Boduszek

Email: Dominic.Willmott@hud.ac.uk

APPENDIX IV

University of HUDDERSFIELD
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An Examination of the Relationship between Juror Attitudes, Psychological Constructs and Verdict Decisions within Rape Trials

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INFORMATION SHEET

You are being invited to take part in this study examining the relationship between people's attitudes in criminal trials, personality traits, and their decision making. Before you decide to take part it is important that you carefully read and understand why the research is being undertaken and what it will specifically ask you to do. Please read the information outlined below being sure to ask further questions surrounding any aspect that you would like more information about.

Why have I been approached?
You have been asked to take part because we would like to find out what decisions people make when they are asked to determine whether an accused person is guilty of a crime in Court. In England juries in criminal trials are made up of twelve different people, each of whom have to form their own opinions on the evidence and come to a decision of whether the accused person is to be found guilty or not. Your responses are therefore critical in helping us better understand the decisions made.

Do I have to take part?
It is entirely your decision whether or not you want to take part. If you decide you are happy to take part you will be asked to sign a consent form which explains exactly what you have agreed to. If you decide at a later date that you no longer want to be included in the study, then you can withdraw your results until the deadline date of: **01.05.2016.**
In the event that you do choose to withdraw, please contact me directly on the information provided below with your unique juror participant number. You will need to retain this number as all information recorded that's associated to yourself will be annoymised and not contain your name. If for any reason you are unable to contact me, please contact the alternative person listed below who will arrange for the removal of your results before the deadline date listed. Please note that if you do decide not to take part in the study or want to withdraw your results after taking part, you can do so without having to give a reason and this will not have any adverse effect upon you in the future.

What will I need to do?
If you decide to take part in the research you will be asked to watch a video summary of a criminal trial along with eleven other people who have also been selected to take part. Both before and after reading the case, you will be asked to complete a questionnaire containing a series of questions about the case and about yourself. Please note this will be completed independently and none of the other participants will see your answers at any point. After all the participants have finished answering the questionnaires, you will then be asked discuss as a group whether you find the person accused in the case, guilty or not guilty, of the crime they are said to have committed. Although there will be no minimum timeframe in which to deliberate, after a period of 60 minutes you will be asked whether you have reached a unanimous verdict. If you have not reached a unanimous verdict by this point then you will be asked to continue discussing the case further and attempt to reach a majority verdict of 10 jurors to 2. Finally, after you have reached a group decision you will be asked to again complete a very brief questionnaire. Again this will be completed independently and none of the other participants will see your answers at any point.

What if the I get upset by the information in the case?
The case you will be making decisions about will be about a sexual crime of rape and so it is possible that you may become upset by what you read or discuss with the other people taking part. It is however important to remember that you are free to withdraw from taking part at any time and do not have to give a reason if you choose to do this. Care has been taken to make sure you will not be exposed to any overly distressing content or upsetting images within the case but if you begin to feel distressed or upset you are free to take a break or leave the experiement all together. Alternatively, if you feel upset or distressed after you finish taking part or would like to talk to somebody about any of the issues raised, then you may wish to speak to any of the support services whose details are provided at the end of this information sheet.

Will my identity be disclosed?
No. All of your information will be kept confidential and your name will be replaced with a unique juror number throughout the study.

What will happen to the information?
The information collected during the research will be stored securely in a locked unit and any identifiable material, such as names will be replaced with a unique juror number to ensure your anonyminity throughout. Having said this, it is likely that the research may be published at a later date in a journal or report however, where this is the case at no point will you be identifiable.

How can I find out about research findings?
Subsequent to completion of data collection and analysis (December 2016), feedback on the study findings can be provided. Please contact me using the details below, if you would like to receive individual feedback.

Who can I contact for further information?
Where you require any further information about the research, please contact either myself or the project supervisor on the details below:

- Primary Researcher – Dominic Willmott: Dominic.Willmott@hud.ac.uk
- Project Supervisor – Dr. Daniel Boduszek: d.boduszek@hud.ac.uk

Support Services – Contact Information

University of Huddersfeild - Wellbeing Services
Central Service Building – Level 4
Queensgate Campus
HD1 3DH
Tel - 01484 472227
Opening Hours: Monday to Friday 9.00am – 5.00pm

Samaritans
Freephone - 116 123 (Available 24/7)
Huddersfield Branch
14 New North Parade
Huddersfield
HD1 5JP
Tel - 01484 533388

Victim Support
Kirklees Branch
Civic Centre 1
Huddersfield
HD1 2NF
Tel – 01924 294028
National Support Line – 0300 3031971

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CONSENT FORM

Please take time to carefully read each of the elements below, ensuring you understand and consent to the statements before ticking each box and signing the form below. *Note:* All participation is completely voluntary and you are entitled to withdraw from the research up until the stipulated dates. For any further information or to raise concerns please contact the primary researcher; Dominic.Willmott@hud.ac.uk.

I have read the Research Information Sheet and have been fully informed of the objectives within the present study. ☐

I understand that I have the right to withdraw from the study without the need to provide a reason, until the 01.05.2016. ☐

I understand all sensitive information will be securely stored at the University over a five year time frame, after which the information will be securely destroyed. ☐

I understand that only the primary researcher and project supervisor will have access to completed participant information / questionnaires and all other persons requiring access to data, such as project examiners will view only anonymised information. ☐

I understand that study findings may be disseminated within future research outputs including publications but will continue to be anonymised. ☐

I understand that the use of a unique juror participant number will guarantee me future anonymity throughout any and all use of my information. ☐

In summary I give my consent to take part in the research project that has been explained to me. ☐

Signature of Participant:	Signature of Researcher:
_____	_____
Print: _____	Print: _____
Date: _____	Date: _____

(one copy to be retained by Participant / one copy to be retained by Researcher)

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Unique Juror No:

Questionnaire Information

Section 1 – About You

Gender:

Age:

Occupation:

(Note: If student state which course & any paid employment held)

Ethnicity:

Highest Education Qualification: *(Please select your highest qualification)*

☐ Secondary School and Equivalent or less (e.g. GCSE/O-Level/CSE)

☐ College / Vocational Course (e.g. A-Levels/NVQ/B-TEC)

☐ University Degree

☐ Master's Degree

☐ Professional Degree / Doctorate (e.g. MD, PhD)

☐ Other:……..

