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THE EFFECTS OF PRE-TRIAL PUBLICITY ON THE PREDICTIONS OF DURATION OF  
JURY DELIBERATION

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PRE-TRIAL PUBLICITY AND DELIBERATION DURATION

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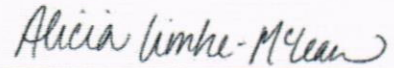
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A THESIS APPROVED FOR  
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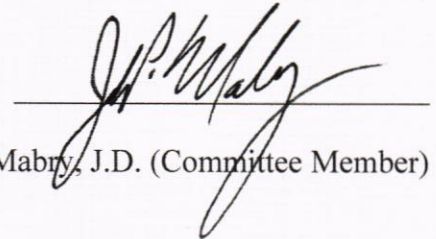
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## PRE-TRIAL PUBLICITY AND DELIBERATION DURATION

### ABSTRACT

Pre-trial publicity can result in juror bias, memory errors, and biased perceptions, leading to issues within trials and jury deliberation. It is nearly impossible to avoid due to media and that publicity having multiple outlets to share information. Multiple methods have been researched in their ability to reduce the effects of PTP, but only minimally. Past research has found that PTP increases the likelihood of a guilty verdict and exposure to it will decrease the chance of a fair trial with impartial jurors. This study examines how negative PTP regarding specific people affects the predicted length of deliberation, rate of guilty verdicts, and predicted confidence in final decisions. A total of 106 participants were recruited for this study, with an average of 26 participants in each of the four conditions. Participants were recruited through a campus-wide email blast. The survey consisted of demographic questions, article summaries pertaining to the defendant, victim, both, or crime in general, and an edited video of the *NJ vs. Bias* trial. Participants then completed a survey containing questions about the verdict they believed they would choose, the verdict they believed the jury would choose, their confidence in those decisions, whether they believed the PTP affected their decisions and would affect the jury's decision, and whether PTP should be limited or restricted before and during trials. There were no significant results for predicted deliberation times, predicted jury verdicts, individual decisions, or confidence ratings between any PTP exposure conditions. Results of this study do not indicate that PTP regarding different subjects has significant effects on juror decisions and predicted jury verdicts. However, changes to exposure time and retention intervals could potentially yield different results if a similar study is performed again in the future. Future research should focus on creating more real-world jury simulations in order to gain a greater understanding of PTP's effects and how to mitigate them.

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### **Introduction**

The justice system in America includes multiple complex components, which serve as pillars to fair and just trials. The court system acts as one of the most important aspects to our justice system and includes yet another handful of important factors meant to bring justice to and for the American people. One of the aspects of the court system that has proven its importance time and time again is the jury system and its deliberations. Deliberation by a jury is a process that varies widely across trials. For example, the jury for the O.J Simpson trial deliberated for less than four hours while the jury on the McClure vs. Long Beach trial deliberated for four and a half months. Along with this, there is some debate about the true effectiveness of juries because they are quite susceptible to many different opinions, facts, pressures, and beliefs. There have been a handful of factors identified that affect the length and effectiveness of deliberation such as jury size, unanimity requirements, case complexity, crime severity, the number of excused jurors, and pre-trial publicity (PTP; Bakhshay & Haney, 2018; Brunell, Dave, & Morgan, 2007). All these influences can come from sources such as judges, lawyers, jurors, news media, and more. There has been some research that focuses on PTP's effects on jurors (Ruva & Guenther, 2015), including what factors affect deliberation outcomes (Ruva, McEvoy, & Bryant, 2007), but the length of deliberation after jurors are exposed to PTP has not been studied extensively (Brunell, Dave, & Morgan, 2009; Ruva & McEvoy, 2008).

PTP is any information presented (positive, negative, or neutral) before a trial which may potentially affect jurors' opinions about the case before hearing trial evidence (Studebaker & Penrod, 1997). This potentially prejudicial information provided by news outlets, magazines, newspapers and more can affect jurors' ability to be impartial and possibly a defendant's right to a fair trial (Daftary-Kapur, Dumas, & Penrod, 2010; Ruva, McEvoy, & Bryant, 2007). For

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example, Bakhshay and Haney (2018) examined trial verdicts after exposure to PTP released ahead of a large sample of capital cases. Results of this meta-analysis displayed that a large sample of cases that were the subject of prejudicial, sensationalized, and negative news media led to harsher sentences, such as the death penalty or life in prison with no chance of parole. Due to this robust biasing effect, PTP has been the focus of many research experiments for quite some time now. PTP imparts its biasing effects in a multitude of ways, influencing decision-making processes, memory, and pre-trial perceptions.

Different theories attempt to explain how PTP might create these biases in jurors, including the negativity bias, the story theory and pre-decisional distortion theory. Several theories exist to explain how and why PTP affects jurors and decision-making processes. PTP's biasing effects may be created by altering jurors' perceptions of credibility, changing jurors' ability to differentiate between PTP and trial evidence, eliciting emotional responses, and creating pre-decisional distortion (Carlson & Russo, 2001; Ruva & Guenther, 2015; Ruva, Guenther, & Yarbrough, 2011). These alterations in perceptions can be attributed to the negativity bias, indicating that jurors may have difficulty being impartial during trial due to previous negative information being weighed as heavily important (Ruva & McEvoy, 2008). Additionally, story theory postulates that jurors utilize information they have already acquired along with trial information to create a mental representation or story (Pennington & Hastie, 1988, 1993). Jurors then interpret any following trial information and evidence through their existing cognitive representations, leading to a full and consistent story (Tversky & Kahneman, 1974). When a case has been highly publicized, it is likely that jurors arrive to trial with a complete story already in place. This theory displays one method in which PTP may bias jurors and affect their decision-making processes.

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Similar to story theory, the pre-decisional distortion theory also provides a possible explanation of how PTP imparts its biasing effects. The pre-decisional distortion theory posits that jurors do not weigh trial evidence and information according to its actual supportive value, but instead weigh and interpret evidence and information based on their biases and preferred side, much like the negativity bias mentioned above (Carlton & Russo, 2001). This is sometimes referred to as confirmation bias. These biased interpretations, regardless of whether the PTP presented positive or negative, leads to altered decision-making processes and influenced final verdicts (Hope, Memon, & McGeorge, 2004; Ruva et al., 2011).

