Juror Decision Making

The Importance of Evidence*

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Much of the research on juror decision making is concerned with whether jurors are swayed by irrelevant—or extralegal—issues in their judgments of defendants. Such studies examine whether jurors' attitudes and victims' and defendants' characteristics have a measurable impact on these decisions. Yet, in the typical study, evidential issues are either poorly measured or ignored, hence the effects of extralegal issues may be exaggerated. Moreover, jury simulations are often chosen to study these questions despite critics' concerns about the generalizability of the results. The present study uses data gathered from actual jurors to assess whether the emphasis on juror competence is justified. The results indicate that these jurors' decisions are dominated by evidential issues, particularly evidence concerning the use of force and physical evidence. Jurors were considerably less responsive to characteristics of victims and defendants, although some of these factors significantly affected their decisions.

INTRODUCTION

The jury is the only decision-making body in the criminal justice system composed of laypersons. But recently it has been the center of increasing criticism. Opponents of the jury system argue that persons who lack formal training and knowledge of the law, but control decisions of life and liberty, cannot be expected to render fair and impartial verdicts. Juries, the critics claim, fail to recall the evidence accurately, become confused by complex trials or those involving multiple defendants, and are often swayed by legally irrelevant information (e.g., Kadish & Kadish, 1971; Schefflin & Van Dyke, 1980; Williams, 1963). Thus, the

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most serious criticism of the jury system is that jurors are not competent to consider the evidence impartially and to decide issues of fact. These issues are especially serious today as the public and some legislators have been critical of recent jury verdicts involving the death penalty and other publicized cases, such as the trial of John Hinckley, who attempted to assassinate a U.S. President.

Early research on juror behavior was motivated by the question of whether jurors' decisions reflected extralegal (irrelevant) as well as legal (evidentiary) factors (Hoffman & Brodley, 1952; Hunter, 1935; Weld & Danzig, 1940). Later studies have continued this emphasis by examining the potential influences of defendants' characteristics, prejudicial evidence, jurors' attitudes, and jurors' application of judges' legal instructions on juror decision making. In fact, attention to the competence of jurors has been the primary issue in the study of juror decision making (for reviews, see Baldwin & McConville, 1980; Davis, Bray, & Holt, 1977; Gerbasi, Zuckerman, & Reiss, 1977). Unfortunately, in the quest to identify sources of bias in jurors' decisions, researchers have often overlooked the impact of trial evidence which presumably dominates these decisions. Little is known about the types of evidence that may influence jurors or the relative impact of legal and extralegal factors.

This study explores whether the emphasis on juror competence that appears in most studies of jurors and juries is justified by using data on actual jurors' decisions in criminal trials. Specifically, once evidential influences are accounted for, what effect do extralegal factors have on jurors' decisions? Data are available on jurors' personal characteristics, victim's and defendant's attributes, and evidence presented during the trial. After an overview of relevant research on jurors and juries, in particular the extent of knowledge about the role of evidence in jurors' decisions, measures of both legal and extralegal influences are used to estimate a model of juror decision making.

EMPIRICAL ASSESSMENTS OF JUROR DECISION MAKING

After hearing the evidence and closing arguments, most jurors probably have reached a tentative decision regarding the defendant's guilt or innocence. In fact, research on actual jurors has shown that most juries, which typically begin deliberations with an informal poll, decide in favor of the initial majority (Kalven & Zeisel, 1966), and experimental studies of jury verdicts support this finding (Davis, Kerr, Atkin, Holt, & Meek, 1975; Saks, 1977). The final jury verdict is a collective decision based on these individual opinions, and understanding juror decision making prior to the deliberations is important for identifying the salient legal and extralegal factors in those decisions.

The types of factors that affect actual jurors' judgments roughly fall into one of three categories: (1) their personal characteristics; (2) victims' and defendants' characteristics; and (3) evidence and case background. A jury trial is a complex event and these categories of variables represent dozens of possible influences on jurors' decisions. However, most studies of jurors and juries focus on only one group of variables and rarely consider the joint effects of these variables. The