Do you have children? YES NO

If yes, please specify Gender: ……

Section 2 – Screening Questions

Please Circle

Are you a registered voter in either local or general elections?	YES	NO
Do you currently hold a full or provisional driving licence?	YES	NO
Have you lived in the UK for a period of at least 5 years, since the age of 13?	YES	NO
Have you worked for the police force or prison service in the last five years?	YES	NO
Do you suffer from any diagnosed mental illnesses that would mean you are unable to sit on a jury?	YES	NO
Are you currently on bail for a criminal offence?	YES	NO
Have you ever been convicted of an offence that led to you receiving a prison sentence (custodial term or suspended sentence)?	YES	NO
Have you ever been arrested for a crime?	YES	NO
Have you ever been arrested for a serious crime?	YES	NO
Have you ever been a victim of crime?	YES	NO
Have you ever been a victim of a serious crime?	YES	NO
Have you ever been a victim of a sexual crime?	YES	NO
Have you or a friend/relative had any personal experience of a serious sexual offence i.e. Rape?	YES	NO
Have you ever sat on a jury trial in the past?	YES	NO

Please rate the degree to which you agree with the following statements. You can be honest because your name will not be attached to your answers and no other participants will see your responses at any point *(please circle your answer)*.

1	2	3	4	5	6	7
Completely Disagree	**Disagree**	**Disagree Somewhat**	**Neutral**	**Agree Somewhat**	**Agree**	**Completely Agree**

1. When it comes to sexual contacts, women expect men to take the lead.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

2. Once a man and a woman have started "making out", a woman's misgivings against sex will automatically disappear.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

3. A lot of women strongly complain about sexual infringements for no real reason, just to appear emancipated.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

4. To get custody for their children, women often falsely accuse their ex-husband of a tendency towards sexual violence.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

5. Interpreting harmless gestures as "sexual harassment" is a popular weapon in the battle of the sexes.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

6. It is a biological necessity for men to release sexual pressure from time to time.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

7. After a rape, women nowadays receive ample support.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

8. Nowadays, a large proportion of rapes is partly caused by the depiction of sexuality in the media as this raises the sex drive of potential perpetrators.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

9. If a woman invites a man to her home for a cup of coffee after a night out this means that she wants to have sex.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

10. As long as they don't go too far, suggestive remarks and allusions simply tell a woman that she is attractive.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

11. Any woman who is careless enough to walk through "dark alleys" at night is partly to be blamed if she is raped.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

12. When a woman starts a relationship with a man, she must be aware that the man will assert his right to have sex.

Completely disagree 1 2 3 4 5 6 7 *Completely agree*

13. Most women prefer to be praised for their looks rather than their intelligence.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

14. Because the fascination caused by sex is disproportionately large, our society's sensitivity to crimes in this area is disproportionate as well.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

15. Women like to play 'coy' (Shy and Modest). This does not mean that they do not want sex.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

16. Many women tend to exaggerate the problem of male violence.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

17. When a man urges his female partner to have sex, this cannot be called rape.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

18. When a single woman invites a single man to her flat she signals that she is not opposed to having sex.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

19. When politicians deal with the topic of rape, they do so mainly because this topic is likely to attract the attention of the media.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

20. When defining "marital rape", there is no clear-cut distinction between normal conjugal intercourse and rape.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

21. A man's sexuality functions like a steam boiler – when the pressure gets too high, he has to "let off steam".
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

22. Women often accuse their husbands of marital rape just to retaliate for a failed relationship.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

23. The discussion about sexual harassment on the job has mainly resulted in many a harmless behaviour being misinterpreted as harassment.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

24. In dating situations the general expectation is that the woman "hits the brakes" and the man "pushes ahead".
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

25. Although the victims of armed robbery have to fear for their lives, they receive far less psychological support than do rape victims.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

26. Alcohol is often the culprit when a man rapes a woman.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

27. Many women tend to misinterpret a well-meant gesture as a "sexual assault".
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

28. Nowadays, the victims of sexual violence receive sufficient help in the form of women's shelters, therapy offers, and support groups.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

29. Instead of worrying about alleged victims of sexual violence society should rather attend to more urgent problems, such as environmental destruction.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

30. Nowadays, men who really sexually assault women are punished justly.
Completely disagree 1 2 3 4 5 6 7 *Completely agree*

Please rate the degree to which you agree with the following statements about you. You can be honest because your name will be detached from the answers as soon as they are submitted.

1 Strongly Disagree	2 Disagree	3 Sometimes	4 Agree	5 Strongly Agree

1. I don't care if I upset someone to get what I want..... 1 2 3 4 5

2. Before criticizing somebody, I try to imagine and understand how it would make them feel.....1 2 3 4 5

3. I know how to make another person feel guilty..... 1 2 3 4 5

4. I tend to focus on my own thoughts and ideas rather than on what others might be thinking.....1 2 3 4 5

5. What other people feel doesn't concern me..... 1 2 3 4 5

6. I always try to consider the other person's feelings before I do something..... 1 2 3 4 5

7. I know how to pay someone compliments to get something out of them.....1 2 3 4 5

8. I don't usually appreciate the other person's viewpoint if I don't agree with it..... 1 2 3 4 5

9. Seeing people cry doesn't really upset me..... 1 2 3 4 5

10. I am good at predicting how someone will feel..... 1 2 3 4 5

11. I know how to simulate emotions like pain and hurt to make others feel sorry for me..... 1 2 3 4 5

12. In general, I'm only willing to help other people if doing so will benefit me as well..... 1 2 3 4 5

13. I tend to get emotionally involved with a friend's problems..... 1 2 3 4 5

14. I'm quick to spot when someone is feeling awkward or uncomfortable.....1 2 3 4 5

15. I sometimes provoke people on purpose to see their reaction..... 1 2 3 4 5

16. I believe in the motto: "I'll scratch your back, if you scratch mine".....1 2 3 4 5

17. I get filled with sorrow when people talk about the death of their loved ones..... 1 2 3 4 5

18. I find it difficult to understand what other people feel..... 1 2 3 4 5

19. I sometimes tell people what they want to hear to get what I want from them.....1 2 3 4 5

20. It's natural for human behaviour to be motivated by self-interest.....1 2 3 4 5

Below is a list of statements dealing with your general feelings about yourself. Please indicate how strongly you agree or disagree with each statement *(Please circle your response).*