Even if the PTP is not itself biased, repeated exposure to information prior to a trial could impact jurors' perceptions. Priming is a form of implicit memory in which previously seen information can affect people's perceptions, decisions, or opinions without being consciously aware of its impact (Tulving & Schacter, 1990). Research has found that priming has two main characteristics, the first being that the extent of a prime's effects on a specific behavior or thought is a function of both the intensity and recency of the prime (Higgins, Bargh, & Lombardi, 1985). The second characteristic is that priming effects tend to fade with time. However, research has found that tasks that include judgements or evaluations of social stimuli lead to the priming effects fading more slowly, lasting over a day in some cases, compared to 700 milliseconds in decision tasks (Srull & Wyer, 1979).

Many studies have focused on media, entertainment, and politics and how certain messages can be primed in people that are consuming the information. In one study analyzing opinions on President Reagan, just a few days before the priming event of the Attorney General announcing the sale of weapons to Iran in November of 1986, participants were interviewed about their beliefs on Reagan and his handling of domestic and foreign affairs (Krosnick &



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Kinder, 1990). After the announcement of the arms sales and profit distribution, participants were interviewed again about their perceptions with the same questions. Before the priming event, participants gauged President Reagan's performance using domestic issues and affairs, but after the priming event, evaluations of Reagan's performance were based on foreign affairs (Krosnick & Kinder, 1990). Other studies have also shown how media coverage can change how people rate the importance of topics to which they had been primed through the media. Iyengar, Peters, and Kinder (1982) exposed participants to one of three topics: defense preparedness, pollution, and inflation. Participants were then asked to rate a handful of national problems by importance, personal concern, necessity for government action, and amount of conversation about the topic in their lives. The results displayed that participants grew increasingly concerned with the issue that was primed in their experimental conditions, and evaluated Carter's performance based more on the issue they were primed with (Iyengar, Peters, & Kinder, 1982). A more recent study has found similar results through social media posts (Feezell, 2018). Several campus Facebook groups were used in the study. Before any stories were posted, members of each group were polled about how important certain topics were to them (e.g., immigration and climate change). Following this poll, a mixture of stories about these topics were posted over the course of 75 days. After this period, the members of the groups were surveyed again. Participants ratings of importance increased based on which topics they read about (Feezell, 2018). This is a form of the mere exposure effect, wherein people tend to rate things as more favorable or important simply because they have experienced it before, or it is familiar to them.

Priming and the mere exposure effect can be compared to PTP regarding a trial in which exposure to information about the victim, defendant, or the case in general can lead people to

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formulate opinions about the importance of certain pieces of evidence or create preconceived notions about the defendant and/or victim instead of attempting to remain impartial.

Baumgartner and Wirth (2012) investigated how affective priming influenced how people read and remembered news articles. They found that those who were primed by reading an initially very positive news article recalled more positive details from subsequent (ambiguous) news articles that they read than those who were primed with an initial negative news article.

Likewise, those who were primed by reading a negative news article recalled more negative details from subsequent (ambiguous) news articles. This result suggests that reading negative news stories can affect how you receive and remember information later. In the context of PTP, reading negative news stories prior to a trial could influence what jurors remember from the trial that follows. In all, the research on media priming suggests that the perceptions people hold when entering a situation make it hard for people to truly be objective and judge situations and events based on their true value, instead of their own beliefs. This can be connected to how PTP affects jurors' ability to be impartial during a trial because people will interpret information and evidence presented to them through the mental models they have created from past information, and according to the beliefs they have previously formulated.

In a real trial, not all jury members are exposed to the same types of PTP. Some jurors may see information that is negatively skewed against the defendant, some may see PTP that is negatively skewed against the victim, or PTP that is more neutral about both the victim and defendant. It's also possible that all members of the jury experience the same type of PTP. Research has therefore examined how deliberations differ based on whether all jurors are exposed to the same kind of PTP (pure or homogenous juries) or jurors are all exposed to different PTP (mixed or heterogenous juries), with various results. Some studies display results

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indicating that mixed-PTP juries are less biased (Ruva & Guenther, 2017), whereas others show they are more biased (Bruschke, Hill, Fiber-Ostrow, and Loges, 2016; Ruva & Guenther, 2017). Research from Ruva and Coy (2020) examining how PTP slanted against either the prosecution or the defense found an increase in bias in juries exposed to pure-PTP, especially pure anti-prosecution juries, while mixed-PTP led to jurors discussing and sharing their biases with each other more often. In addition, research has found that PTP has a significant effect on individual juror verdicts following deliberation (Ruva & Guenther, 2017).

Along with this, studies have found mixed results when examining how the subject and slant of PTP impacts jurors. Does PTP focusing on either the victim or defendant positively or negatively bias jurors? Research shows that mock juries only exposed to positive-defendant PTP displayed the lowest conviction rates, while those juries only exposed to negative-defendant PTP displayed the highest conviction rates (Bruschke et al., 2016). In addition to the overall juries' verdicts, individual juror decisions after deliberation were significantly affected by PTP with jurors exposed to positive-defendant PTP showing the lowest rate of conviction and those exposed to negative-defendant PTP displaying the highest rate of conviction. Jurors exposed to positive-defendant PTP serving on mixed PTP juries did not differ considerably from jurors that were exposed to negative-defendant PTP serving on mixed juries (Bruschke et al., 2016). Findings from a study slightly different from that of Bruschke and colleagues (2016) that examined effects of negative defendant PTP versus no PTP exposure on individual juror decisions, instead of positive-defendant PTP versus negative-defendant PTP, showed that jurors exposed to negative-defendant PTP display prominently higher conviction rates than those not exposed to PTP (Ruva & Guenther, 2017). All this research illustrates that different kinds of PTP, and different levels of exposure can affect jurors and jury decisions differently.

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The present study examined how exposure to negative PTP regarding the defendant or victim would affect the predicted duration of jury deliberation, the rate of guilty verdicts, and confidence in those decisions. Participants either received PTP that was negatively slanted against the defendant, negatively slanted toward the victim, a combination of negative PTP about both the defendant and victim, or no PTP.

Examining the length of jury deliberation is important, as deliberation length can provide a glimpse into whether the jury is biased or not (Brunell, et al., 2009). Guilty verdicts have been found to take less time than not guilty verdicts, which can again provide evidence about biases within the jury, especially if the case is a highly publicized one. Based on previous literature, the current study theorized that negative PTP about the defendant would lead to shorter predicted deliberation times compared to those who received negative PTP about the victim or no PTP, due to biases and altered perceptions ahead of the trial.

A study by Holstein (1985) found that if multiple jurors interpreted the trial evidence differently and disagree on what happened, deliberations take longer. In the context of bias created through PTP, the mixed PTP condition might create more potential interpretations of the trial evidence and take longer to deliberate compared to juries that experience one type of PTP, in which case only one viewpoint is presented. Therefore, participants exposed to only one type of PTP, whether it is purely slanted against the victim or defendant, were expected to predict shorter deliberation times than those given a mixture of PTP or no PTP.

Similar to past research (Ruva & Coy, 2020), participants exposed to defendant-biased PTP were expected to render the highest number of guilty verdicts for the jury, while participants exposed to victim-biased PTP were expected to render the least. Mixed bias PTP was expected to lead to guilty verdicts less than defendant biased PTP, but more often than victim biased PTP.

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Similarly, participants were expected to follow the same trend for their individual decisions (regarding guilt). Along with this, participants exposed to defendant-biased PTP were expected to display the most confidence in their decisions for both individual and jury verdicts, while those exposed to mixed PTP were predicted to display the lowest confidence for both decisions. To summarize, the hypotheses of the current study were as follows:

- H1: Participants exposed to defendant-biased PTP will predict the shortest deliberation times
- H2: Participants only exposed to one kind of PTP will predict the jury will deliberate for the shortest amount of time, compared to those exposed to mixed PTP or no PTP
- H3: Participants exposed to defendant-biased PTP will render the guilty decisions the most frequently, same trend for jury verdicts; victim-biased PTP rendering the least
- H4: Participants exposed to defendant-biased PTP will display the highest confidence in their decisions, same trend for jury confidence; mixed PTP showing the lowest

### Method

#### Participants

Faculty and students at the University of Central Oklahoma were recruited through a campus-wide email blast. Of the 155 people who completed the survey, 49 were removed for having not watched the trial video. This was established based on their total time in the survey being less than the length of the video, which resulted in  $N = 106$ . The average age of participants was 32.69 years of age ( $SD = 14.65$ ) with a range of 18 to 77 years. Seventy-six participants identified as Caucasian, six identified as African American, three as Asian, seven as Latino or Hispanic, and four as Native American. Eight participants identified as two or more ethnicities listed, and two participants chose not to identify their ethnicity. Of the 106

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participants, 65 of them identified as a woman, 38 identified as a man, and three identified as gender non-conforming or gender variant. Participants were not compensated.

### **Materials**

#### ***The Trial***

The trial stimulus consisted of video footage from the NJ vs. Bias criminal trial that was edited down to approximately 17 minutes. This trial covered the suspicious death of Lise Bias. Her husband, Daniel, was accused of killing Lise, but the defense team argued that her death was a suicide. Ambiguity of the trial was maintained to the best of this researcher's ability. The survey was structured so participants could not fast-forward or skip over the video until the video was played in its entirety. The case involved a man accused of killing his wife, along with relevant trial evidence. The defendant pleaded not guilty and claimed the gun fired when he was attempting to stop his wife from committing suicide. The video also included judicial instructions, the charges brought against the defendant, opening and closing statements, and direct and cross-examinations of family and experts. This trial has previously been perceived as convincing, realistic, and ambiguous in terms of guilt. It has been used in earlier research to study PTP effects (Ruva & McEvoy, 2008).

#### ***Pre-Trial Publicity***

Participants were provided actual news media regarding the NJ vs. Bias case that were summarized into bulleted information regarding the case in general, victimology, where the scene took place, when the crime occurred, and additional information that was not included in the trial. The four conditions in the study differed in the type of PTP (i.e., article summaries) participants received. Participants in the victim-biased PTP condition were provided negative PTP about the victim, whereas those in the defendant-biased PTP condition were provided

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negative PTP pertaining to the defendant. Participants in the mixed PTP condition were given article summaries that included negative information about both the victim and defendant.

Participants in the no PTP control condition were given article summaries that were irrelevant to the trial but pertained to crime and laws in general. Examples of information included in the article summaries for each condition are included below, and a complete list of article summaries can be found in Appendix A.

### Defendant-biased:

- Friends and family stated the couple frequently argued and that Daniel had a bad temper and drinking problem. They stated he was always mad when it came to his wife and would “shoot everything in sight when he thought about her” when he was at the shooting range. Friends also said Daniel went to the shooting range on the day Lise died.

### Victim-biased:

- During the argument on the night of her death, Daniel revealed to Lise that he knew about her history of abusing children in her distant family that she was watching. After he told her this, Daniel says she then grew extremely upset and grabbed the gun.

### Mixed PTP:

- Mixture between both defendant-biased and victim-biased, same stories as above.

### No Bias:

- Car thefts and burglaries increased 9% in 1988, and personal and household crime went up 1.8% for the second year in a row, as reported by the Justice Department.

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### ***Guilt Ratings***

Participants were asked to provide what verdict they believed they would vote as an individual if placed on the jury for this case. They were also be asked to select what verdict they predicted the jury would decide on in this case. Participants were given the verdict options of guilty, innocent, and not sure. They were also provided an opportunity to enter in their own answer if they did not agree with any of the other three choices.

### ***Confidence Ratings***

Participants were also asked to rate their confidence in their decisions about what verdict would be decided, for both their individual verdict and their prediction about the jury's verdict. These confidence ratings were completed on a 5-point Likert-type scale, with 1 being the least confident and 5 being the most confident.