1. On the whole, I am satisfied with myself.

Strongly Agree Agree Disagree Strongly Disagree

2. At times I think I am no good at all.

Strongly Agree Agree Disagree Strongly Disagree

3. I feel that I have a number of good qualities.

Strongly Agree Agree Disagree Strongly Disagree

4. I am able to do things as well as most other people.

Strongly Agree Agree Disagree Strongly Disagree

5. I feel I do not have much to be proud of.

Strongly Agree Agree Disagree Strongly Disagree

6. I certainly feel useless at times.

Strongly Agree Agree Disagree Strongly Disagree

7. I feel that I'm a person of worth, at least on an equal plane with others.

Strongly Agree Agree Disagree Strongly Disagree

8. I wish I could have more respect for myself.

Strongly Agree Agree Disagree Strongly Disagree

9. All in all, I am inclined to feel that I am a failure.

Strongly Agree Agree Disagree Strongly Disagree

10. I take a positive attitude toward myself.

Strongly Agree Agree Disagree Strongly Disagree

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VERDICT DECISION FORM 1

Thank you for taking the time to carefully read and consider all of the evidence outlined in the case that you have just read. Bearing this is mind and the instructions set out to you by the judge, please answer each of the following questions below: *(Please circle your decision)*

1. How do you find the defendant on count 1 of the indictment – the charge of Rape?

   GUILTY NOT GUILTY

2. Do you believe the defendant's guilt was proven beyond a reasonable doubt?

   PROVEN NOT PROVEN

Using the scale below, please give your rating on different aspects of the evidence and your decisions about the case. You can be honest because your name will be detached from the answers and no other participants will see your responses.

1	2	3	4	5
Not at all	Not Very	Somewhat	Very Much	Extremely

3. Thinking about your verdict choice above, how confident are you that you made the right decision?.....1 2 3 4 5

4. How well did the evidence cover what the *complainant* said happened?.....1 2 3 4 5

5. How complete was the *complainants* story in the sense that no aspects were missing or unsupported by the evidence?.....1 2 3 4 5

6. How plausible do you find the *complainants* version of events, in that you think what she said happened is possible and likely?.....1 2 3 4 5

7. How coherent was the *complainant's* story, in that the different stages she described as happening were logically connected?.....1 2 3 4 5

8. How unique was the *complainant's* account, in that you feel it was the only possible explanation of the evidence heard?.....1 2 3 4 5

9. How consistent was the *complainants* version of events with the evidence presented overall?.....1 2 3 4 5

10. Overall, how much do you believe the *complainants* version of events?.....1 2 3 4 5

1	2	3	4	5
Not at all	Not Very	Somewhat	Very Much	Extremely

11. How well did the evidence cover what the *defendant* said happened?.....1 2 3 4 5

12. How complete was the *defendants* story in the sense that no aspects were missing or unsupported by the evidence?.....1 2 3 4 5

13. How plausible do you find the *defendants* version of events, in that you think what she said happened is possible and likely?.....1 2 3 4 5

14. How coherent was the *defendants* story, in that the different stages she described as happening were logically connected?.....1 2 3 4 5

15. How unique was the *defendants* account, in that you feel it was the only possible explanation of the evidence heard?.....1 2 3 4 5

16. How consistent was the *defendants* version of events with the evidence presented overall?.....1 2 3 4 5

17. Overall, how much do you believe the *defendants* version of events?.....1 2 3 4 5

18. Finally, how confident are you overall that you made the right verdict decision in this case?.....1 2 3 4 5

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VERDICT DECISION FORM 2

Thank you for taking the time to deliberate over the evidence. Please answer the questions below again giving your **own opinion**, on the statements listed. Note that none of your fellow jurors will see you answers and you should fold your answers in half once completed.

1. How do you find the defendant on count 1 of the indictment – the charge of Rape?

   GUILTY NOT GUILTY

2. Do you believe the defendant's guilt was proven beyond a reasonable doubt?

   PROVEN NOT PROVEN

3. If after deliberation you changed your decision about the defendant's guilt, please provide a brief explanation of why in the box below;

4. If it were entirely up to you as a one person jury, what would your verdict have been in this case?

   GUILTY NOT GUILTY

Using the scale below, please give your rating on different aspects of the evidence and your decisions about the case. You can be honest because your name will be detached from the answers and no other participants will see your responses.

1	2	3	4	5
Not at all	Not Very	Somewhat	Very Much	Extremely

5. Thinking about your verdict choice above, how confident are you that you made the right decision?.....1 2 3 4 5

6. How well did the evidence cover what the *complainant* said happened?.....1 2 3 4 5

7. How complete was the *complainants* story in the sense that no

aspects were missing or unsupported by the evidence?.....1 2 3 4 5

8. How plausible do you find the *complainants* version of events, in that you think what she said happened is possible and likely?.....1 2 3 4 5

9. How coherent was the *complainant's* story, in that the different stages she described as happening were logically connected?.....1 2 3 4 5

10. How unique was the *complainant's* account, in that you feel it was the only possible explanation of the evidence heard?.....1 2 3 4 5

11. How consistent was the *complainants* version of events with the evidence presented overall?.....1 2 3 4 5

12. Overall, how much do you believe the *complainants* version of events?.....1 2 3 4 5

13. How well did the evidence cover what the *defendant* said happened?.....1 2 3 4 5

14. How complete was the *defendants* story in the sense that no aspects were missing or unsupported by the evidence?.....1 2 3 4 5

15. How plausible do you find the *defendants* version of events, in that you think what she said happened is possible and likely?.....1 2 3 4 5

16. How coherent was the *defendants* story, in that the different stages she described as happening were logically connected?.....1 2 3 4 5

17. How unique was the *defendants* account, in that you feel it was the only possible explanation of the evidence heard?.....1 2 3 4 5

18. How consistent was the *defendants* version of events with the evidence presented overall?.....1 2 3 4 5

19. Overall, how much do you believe the *defendants* version of events?.....1 2 3 4 5

20. Finally, how confident are you overall that you made the right verdict decision in this case?.....1 2 3 4 5

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DEBRIEFING FORM

Thank you for your contributions within the present research. The answers you have provided alongside giving up your time to take part are greatly appreciated. The purpose of the present study was to investigate the effect that attitudes people hold about rape as well as different aspects of personality, may have upon the decisions formed within a jury trial. These factors were measured through the series of questions that you completed both before and after hearing evidence in the case you were given. It is hoped that the research will provide further insights into how jurors make decisions within difficult to convict rape cases and as such may have the potential make recommendations around prosecuting such cases in the future. Outputs after the research is completed are likely to include conference presentations, published journal articles and formal research reports to official organisations.