### ***Deliberation Time Predictions***

Participants were asked to predict how long they thought the jury might deliberate on this case before coming to a unanimous decision. A 10-point sliding scale was provided to participants, in which each point signified an hour. Participants were able to mark half hours as well.

### ***Publicity's Effects Ratings***

Participants were asked rate how much they believed that exposure to news and publicity before the trial affected verdict decisions and the amount of time it would take to deliberate. They rated this in regard to possible effects on both their individual decisions and predicted jury decisions. Each of these ratings was completed on a 5-point Likert-type scale with 1 being "news and publicity definitely did not affect" the time taken to reach a verdict and the decision made



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and 5 being “news and publicity definitely did affect” the time taken to reach a verdict and the decision made.

### *Publicity Restrictions Ratings*

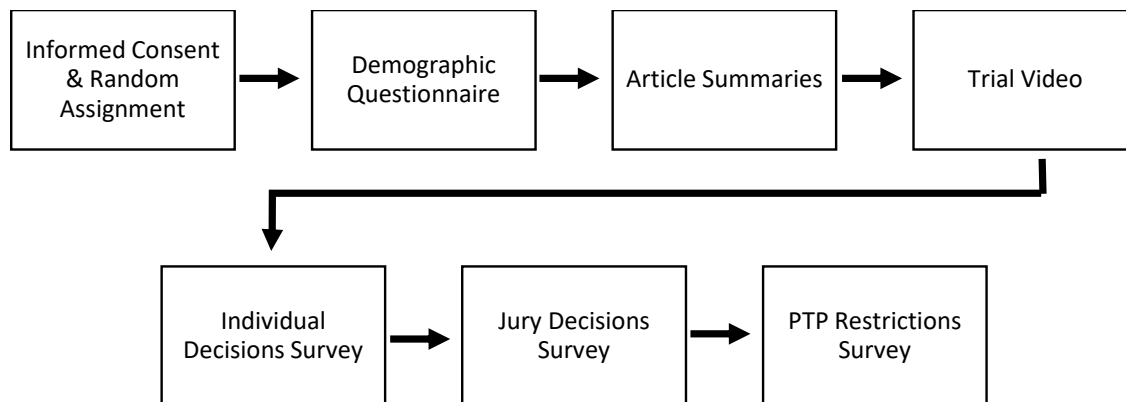
Finally, participants were asked if they believed that news and publicity should be limited or restricted before trial as well as during a trial. These two questions were completed using 5-point Likert-type scales, with 1 being that news and publicity definitely should not be limited or restricted before or during a trial and 5 being that news and publicity definitely should be limited or restricted before or during a trial.

### **Procedure**

The independent variable in this study was the type of PTP participants read. There were four conditions: defendant-biased PTP ( $n = 31$ ), victim-biased PTP ( $n = 25$ ), mixed PTP ( $n = 22$ ), and no PTP control condition ( $n = 28$ ). The dependent variables for this study were jury and individual verdicts, jury deliberation time predictions, individual confidence and predicted jury confidence in guilt, and perceived effects of PTP. The procedure is summarized in Figure 1 and further elaborated in the following paragraphs.

### **Figure 1**

#### *Flow Chart Summary of Procedure*



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A campus-wide email blast sent out to students and faculty at the University of Central Oklahoma provided students with the opportunity to participate in a short, online study about the effects of Pre-Trial Publicity. After receiving the email and providing consent to participate, participants were randomly assigned to one of the four PTP conditions. After consent was completed, participant demographic information was collected ahead of the PTP exposure. Next, participants were instructed to read a handful of article summaries pertaining to the case, with different focus on the victim, defendant, both, or random crime and news, depending on which condition they were assigned. Participants were then directed to the video of the *NJ vs. Bias* trial. The video was not able to be skipped or fast-forwarded, so all of the information was sure to be presented.

Following the completion of the trial video, three question blocks were presented to each participant. These questions first inquired about what verdict the participant believed he or she would choose, and how confident he or she was in that decision using a 5-point Likert-type scale. They were also asked if they believed that the exposure to news and publicity ahead of the trial video had any effect on their individual verdict and how long it took them to reach that decision.

Next, participants were instructed to imagine that they were selected for this jury and sat through the trial with eleven other jurors. They were then asked how they believed the jury would vote on guilt or innocence, how confident they believed the jury would be in that verdict, and how long they thought the jury might deliberate. This was asked to gain an understanding into whether participants believed discussion of trial evidence and PTP might cause their decisions to differ from their chosen individual verdicts and predicted length of deliberation. Participants then answered additional questions regarding their belief about censorship of PTP and how PTP would affect the jury.

## Results

### *Jury and Individual Verdicts*

For the verdict measure, participants were asked two questions: what their individual decisions would be and what they predicted a jury would choose as a verdict. The possible answer options for these items were: innocent, guilty, not sure, or other (with fill-in). Those who answered “other” ( $n = 13$ ) typically indicated in the fill-in that they would vote “not guilty.” As this was the intention of the “innocent” verdict, those responses were re-coded to innocent. For eight of the participants who answered other, they either did not clarify their choice in the fill-in, or their response was uncategorizable. Therefore, the following analysis contains data for the remaining 98 participants whose responses could be categorized as innocent, guilty, or not sure.

A Chi Square Test for Independence was first performed to analyze if the predicted Jury Verdicts (how the participant thought a jury would vote) were related to the PTP exposure conditions. There was no significant association found between Jury Verdict and PTP conditions,  $\chi^2(6, 98) = 2.85, p = 0.83$ . In total, 51 of 98 participants believed that the jury would reach a guilty verdict for the case. Within the victim bias group, 40.90% reported that they believed the jury would vote for a guilty verdict. In the no bias group, 59.30% of participants voted that the jury on the case would reach a guilty verdict.

Another Chi Square was performed to analyze if Individual verdicts (how the participant would personally vote) were related to PTP exposure conditions. Again, there was no significant association found between Individual verdicts and PTP exposure,  $\chi^2(6, 106) = 10.06, p = 0.12$ . The results for the Jury Verdict and the Individual Verdict followed similar patterns as seen in Table 1.

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**Table 1**

*Raw Counts of Participants' Jury and Individual Verdicts Based on Pre-Trial Publicity Condition*

PTP Condition	Jury Verdict			Individual Decision		
	Guilty	Innocent	Not sure	Guilty	Innocent	Not sure
Defendant-biased	15	11	3	13	11	7
Victim-biased	9	8	5	13	6	6
Mixed	11	6	3	15	7	0
None	16	8	3	15	11	2
<i>Total</i>	51	33	14	56	35	15

### ***Predicted Jury Deliberation Details***

Next, a Multivariate Analysis of Variance (MANOVA) was performed to determine the effect that the PTP condition had on each of the following measurements: how much time they think the jury would have deliberated, how confident they predicted the jury would be with their decision, their belief of whether the publicity would have affected the jury's verdict, and their belief of whether the publicity would have affected the jury's deliberation time. Two participants did not answer one of the items, so their data was not used in the following analysis. The multivariate analysis was not significant,  $F(4, 12) = 0.90, p = .55$ , nor was the univariate analysis for any of the individual measurements (all  $p > .20$ ). Descriptive statistics are reported in Appendix B.

### ***Individual Deliberation Details***

Another MANOVA was conducted to determine what effect the PTP condition had on each of the following measurements: confidence in their individual verdict decision, their belief of whether the publicity would have affected their individual verdict, and their belief of whether the publicity would have affected how long they personally would have taken to come to a verdict. The results for the participant's individual deliberation details were similar to those of

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the jury's deliberation: Neither the multivariate ( $p=.77$ ) nor univariate statistics (all  $p> .20$ ) were significant. Descriptive statistics are reported in Appendix B.

### *Restrictions to Publicity*

A third MANOVA was used to analyze how PTP condition affected people's opinions about news restrictions before and during a trial. Again, there were no significant results found for either the multivariate ( $p= .97$ ) or univariate statistics ( $p = .80$ ). Descriptive statistics are reported in Appendix B.

## **Discussion**

This study was designed to examine how exposure to biased PTP affects jury deliberation and decision making. Results from this study did not support any of the hypotheses. All statistical analyses resulted in non-significant results. Although not statistically reliable, some of the data trended in the predicted directions. Jurors exposed to PTP that is biased against the defendant were predicted to render guilty verdicts more often, with the most confidence, compared to all other types of PTP. This was expected at the level of the jury verdict as well as the individual decision. While this was not supported with statistical significance, for the predicted jury verdict, participants in the defendant-biased PTP condition did choose guilty as the predicted jury verdict more often than the other two PTP conditions, but not more often than the control condition.

It was also predicted that those in the defendant-biased PTP condition would be most confident in their individual and predicted jury verdicts, but the data showed the opposite (non-significant) trend. Those in the defendant-biased PTP condition gave lower ratings for both the individual and jury-level confidence ratings compared to the other conditions. Participants exposed to biased PTP, whether it was focused on the victim or defendant, were expected to

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predict shorter deliberation times for juries compared to those who received mixed PTP.

Participants receiving defendant-biased PTP were expected estimate shorter jury deliberation times compared to participants receiving victim-biased PTP. The difference between conditions was not statistically significant but trended in the predicted direction. Those in the mixed PTP condition did estimate the longest jury deliberation times and those in the defendant-biased PTP did estimate the shortest deliberation times. There were also no significant differences in opinions about news restrictions between conditions.

A lack of statistically significant results may occur for one of two reasons: the variables do not in fact have a relationship or a Type 2 error occurred. One reason for the non-significant results in the current work could be the manipulation of PTP. In the current work, participants were exposed to small amounts of PTP, over a brief period of time (a few minutes), with little delay between the PTP exposure and trial. This is unlike a real-world scenario in which people tend to be exposed to an abundance of media coverage over many months (in some cases). This exposure is repeated and more prolonged than in the current study. Based on the minimal exposure to PTP, the priming manipulation may not have worked.

Past research on priming has proven that repeated exposure increases the overall effect of the prime, thus increasing the chance for activation of that prime in later situations. Previous research on priming and lexical decision tasks have found that the effect of priming is short-lived, at about 700 milliseconds (Srull & Wyer, 1979). However, priming research in which participants were asked to make evaluations on social stimuli, effects lasted up to a day. However, these studies did not utilize repeated exposure. According to the mere exposure effect, short, repeated exposures to a specific stimulus have been found to increase the intensity of a prime and create personal preferences for the subject of the prime, especially in situations

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requiring low levels of attention, much like news media and marketing (Zajonc, 1968). This creation of preferences and increase in intensity can be attributed to the increased activation of the prime when exposed again (Bornstein & D'Agostino, 1994) The study done by Iyengar, Peters, and Kinder (1982) demonstrated the influence that repeated exposure to specific news stories can have on perceptions, opinions, and decision-making processes. In this study, participants were exposed to specific political news stories for 5 days, with a questionnaire about opinions and perceptions before and after exposure. Results showed that participants rated the news issue they were exposed to as significantly more important than any other issue, while also showing a significant increase in their post-exposure ratings compared to the pre-exposure questionnaire. Participants also rated the president's performance based on their primed issue more than they did before exposure. This research demonstrates how repeated exposure to the PTP utilized in this study with a longer retention interval, instead of singular exposure with a short retention period, might have led to different results.

The effects of PTP may be stronger with more time between the exposure and decision making. Previous PTP/priming research studies have implemented longer retention intervals between exposure to the PTP and decision making, ranging from 1 hour (Srull & Wyer, 1979), to 1 week (Ruva & Guenther, 2017). The research by Srull and Wyer (1979) indicated that the effects of the PTP were stronger over a longer retention interval (one day compared to one hour). In their study, participants were initially asked to complete a brief "reading comprehension test" that was unrelated to the experiment. The reading comprehension test was a priming technique, which either contained mostly positive/kindness primes (e.g., sentences with words such as hug and kiss) or mostly hostile primes (e.g., sentences about an arm or leg being broken). Participants were asked to return either one hour or one day later to complete the "actual experiment." In this

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experiment, participants read ambiguous descriptions of someone and then rated that person based on several attributes (e.g., being kind, thoughtful, hostile, unlikeable, etc.). Those that had been primed with hostility previously rated the person (described in an ambiguous vignette) more negatively and those primed with kindness rated the ambiguous person more positively. This effect was stronger after a one-day delay between priming and personality rating compared to a one-hour delay (Srull & Wyer, 1979). This suggests that the effects of priming may actually increase with time.