As the research will remain on going, we ask that you do not discuss the purpose or process of the study with anybody who may also become a participant at a later date, including fellow university students or people living within the immediate Kirklees area. This does not of course apply to any circumstances whereby you feel you have become upset or distressed by the research. In such circumstances we would recommend you refer to the contact details of free and independent local support agencies below. It should also be noted that although the case information you read was based upon genuine rape trials, no one exact and complete case was used overall. Therefore the evidence you heard was in fact an altered version of a genuine case, examined for research purposes only.

If you feel you may know people interested in taking part in this research please convey this to them and provide my contact details where appropriate. However, again please ensure you do not disclose the nature or procedure of the study as this could invalidate any contributions they decide to make. Please be sure to hand back all relevant answer booklets and information to the research team and retain your personal copy of the information sheet and consent form. Thank you once again for participating in this study.

Support Services – Contact Information

University of Huddersfeild - Wellbeing Services
Central Service Building – Level 4
Queensgate Campus
HD1 3DH
Tel - 01484 472227
Opening Hours: Monday to Friday 9.00am – 5.00pm

Samaritans
Freephone - 116 123 (Available 24/7)
Huddersfield Branch
14 New North Parade
Huddersfield
HD1 5JP
Tel - 01484 533388

Victim Support
Kirklees Branch
Civic Centre 1
Huddersfield
HD1 2NF
Tel – 01924 294028
National Support Line – 0300 3031971

APPENDIX V

Standardised Instructions Checklist

Experiment 1 – Student Mock Trials

1. **On Arrival**

- Thank for attending & begin by asking to read information sheet
- Provide brief overview of different stages of the experiment e.g.

  "The study will begin with you answering some questions, you'll then be asked to watch a re-enacted trial video 25 minutes long and subsequently be asked to decide collectively whether you think the defendant is guilty or not guilty of the crime which he is accused of".

- Questionnaires – Notify participants that use of unique juror numbers ensure all answers given are anonymous, not seen by other participants and only they can link their name back to answers - *"Your unique juror participant numbers are as follows…".*

2. **Trial Video Stage**

- Overview of videotaped trial – make reference to each of the following;
  - Brief explanation of criminal trials in England and highlight that it's illegal to film during trial.
  - Outline that it's a genuine case, recreated with assistance of genuine criminal justice practitioners and evidence from the real case – essentially the real case in a shorter format – as such should ask that you take this case & study, seriously
  - Outline the different stages of the video

- **YOUR ROLE**

  "Listen to the instructions given to you by the judge at the on-set of trial carefully, as ultimately you'll be asked to make a decision as to the guilt of the defendant after hearing all of the evidence. Please remember whilst you are simply observing this case via a video tapped recreation, it is a real case with real people involved, particularly a female who has claimed to be the victim of a rape and a male who claims not to be a perpetrator of such a crime. Therefore your decisions will have important implications for understanding this case. I ask that from this point onwards, you take your role very seriously and consider yourself not as a participant in an experiment but a juror in a criminal trial".

- Briefly explain terminology: *"You're going to hear a lot the terms complainant and defendant, prosecution and defence, essentially what this refers to is…"*
- Explain complexity and pen & paper *"You may find some of the evidence a little complex at times. This is okay, and this is normal even for real jurors. As it's a four day trial condensed into a 25 minute video there are pens and paper in front of each of you to help you make notes of things you feel are important, if you wish to do so. But this is a personal choice and please don't feel you have to do this."*

- Any final questions / query's before we start?

3. **Post-trial Video – Individual decision**

- *"Before speaking to other jurors please now individually complete the verdict decision forms in front of you. This should be based on your own opinion at this stage. It is important to note before doing this that none of your fellow jurors will see your responses at any point so please be honest in your answers. Don't forget to add your unique juror number in the top left hand box"*

- Also remind participants that complainant = alleged victim & defendant = alleged perpetrator

4. **Group Deliberation**

- *"You have been given detailed descriptions by the trial judge of what you must do during deliberations. Please ensure you follow these rules throughout. You will have a period of 60 minutes in which you are asked to discuss the case between your number and attempt to reach a unanimous verdict upon which you all agree. If after 60 minutes you cannot reach a unanimous verdict, I will knock on the door to the jury room to give you further instruction. Please remember you must first vote one of your fellow jurors to be the foreperson, as instructed by the judge. I will not be present within the deliberation room and therefore everything that you discuss will between yourselves only."*

- *"Okay, you have now had 60 minutes. Have you reached a unanimous verdict at this stage?"*

- *"Okay, as you have not yet reached a unanimous verdict, you will now be asked to attempt to reach a majority verdict of at least 10 jurors to 2 and the judge has said that he will accept a verdict no less than 10 to 2. If after an additional 30 minutes or so you are not able to do this then you will have to let me know upon my return."*

5. **Post-deliberation – Individual decision**

- *"Finally, may I now ask you all to spread out into different seats throughout the courtroom so that you are not directly sat next to any other juror. Now, without speaking to any other jurors please individually complete the second verdict decision form in front of you. Please note before you do this however that this should be based on your own individual opinion at this stage and therefore may not necessarily be the same as the collective verdict just given. It might be the same but it may also be different so this is your decision at this point as an individual. It is important to remember that none of your fellow jurors will see your responses at any point so please be honest in your answers. Don't forget to add your unique juror number in the top left hand box and then fold your answers in half and I will come and collect them".*

APPENDIX VI

From: Kirsty Thomson
Sent: 21 December 2015 11:01
To: Dominic Willmott U0857428
Subject: Your SREP Application - Dominic Willmott (PhD Student) - ACKNOWLEDGEMENT

Dear Dominic,

Dr Dawn Leeming, School Research Ethics Panel Deputy Chair, has asked me to contact you with regard to your SREP application as detailed above.

Your application has been approved outright.