There are also two major methodological flaws in the current study that may have impacted results. The first flaw was in the set-up of the Qualtrics survey when it was initially distributed which resulted in participants potentially not viewing the trial video. Specifically, the trial video was originally hosted on YouTube, with a link in the survey taking participants to view the video in a new window. It is believed that many participants did not notice the link or chose not to watch the video for another reason. There was no way to track which participants clicked on the link or not, but the total time spent on the survey was recorded. There were 49 participants whose data was removed because their total time in the survey was less than the duration of the video (17 minutes). This indicated that those participants either did not watch the video or at the very least did not watch the entirety of the video. This issue was identified after collecting data from approximately 100 participants. The survey was then edited to embed the video within Qualtrics. Additionally, video controls (i.e., pause, fast forward, rewind) were removed and participants were unable to advance to the next part of the survey until the video finished playing. The survey was then sent out a second time in a global email blast<sup>1</sup>. While I was able to remove the participants from the first round of data collection who could not have

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<sup>1</sup> Statistical tests did not show evidence that there were significant differences in how participants responded before and after this change was made.



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possibly watched the video, it is possible that many more from the first round did not watch the video. This would directly impact the results, since their decision would be based purely on the PTP, rather than the PTP serving as a prime to the trial itself.

The second flaw of note was in the content of the trial video. A previously edited version of the entire *NJ vs. Bias* trial video was shared by the researchers that have utilized it in the past (Ruva & McEvoy, 2008). The video was then edited again to reduce the length from 31 minutes to approximately 17 minutes. While every effort was made to not create a video that maintained ambiguity as to the guilt of the defendant, there is reason to believe that the final version of the edited video was biased against the defendant (i.e., favored a guilty verdict). This is evidenced by the results from the no-bias condition. While not significantly different, more participants in this condition voted guilty than innocent (or unsure). Since the PTP these participants read was not related to the trial in any way, their decision should not have been affected by the PTP. Since their decision would be based solely on the content of the trial video, and their predicted jury verdicts favored a guilty verdict, this may suggest that the video itself was biased.

Many obstacles led to a change in the original structure of this study, creating limitations in generalizability and applicability. The methodological choices were constrained by the ongoing COVID-19 pandemic and difficulty in obtaining in-person participants (which was required in the original design). Due to this, the results of this study lack overall reliability and cannot be generalized to the general population and juries in the real world due to the participants being drawn from a convenience sample of college students.

Future studies should work to create a more realistic jury setting, in addition to repeated exposure of PTP thus simulating a more real-world experience. Along with this, future research should aim to perform mock juries in person with time between PTP exposure and mock

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deliberation. Additionally, future research should investigate varying jury compositions regarding exposure to PTP of different slants and subjects. With this comes the inquiry into how juries with an apparent majority biases differs in decisions, guilt ratings, and time deliberated from those juries that are more evenly distributed. This study and the past research are just one step toward understanding how PTP changes deliberation. Negative and positive PTP have previously been found to alter perceptions and verdicts, along with a few factors that have been discovered to vary deliberation length, such as case severity, jury size, jury polling, whether a judge summarizes the evidence, and more (Brunell et al., 2007; Brunell et al., 2009; Ruva & McEvoy, 2008). However, research on these topics is still minimal. The focus of future research should be on the methods in which PTP imparts its effects, how it influences decisions in juries and individuals, and more effective methods to limit PTP and reduce its biasing effects.

Although the research on the impact of PTP has seen inconsistent results, it's clear that media coverage and especially biased media coverage, can create partial juries. Jurors may be capable of avoiding the use of PTP when forming an impression of someone or something, but the PTP they do experience will be encoded into long-term memory (LTM) and utilized in memory-based judgements and decisions (Otto, Penrod, & Dexter, 1994). These memories in LTM then become difficult to set aside due to the integrative process in which decisions are made, and memories from PTP will then create biases and be utilized in deliberations (Lieberman & Arndt, 2000). The effects of PTP can be avoided only if individuals are aware and knowledgeable of the fact that prejudicial information has been provided to them, can take control of that information, and reverse the biasing effects created (Lieberman & Arndt, 2000). If jurors are not aware of PTP's effects, are not motivated to correct their biases, or are unaware of the severity and slant of their biases, the PTP will exert control over their decision-making

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processes without their knowledge (Edwards & Bryan, 1997). Taking control over the PTP information requires considerable cognitive motivation and the capability to control those decision-making processes (Daftary-Kapur, et al., 2010). Due to the level of difficulty and effort that controlling this information and decision-making processes requires, instructing jurors on how PTP effects them personally and possibly providing training ahead of trial on how to alter or avoid PTP's effects during trial could be an important step moving forward. Instead of trying to control the amount of the type of PTP that the public (i.e., potential jurors) are exposed to, perhaps the solution is to educate the public about the potential biasing effects of PTP and how to mitigate them.

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**Appendix A**

**Defendant-biased PTP**

Article 1:

- Bail was set at \$150,000 for Daniel Bias, accused of shooting his wife in the back of the head.
- She was found dead in the doorway of the couple's bedroom, indicating she was trying to leave the room.
- Review of the evidence suggests the manner of death was homicide, and that suicide was a "physical and medical impossibility."
- Bias originally told police he was making food when Lise came downstairs with the gun, threatening to harm herself. She then went back upstairs, and Daniel followed. He claimed when he walked in the room, the gun fired. He changed his story later to say that the gun fired when he was trying to take it away from Lise.
- Friends and family stated the couple frequently argued and that Daniel had a bad temper and drinking problem. They stated he was always mad when it came to his wife and would "shoot everything in sight when he thought about her" when he was at the shooting range. Friends also said Daniel went to the shooting range on the day Lise died.

Article 2:

- Warren County prosecutor stated that it was clear that Bias was attempting to deceive authorities by claiming the death was a suicide.
- The prosecutor said aspects of the case from the original investigation gave cause for concern, and the death was suspicious from the start.
- Women who previously dated Daniel said he had a history of turbulent relationships and was abusive.

Article 3:

- Bias was indicted on 3 counts including first-degree murder, possession of weapon for unlawful acts, and resisting arrest.
- Daniel claimed, "I loved Lise and would never do anything to hurt her" and that the thought of being arrested for her death led him to "snap and lash out against officers."
- Lise received a promotion at work and was shopping with her mom when she told Daniel. He grew angry and asked that she not take the job so she can be home more to raise their future children. Lise took the job.

Article 4:

- Lise's parents say Lise did not like guns and believed it was unlikely she would have shot herself.
- Lise's father said he taught her how to fire a gun years before and she did not like it and decided she would never fire a gun again.
- Daniel says he was wrestling the gun out of Lise's left hand, but Lise was right-handed.

Article 5:



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- Video-taped statement of Bias on the night of Lise's death shows him saying, "She's cold, she's jealous, she's got a bad temper. She was in one of her pissy, angry moods.
- County Prosecutor wondered "even if you didn't like the person, wouldn't you want to say something nice? The anger of the guy just knocks you over."
- Daniel knew CPR and did not administer it to his wife or try to help her in any way.

### Article 6:

- Defense attorney prepared multiple character witnesses to testify to Daniel's "honesty and trustworthiness."
- Daniel's attorney stated that Daniel always kept 2 chambers in the gun empty because Lise had threatened to use the gun on herself before. If she tried to fire and the chamber was empty, she would not be harmed.
- County prosecutor stated that "although there were only 4 bullets in the gun, 2 were found in the room."
- County Superior Court Judge stated that "there is evidence to support the claim of knowing or purposeful murder."

## **Victim-biased PTP**

### Article 1:

- Lise Bias died in her home due to a gunshot wound on the back of her head. Her husband, Daniel, is accused of killing her but he claims she shot herself while he was trying to get the gun from her.
- During the argument on the night of her death, Daniel revealed to Lise that he knew about her history of abusing children in her distant family that she was watching. After he told her this, Daniel says she then grew extremely upset and grabbed the gun.
- Daniel claimed that this kind of behavior and extreme reactions to things were not out of the ordinary for Lise in arguments between them.
- Forensic results of the evidence have led to differing results. Some believe she could not have physically shot herself, while others believe the wound is consistent with close-contact wounds.

### Article 2:

- Lise Bias was found to have a history of abusing her distant family's children, and this was brought up in an argument between Daniel and Lise about having children.
- Daniel said he was more upset about the secret, than the abuse and wished she would have told him so they could work through it together.
- Lise distanced herself from that side of the family and Daniel believed she had not moved past it and that is why she wanted to wait to have children.
- The claims were not supported by family and friends and Lise's parents believe Daniel made them up to make him look better in trial and weaken the prosecution's arguments.

### Article 3:

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- Daniel claimed he learned about the abuse from a family member just days before the night of her death.
- Lise grew upset when Daniel told her about this information during the argument and grabbed the gun. Daniel claimed he tried to get the gun away from her and that is when it fired.
- The claims of child abuse will not be used in trial due to lack of evidence and support.

### Article 4:

- Evidence of 2 bullet casings on the floor points to Daniel's culpability. Daniel said there were 2 because Lise accidentally fired 2 bullets when trying to get the gun back from Daniel.
- Lise's family claim that Lise could not have shot herself since the wound was on the left side of her head and she was right-handed. Her left arm was also injured.
- Daniel stood firm in his statement that Lise died by suicide because she was not happy and upset with herself about her history of abuse. He asked for a lesser sentence from the judge.

### Article 5:

- Daniel brought her history of abuse to her attention on the night of her death, causing her to grab the gun and harm herself.
- Lise's parents spoke out against the claims, stating that Lise was not an angry person and would not hurt anyone. Daniel countered that statement by claiming "I know a side of her that no one else does."
- The claims of abuse will not be utilized in court due to lack of evidence and support.

## **Mixed PTP**

### Article 1:

- Bail was set at \$150,000 for Daniel Bias, accused of shooting his wife in the back of the head.
- She was found dead in the doorway of the couple's bedroom, indicating she was trying to leave the room.
- Review of the evidence suggests the manner of death was homicide, and that suicide was a "physical and medical impossibility."
- Bias originally told police he was making food when Lise came downstairs with the gun, threatening to harm herself. She then went back upstairs, and Daniel followed. He claimed when he walked in the room, the gun fired. He changed his story later to say that the gun fired when he was trying to take it away from Lise.
- Friends and family stated the couple frequently argued and that Daniel had a bad temper and drinking problem. They stated he was always mad when it came to his wife and would "shoot everything in sight when he thought about her" when he was at the shooting range. Friends also stated he went to the shooting range on the day of Lise's death.

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### Article 2:

- Lise Bias died in her home due to a gunshot wound on the back of her head. Her husband, Daniel, is accused of killing her but he claims she shot herself while he was trying to get the gun from her.
- During the argument on the night of her death, Daniel revealed to Lise that he knew about her history of abusing children in her distant family that she was watching. After he told her this, Daniel says she then grew extremely upset and grabbed the gun.
- Daniel claimed that this kind of behavior and extreme reactions to things were not out of the ordinary for Lise in arguments between them.
- Forensic results of the evidence have led to differing results. Some believe she could not have physically shot herself, while others believe the wound is consistent with close-contact wounds.

### Article 3:

- Lise Bias was found to have a history of abusing her distant family's children, and this was brought up in an argument between Daniel and Lise about having children.
- Daniel said he was more upset about the secret, than the abuse and wished she would have told him so they could work through it together.
- Lise distanced herself from that side of the family and Daniel believed she had not moved past it and that is why she wanted to wait to have children.
- The claims were not supported by family and friends and Lise's parents believe Daniel made them up to make him look better in trial and weaken the prosecution's arguments.