The reviewers of your application did however make the following recommendations (these are not though a condition of SREP approval:

- The items relating to socioeconomic statutes - consider the Office for National Statistics classification.
- For future reference, it is worth noting the proposed sample size in an SREP application

With best wishes for the success of your research project.

Kirsty Thomson
Research Administrator

School of Human and Health Sciences Research Office (HHRG/11)
University of Huddersfield | Queensgate | Huddersfield | HD1 3DH

From: Kirsty Thomson
Sent: 24 November 2015 14:54
To: Dominic Willmott U0857428
Cc: Daniel Boduszek
Subject: Your SREP Application - Dominic Willmott (PhD Student)

Hi Dominic,

I acknowledge receipt of your SREP application as detailed above and confirm that it has been allocated for review. I will be back in touch with regard to the progress of your application as soon as possible.

Regards,

Kirsty Thomson
Research Administrator

School of Human and Health Sciences Research Office (HHRG/11)
University of Huddersfield | Queensgate | Huddersfield | HD1 3DH

APPENDIX VII

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Research Invitation

«Forename» «Surname»
«Address1»
«Address2»
«Address3»
«PostCode»

Dear «Forename»,

You are invited to take part in a piece of research being carried out at the University of Huddersfield into jury service within criminal trial proceedings. The research will involve observing the recreation of a criminal trial acted out over the course of one day on **Sunday 23rd October 2016**, by professional lawyers in which you are invited to take part as a member of the jury.

The reason you are receiving this letter to your personal address is because the research is attempting to randomly select members of the public from the Huddersfield area, in much the same way as a real jury is selected. In an attempt to better understand how decisions are made by jurors in criminal trials (*more detailed information overleaf*), the research will involve you observing a mock court case along with 11 other volunteers before being asked to collectively agree upon a verdict: guilty or not guilty. Therefore, although your decisions will not have any real implications for the person who is acting the role of the defendant in this case, your answers will help us better understand the verdicts made by real trial jurors.

Although your agreement to take part is completely voluntary as a thank you, all those who take part will receive a small gesture of a £10 high-street gift voucher at the end of the day and lunch will be provided on the day. Therefore, if you meet the criteria set out on ***page 2*** and would like to take part, you can simply reserve a place via the Eventbrite web link listed overleaf, where further details and parking instructions can be found. Alternatively, if you don't have internet access but would like to take part you can contact the lead researcher on the 07903780152 to reserve you a place.

We hope to see you on the day of the study.

Yours Sincerely,

Dominic Willmott
Lead Researcher, University of Huddersfield
Email – Dominic.Willmott@hud.ac.uk
Tel – 07903780152

Prof. Daniel Boduszek
Project Head & Professor of Criminal Psychology

If you meet the following criteria and want to take part please register a place on the link below:

- Between 18 – 70 years old
- Have lived in the UK for at least 5 years and good comprehension of the English language
- No history of serious mental health issues or criminal convictions

Registration Link – Eventbrite (*Please simply type the link below into your web browser and click enter)*

http://tinyurl.com/ggu8lv7

Where and When:

Sunday 23rd October 2016

Arrival Time: 10.00am – 10.20am

Finish Time: 4.00pm (approx.)

at:

The Edith Key Building (in the Researcher Hub),

University of Huddersfield, Queensgate Campus *(Campus map and Parking instructions attached)*

Further Information:

Parking

Free parking is made available to all those registered to take part in the study throughout the day on either directly on Campus (Postcode: HD1 3DH) or at the Firth Street Car Park (next to the 3M Buckley Innovation Centre) Postcode: HD1 3BD. *(A campus map is attached or to contact campus security for directions if you get lost - 01484 472222).*

Disabled Access

The Researcher Building does have disabled access however would require use of a lift from another building in order to reach the deliberation rooms. Please contact the researcher on the details listed above if you require disabled access.

INFORMATION SHEET

You are invited to take part in a mock criminal jury trial at the University of Huddersfield, which is examining how jurors come to make their decisions in Court. Before you decide to take part it is important that you are fully aware of why the research is being carried out and what it will require you to do. Please read the information outlined below before agreeing to take part in the research and feel free to contact the researchers if you would like any more information.

Why have I been approached?
You have been asked to take part because we would like to find out what decisions people make when they are asked to decide whether an accused person is guilty of a crime in Court. In England juries in criminal trials are made up of twelve different people, each of whom have to form their own opinions on the evidence and reach a decision of whether the accused person is to be found guilty or not. Your responses are therefore critical in helping us better understand the decisions people make in criminal cases.

What will I need to do?
If you decide to take part in the research you will be asked to watch a re-enactment of a genuine criminal trial take place at the University of Huddersfield along with eleven other people who have also been randomly selected from the Huddersfield area to take part. The criminal trial will be re-enacted by real lawyers. Upon arrival on the day everything you will be asked to do will be explained in detail but essentially, it will involve you watching the trial take place and in your role as a 'juror' you with then be asked to deliberate along with other members of the jury deciding as a group, whether you find the defendant guilty or not guilty. Please note you will not be shown any distressing images or hear of any violence used as the case that will be re-enacted is purposely not of this nature. You will also be asked to anonymously answer some questions about the case and about yourself. Please note this will be completed independently and none of the other participants will see your answers at any point. *See trial schedule attached for approximate time frames throughout the day.*

Do I have to take part?
It is entirely your decision whether or not you want to take part as this is not a real jury trial and only an experiement that the University has invited you to partake in if you so wish. If you decide you are happy to take part you will be asked to sign a consent form which explains exactly what you have agreed to. If you decide at a later date that you no longer want to be included in the study, then you can withdraw your results without having to give any reason by contacting the researchers. Please note you will remain annonymous throughout the duration of the research identified only by using a juror number, not your real name and nobody will contact you at a later date about your answers / verdict decision.

What if the I get upset by the information in the case?
The case you will be making decisions about will be a sexual crime and so it is possible that you may become upset by what you hear or discuss with the other people taking part. It is however important to remember that you are free to withdraw from taking part at any time and do not have to give a reason if you choose to do this. Care has been taken to make sure you will not be exposed to any overly distressing content or upsetting images within the case but if you begin to feel distressed or upset you are free to leave the experiement all together. Alternatively, if you feel upset or distressed after you finish taking part or would like to talk to somebody about any of the issues raised, then you may wish to speak to any of the support services whose details are provided at the end of this information sheet.

Will my identity be disclosed?
No. All of your information will be kept confidential and your name will be replaced with a unique juror number throughout the study.

What will happen to the information?
The information collected during the research will be stored securely in a locked unit and any identifiable material, such as names will be replaced with a unique juror number to ensure your anonyminity throughout. Having said this, it is likely that the research may be published at a later date in a journal or report however, where this is the case at no point will you be identifiable.

How can I find out about research findings?
After the research has finished on the day that you take part you will be debriefed about the reason and objectives of the study and be allowed to ask any questions you may have. Subsequent to completion of data collection and analysis (March 2017), feedback on the study findings overall can also be provided by contacting the lead researcher using the details below.

Who can I contact for further information?
Where you require any further information about the research, please contact the lead researcher below:

- Lead Researcher – Dominic Willmott: Dominic.Willmott@hud.ac.uk
- Project Head & Professor of Criminal Psychology – Prof. Daniel Boduszek

Support Services – Contact Information

University of Huddersfeild - Wellbeing Services
Central Service Building – Level 4
Queensgate Campus
HD1 3DH
Tel - 01484 472227
Opening Hours: Monday to Friday 9.00am – 5.00pm

Samaritans
Freephone - 116 123 (Available 24/7)
Huddersfield Branch
14 New North Parade
Huddersfield
HD1 5JP
Tel - 01484 533388

Victim Support
Kirklees Branch
Civic Centre 1
Huddersfield
HD1 2NF
Tel – 01924 294028
National Support Line – 0300 3031971

APPENDIX VIII

University of HUDDERSFIELD
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INFORMATION SHEET

You are invited to take part in a mock criminal jury trial at the University of Huddersfield, which is examining how jurors come to make their decisions in Court. Before you decide to take part it is important that you are fully aware of why the research is being carried out and what it will require you to do. Please read the information outlined below before agreeing to take part in the research and feel free to contact the researchers if you would like any more information.

Why have I been approached?
You have been asked to take part because we would like to find out what decisions people make when they are asked to decide whether an accused person is guilty of a crime in Court. In England juries in criminal trials are made up of twelve different people, each of whom have to form their own opinions on the evidence and reach a decision of whether the accused person is to be found guilty or not. Your responses are therefore critical in helping us better understand the decisions people make in criminal cases.

What will I need to do?
If you decide to take part in the research you will be asked to watch a re-enactment of a genuine criminal trial take place at the University of Huddersfield along with eleven other people who have also been randomly selected from the Huddersfield area to take part. The criminal trial will be re-enacted by real lawyers. Upon arrival on the day everything you will be asked to do will be explained in detail but essentially, it will involve you watching the trial take place and in your role as a 'juror' you with then be asked to deliberate along with other members of the jury deciding as a group, whether you find the defendant guilty or not guilty. Please note you will not be shown any distressing images or hear of any violence used as the case that will be re-enacted is purposely not of this nature. You will also be asked to anonymously answer some questions about the case and about yourself. Please note this will be completed independently and none of the other participants will see your answers at any point. *See trial schedule attached for approximate time frames throughout the day.*

Do I have to take part?
It is entirely your decision whether or not you want to take part as this is not a real jury trial and only an experiement that the University has invited you to partake in if you so wish. If you decide you are happy to take part you will be asked to sign a consent form which explains exactly what you have agreed to. If you decide at a later date that you no longer want to be included in the study, then you can withdraw your results without having to give any reason by contacting the researchers. Please note you will remain annonymous throughout the duration of the research identified only by using a juror number, not your real name and nobody will contact you at a later date about your answers / verdict decision.

What if the I get upset by the information in the case?
The case you will be making decisions about will be a sexual crime and so it is possible that you may become upset by what you hear or discuss with the other people taking part. It is however important to remember that you are free to withdraw from taking part at any time and do not have to give a reason if you choose to do this. Care has been taken to make sure you will not be exposed to any overly distressing content or upsetting images within the case but if you begin to feel distressed or upset you are free to leave the experiement all together. Alternatively, if you feel upset or distressed after you finish taking part or would like to talk to somebody about any of the issues raised, then you may wish to speak to any of the support services whose details are provided at the end of this information sheet.

Will my identity be disclosed?
No. All of your information will be kept confidential and your name will be replaced with a unique juror number throughout the study.

What will happen to the information?
The information collected during the research will be stored securely in a locked unit and any identifiable material, such as names will be replaced with a unique juror number to ensure your anonyminity throughout. Having said this, it is likely that the research may be published at a later date in a journal or report however, where this is the case at no point will you be identifiable.

How can I find out about research findings?
After the research has finished on the day that you take part you will be debriefed about the reason and objectives of the study and be allowed to ask any questions you may have. Subsequent to completion of data collection and analysis (March 2017), feedback on the study findings overall can also be provided by contacting the lead researcher using the details below.

Who can I contact for further information?
Where you require any further information about the research, please contact the lead researcher below:

- Lead Researcher – Dominic Willmott: Dominic.Willmott@hud.ac.uk
- Project Head & Professor of Criminal Psychology – Prof. Daniel Boduszek

Support Services – Contact Information

University of Huddersfeild - Wellbeing Services
Central Service Building – Level 4
Queensgate Campus
HD1 3DH
Tel - 01484 472227
Opening Hours: Monday to Friday 9.00am – 5.00pm

Samaritans
Freephone - 116 123 (Available 24/7)
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CONSENT FORM

Please take time to carefully read each of the elements below, ensuring you understand and consent to the statements before ticking each box and signing the form below. *Note:* All participation is completely voluntary and you are entitled to withdraw from the research up until the stipulated dates. For any further information or to raise concerns please contact the primary researcher; Dominic.Willmott@hud.ac.uk.