### Article 4:

- Video-taped statement of Bias on the night of Lise's death shows him saying, "She's cold, she's jealous, she's got a bad temper. She was in one of her pissy, angry moods."
- County Prosecutor wondered "even if you didn't like the person, wouldn't you want to say something nice? The anger of the guy just knocks you over."
- Daniel knew CPR and did not administer it to his wife or try to help her in any way.

### Article 5:

- Bias was indicted on 3 counts including first-degree murder, possession of weapon for unlawful acts, and resisting arrest.
- Daniel claimed, "I loved Lise and would never do anything to hurt her" and that the thought of being arrested for her death led him to "snap and lash out against officers."
- Lise received a promotion at work and was shopping with her mom when she told Daniel. He grew angry and asked that she not take the job so she can be home more to raise their future children. Lise took the job.
- Defense attorney prepared multiple character witnesses to testify to Daniel's "honesty and trustworthiness."
- Daniel's attorney stated that Daniel always kept 2 chambers in the gun empty because Lise had threatened to use the gun on herself before. If she tried to fire and the chamber was empty, she would not be harmed.
- County prosecutor stated that "although there were only 4 bullets in the gun, 2 were found in the room."

## PRE-TRIAL PUBLICITY AND DELIBERATION DURATION

- County Superior Court Judge stated that “there is evidence to support the claim of knowing or purposeful murder.”

### Article 6:

- Daniel claimed he learned about the abuse from a family member just days before the night of her death.
- Lise grew upset when Daniel told her about this information during the argument and grabbed the gun. Daniel claimed he tried to get the gun away from her and that is when it fired.
- Lise’s family claim that Lise could not have shot herself since the wound was on the left side of her head and she was right-handed. Her left arm was also injured.
- The claims of child abuse will not be used in trial due to lack of evidence and support.
- Lise’s parents spoke out against the claims, stating that Lise was not an angry person and would not hurt anyone. Daniel countered that statement by claiming “I know a side of her that no one else does.”

## **No PTP**

### Article 1:

- 1 in 4 U.S. households was a target of a violent crime or theft in 1988, where that number remained the lowest level since the Bureau of Justice Statistics started calculating the household rate in 1975.
- Households in the Northeast were the least vulnerable to crime in 1988, where those in the West were the most vulnerable.
- This report covered 93 million households and showed that 22.8 million experienced theft or burglary, or had a member that was raped, robbed, or assaulted.
- 29% of Black households were touched by crime, where 24% of White households were touched by crime.

### Article 2:

- U.S. Rep Bill Goodling introduced a campus crime bill that would alert students of campus crimes called the Crime Awareness and Campus Security Act. The bill will extend to all 50 states.
- The bill was inspired by the death of a young girl who was killed in her dorm room due to open access into the dorm buildings.
- The bill was modeled after his Pennsylvania bill that was made into law the year before.

### Article 3:

- Car thefts and burglaries increased 9% in 1988, and personal and household crime went up 1.8% for the second year in a row, as reported by the Justice Department.
- The increase in number of offenses over the 2 years reversed a 5-year decline in crimes.
- The increase in crimes may be a result of the increase in the country’s population.
- 36% of all crimes were reported to law enforcement officials, where victims reported 47% of violent crimes and 39% of household crimes.

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### Article 4:

- President Bush proposed a \$1.2 billion crime package, promising to increase sentences for crimes with semi-automatic weapons, restrict the use of plea-bargaining, and authorize increased use of the death penalty.
- The plan includes funding for 825 additional federal law enforcement officials and 1,600 government prosecutors, along with \$1 billion for prison construction, adding more than 24,000 beds.
- The bill failed to resolve the controversy surrounding over restricting possession of assault rifles.

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**Appendix B**

*Means and (Standard Deviations) for Predicted Jury Deliberation Details*

PTP Condition	Predicted Deliberation Time (hours)	Predicted Confidence	Publicity Effect on Verdict	Publicity Effect on Time
Defendant-biased	5.47 (2.84)	3.00 (1.23)	3.87 (0.90)	3.90 (0.88)
Victim-biased	6.08 (3.01)	3.12 (0.97)	3.8 (0.76)	3.92 (1.04)
Mixed	6.14 (2.55)	3.48 (0.75)	3.86 (0.73)	3.67(0.86)
None	5.86 (2.27)	3.28 (1.01)	3.43 (1.03)	3.57 (1.07)

*Note.* Predicted Deliberation Time was measured on a sliding scale, with each point representing an hour, up to 11 hours. Predicted Jury Confidence was measured on a 5-point Likert-type scale, with 1 indicating “not confident at all” and 5 indicating “completely confident.” Publicity Effects on Verdict and on Time were both measured on 5-point Likert-type scales, with 1 representing “definitely not” and 5 representing “definitely yes.”

*Means and (Standard Deviations) for Individual Details*

PTP Condition	Self Confidence	Publicity Effect on Decision	Publicity Effect on Time
Defendant-biased	3.58 (1.23)	2.42 (1.15)	2.77 (1.43)
Victim-biased	3.80 (0.96)	2.24 (1.13)	2.64 (1.41)
Mixed	3.73 (1.20)	2.45 (1.34))	2.50 (1.34)
None	3.64 (1.09)	2.03 (1.23)	2.11 (1.31)

*Note.* Self Confidence was measured on a 5-point Likert-type scale, with 1 indicating “not confident at all” and 5 indicating “completely confident.” Publicity Effects on Individual Decision and Time were both measured on 5-point Likert-type scales, with 1 representing “definitely not” and 5 representing “definitely yes.”

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*Means and (Standard Deviations) for Opinions on Publicity Restriction Before and During Trial*

PTP Condition	Before Trial	During Trial
Defendant-biased	4.19 (1.22)	3.93 (1.24)
Victim-biased	4.08 (1.19)	4.00 (1.29)
Mixed	3.91 (1.34)	3.86 (1.52)
None	3.93 (1.41)	3.75 (1.48)

*Note.* Restrictions to Publicity Before and During a trial both were measured on a 5-point Likert-type scale, with 1 representing “definitely not” and 5 representing “definitely yes.”