I have previously read the Information Sheet informing me of the objectives in this research (sent via post) and the study has been outlined to me. ☐

I understand that I have the right to withdraw from the study without the need to provide a reason if I want to, until the 01.12.2016. ☐

I understand all sensitive information will be securely stored at the University safely, after which the information will be securely destroyed. ☐

I understand that only the primary researcher and project leader will have access to completed participant information / questionnaires and all other persons requiring access to data, will view only anonymised information. ☐

I understand that study findings may be disseminated within future research outputs including publications but will continue to be anonymised. ☐

I understand that the use of a unique juror participant number will guarantee me future anonymity throughout all use of my information. ☐

I understand that some recording may take place throughout the day but that I will never be shown or identified in this footage in anyway (recording for internal use only) ☐

In summary I give my consent to take part in the live trial research that has been explained to me. ☐

Signature of Participant:	Signature of Researcher:
Print:	Print: D. Willmott
Date: 21.10.2016	Date: 22.10.2016

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Unique Juror No:
J

Section 1 – About You

Gender:

Age:

Occupation *(if any)*:

Ethnicity:

Marital Status:

Highest Education Qualification: *(Please select your highest qualification)*

☐ Secondary School and Equivalent (e.g. GCSE/ O-Level/ CSE) or Less

☐ College / Vocational Course (e.g. A-Levels/ NVQ/ B-TEC/ Apprenticeships)

☐ University Degree / Master's Degree

☐ Professional Degree / Doctorate (e.g. MD, PhD)

☐ Other:……..

Do you have children? YES NO

If yes, please specify Gender: ……..

Please answer Yes or No to each of the statements below.	Yes	No
Have you lived in the UK for a period of at least 5 years, since the age of 13?		
Have you worked for the police or prison service in the last five years?		
Have you ever been arrested for a crime?		
Have you ever been a victim of crime?		
Have you ever been a victim of a serious crime?		
Have you ever been a victim of a sexual crime?		
Have you had any personal experience of a serious sexual offence, such as Rape?		
Have any of your friends or relatives ever been a victim of a serious sexual offence such as, Rape?		
Do you know anybody personally who has been accused or convicted of a sexual offence such as, Rape?		
Have you ever sat on a jury trial in the past?		

Please rate the degree to which you agree with the following statements. You can be honest because your name will not be attached to your answers and no other participants will see your responses at any point ***(please circle your answer)***.

1	2	3	4	5	6	7
Completely Disagree	**Disagree**	**Disagree Somewhat**	**Neutral**	**Agree Somewhat**	**Agree**	**Completely Agree**

1. When it comes to sexual contacts, women expect men to take the lead.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

2. Once a man and a woman have started "making out", a woman's doubts against having sex will automatically disappear.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

3. A lot of women strongly complain about sexual infringements for no real reason.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

4. To get custody for their children, women often falsely accuse their ex-husband of a tendency towards sexual violence.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

5. Interpreting harmless gestures as "sexual harassment" is a popular weapon in the battle of the sexes.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

6. It is a biological necessity for men to release sexual pressure from time to time.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

7. After a rape, women nowadays receive substantial support.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

8. Nowadays, a large proportion of rapes are partly caused by the representation of sexuality in the media, as this raises the sex drive of potential offenders.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

9. If a woman invites a man to her home for a cup of coffee after a night out this means that she wants to have sex.
   Completely disagree 1 2 3 4 5 6 7 *Completely agree*

10. As long as they don't go too far, suggestive remarks and references simply tell a woman that she is attractive.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

11. Any woman who is careless enough to walk through "dark alleys" at night is partly to be blamed if she is raped.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

12. When a woman starts a relationship with a man, she must be aware that the man will assert his right to have sex.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

13. Most women prefer to be praised for their looks rather than their intelligence.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

14. Because the fascination caused by sex is disproportionately large, our society's sensitivity to crimes in this area is disproportionate as well.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

15. Women like to play shy and modest. This does not mean that they do not want sex.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

16. Many women tend to exaggerate the problem of male violence.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

17. When a man urges his female partner to have sex, this cannot be called rape.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

18. When a single woman invites a single man to her flat she signals that she is not against the idea of having sex.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

19. When politicians deal with the topic of rape, they do so mainly because this topic is likely to attract the attention of the media.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

20. When defining "marital rape", there is no clear-cut distinction between normal married intercourse and rape.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

21. A man's sexuality functions like a steam boiler – when the pressure gets too high, he has to "let off steam".
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

22. Women often accuse their husbands of marital rape just to retaliate for a failed relationship.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

23. The discussion about sexual harassment on the job has mainly resulted in many harmless behaviours being misinterpreted as harassment.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

24. In dating situations the general expectation is that the woman "hits the brakes" and the man "pushes ahead".
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

25. Although the victims of armed robbery have to fear for their lives, they receive far less psychological support than do rape victims.
    Completely disagree 1 2 3 4 5 6 7 *Completely agree*

26. Alcohol is often the culprit when a man rapes a woman.

Completely disagree 1 2 3 4 5 6 7 *Completely agree*

27. Many women tend to misinterpret a well-meant gesture as a "sexual assault".

Completely disagree 1 2 3 4 5 6 7 *Completely agree*

28. Nowadays, the victims of sexual violence receive sufficient help in the form of women's shelters, therapy offers, and support groups.

Completely disagree 1 2 3 4 5 6 7 *Completely agree*

29. Instead of worrying about alleged victims of sexual violence society should rather attend to more urgent problems, such as environmental destruction.

Completely disagree 1 2 3 4 5 6 7 *Completely agree*

30. Nowadays, men who really sexually assault women are punished justly.

Completely disagree 1 2 3 4 5 6 7 *Completely agree*

Please rate the **degree to which you agree with the following statements about you.** You can be honest because your name will not be attached to the answers in any way *(Please tick one option).*	I strongly disagree	I disagree	Sometimes	I agree	I strongly agree
1. I don't care if I upset someone to get what I want.					
2. Before criticizing somebody, I try to imagine and understand how it would make them feel.					
3. I know how to make another person feel guilty.					
4. I tend to focus on my own thoughts and ideas rather than on what others might be thinking.					
5. What other people feel doesn't concern me.					
6. I always try to consider the other person's feelings before I do something.					
7. I know how to pay someone compliments to get something out of them.					
8. I don't usually appreciate the other person's viewpoint if I don't agree with it.					
9. Seeing people cry doesn't really upset me.					
10. I am good at predicting how someone will feel.					
11. I know how to simulate emotions like pain and hurt to make others feel sorry for me.					
12. In general, I'm only willing to help other people if doing so will benefit me as well.					
13. I tend to get emotionally involved with a friend's problems.					
14. I'm quick to spot when someone is feeling awkward or uncomfortable.					
15. I sometimes provoke people on purpose to see their reaction.					
16. I believe in the motto: "I'll scratch your back, if you scratch mine".					
17. I get filled with sorrow when people talk about the death of their loved ones.					
18. I find it difficult to understand what other people feel.					
19. I sometimes tell people what they want to hear to get what I want from them.					
20. It's natural for human behaviour to be motivated by self-interest.					

VERDICT DECISION FORM 1

Unique Juror No:
J

Now that you have heard all of the evidence in this case, please answer each of the following questions below: ***(Please tick your decision)***

How do you find the defendant on the charge of Rape?	GUILTY	NOT GUILTY
Do you believe Jake's guilt was proven beyond a reasonable doubt?	PROVEN	NOT PROVEN

Please give your rating on different aspects of the evidence and your decisions about the case. You can be honest because your name will be detached from the answers and no other participants will see your responses.	Not at All	Not Very	Somewhat	Very Much	Extremely
1. To what extent do you feel Jake Walkers guilt was proven 'Beyond a Reasonable Doubt' by the prosecution?					
2. Thinking about your decision of 'guilty' or 'not guilty' above, how confident are you that you made the right decision?					
3. How well did the evidence cover or match what *Sarah Adams* said happened?					
4. How complete was *Sarah Adams* story in the sense that no aspects were missing or unsupported by the evidence?					
5. How plausible do you feel *Sarah Adams* version of events is, in that you think what she said happened is possible and likely?					
6. How coherent was *Sarah Adams* story, meaning that the different stages she described as happening were logically connected?					
7. How unique was *Sarah Adams* account, in that you feel it was the only possible explanation of the evidence heard?					
8. How consistent was *Sarah Adams* version of events with the evidence presented overall?					
9. Overall, how much do you believe *Sarah Adams* version of events?					
10. How well did the evidence cover or match what *Jake Walker* said happened?					
11. How complete was *Jake Walkers* story in the sense that no aspects were missing or unsupported by the evidence?					
12. How plausible do you feel *Jake Walkers* version of events is, in that you think what he said happened is possible and likely?					
13. How coherent was *Jake Walkers* story, meaning that the different stages he described as happening were logically connected?					
14. How unique was *Jake Walkers* account, in that you feel it was the only possible explanation of the evidence heard?					
15. How consistent was *Jake Walkers* version of events with the evidence presented overall?					
16. Overall, how much do you believe *Jake Walkers* version of events?					
17. Finally, how confident are you overall that you made the right verdict decision in this case?					

VERDICT DECISION FORM 2

Unique Juror No:
J

Now deliberations have concluded please answer the questions below again **giving your own opinion** on the statements listed. Remember none of your fellow jurors will see you answers and you should fold your answers in half once completed.

(Please tick your decision)

How do you find the defendant on the charge of Rape?	GUILTY	NOT GUILTY
Do you believe Jake's guilt was proven beyond a reasonable doubt?	PROVEN	NOT PROVEN
If it were entirely up to you as a one person jury, what would your verdict have been in this case?	GUILTY	NOT GUILTY

If after deliberation you have changed your decision about the defendant's guilt, please provide the main 2 reasons why below;

Now deliberations have finished please finally give your rating on the different aspects of the evidence and your decisions about the case below.	Not at All	Not Very	Somewhat	Very Much	Extremely
1. To what extent do you feel Jake Walkers guilt was proven 'Beyond a Reasonable Doubt' by the prosecution?					
2. Thinking about your decision of 'guilty' or 'not guilty' above, how confident are you that you made the right decision?					
3. How well did the evidence cover or match what *Sarah Adams* said happened?					
4. How complete was *Sarah Adams* story in the sense that no aspects were missing or unsupported by the evidence?					
5. How plausible do you feel *Sarah Adams* version of events is, in that you think what she said happened is possible and likely?					
6. How coherent was *Sarah Adams* story, meaning that the different stages she described as happening were logically connected?					
7. How unique was *Sarah Adams* account, in that you feel it was the only possible explanation of the evidence heard?					
8. How consistent was *Sarah Adams* version of events with the evidence presented overall?					

Continuing from above please rate the final aspects of the evidence.	Not at All	Not Very	Somewhat	Very Much	Extremely
9. Overall, how much do you believe *Sarah Adams* version of events?					
10. How well did the evidence cover or match what *Jake Walker* said happened?					
11. How complete was *Jake Walkers* story in the sense that no aspects were missing or unsupported by the evidence?					
12. How plausible do you feel *Jake Walkers* version of events is, in that you think what he said happened is possible and likely?					
13. How coherent was *Jake Walkers* story, meaning that the different stages he described as happening were logically connected?					
14. How unique was *Jake Walkers* account, in that you feel it was the only possible explanation of the evidence heard?					
15. How consistent was *Jake Walkers* version of events with the evidence presented overall?					
16. Overall, how much do you believe *Jake Walkers* version of events?					
17. How confident are you overall that you made the right verdict decision in this case?					

Finally, at what point did you make up your mind of what you believed the verdict should be?
(*Please select one option from below)*

After hearing Sarah Adams testimony	**After hearing Jake Walkers testimony**	**After hearing the Judges Summary**	**After discussing the case with the other jurors**	**Other (*Please detail on the line below)***

……

……

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DEBRIEFING FORM

Thank you for your contributions within the present research. The answers you have provided alongside giving up your time to take part are greatly appreciated and have important implications for ensuring justice is served within criminal trials in the UK. The purpose of the present study was to investigate the effect that different attitudes people hold as well as different aspects of personality, can have upon the decisions formed within a jury trial. These factors were measured through the series of questions that you completed both before and after hearing evidence in the case. It is hoped that the research will provide further insights into how jurors make decisions within difficult to convict rape cases and as such may have the potential make recommendations around prosecuting such cases in the future. Outputs after the research is completed are likely to include conference presentations, published journal articles and formal research reports to official governmental organisations.

If you feel you have become upset or distressed by the research we would recommend you refer to the contact details below of free and independent local support agencies. Please be sure to hand back all relevant answer booklets to the research team and retain your personal copy of the information sheet for your records.

Thank you once again for participating in this study, we greatly appreciate you offering your time and hope that the results of this research will lead to fairer and safer verdict decisions within criminal trials in the future. Please feel free to direct any questions or feedback you have today or at a later date to the lead research Dominic Willmott at:
Email - Dominic.Willmott@hud.ac.uk

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