Pretrial Publicity and Juror Decision-Making: Effects of Inadmissible Confession Evidence and Coverage of Its Exclusion from Trial

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INTRODUCTION

Pretrial Publicity (PTP) refers to any information released through the media (e.g., television news programs, newspapers, online articles) about a case leading up to and during a trial. Since jurors are often selected from the areas in which the PTP is common, it is important to see if they are biased from what they hear on the news. While PTP often covers admissible evidence, it also covers inadmissible evidence which is not supposed to be heard by jurors, as it could sway their verdict.

Much research has been done regarding PTP and its coverage of admissible evidence (Steblay et al. 1999, Daftary-Kapur et al. 2014, Zimmerman et al. 2015). No research has been conducted to see if inadmissible evidence affects juror bias, specifically if the reason that it is excluded from trial matters.

METHOD

Design: 2 (Interrogation Quality: High vs. Low) x 3 (Exclusion: Technicality vs. Cause vs. Not Specified) + 1 (No Confession PTP Control) + 1 (No PTP Control)

Participants

N = 81 jury-eligible undergrads participated online
78% female
Mean Age: 18.9, Standard Deviation: 1.08

Day One

Participants randomly received newspaper articles that may or may not have contained PTP
Of those that received the PTP (a confession had been obtained), they were later told it was excluded for cause, technicality, or no reason given
Other participants also read PTP without a confession mentioned

Day Two

All participants received the same trial transcript, containing no mention of a confession
Equal amount of witnesses for both the prosecution and defense
Participants were asked to determine if the defendant was guilty or not guilty

RESULTS

<table>
<thead>
<tr>
<th>Exclusion</th>
<th>Interrogation</th>
<th>n</th>
<th>Conviction Rate (%)</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Mention</td>
<td>Bad</td>
<td>8</td>
<td>62.50</td>
<td>0.165</td>
</tr>
<tr>
<td>Technicality</td>
<td>Bad</td>
<td>8</td>
<td>37.50</td>
<td>0.165</td>
</tr>
<tr>
<td>Cause</td>
<td>Bad</td>
<td>15</td>
<td>26.67</td>
<td>0.120</td>
</tr>
<tr>
<td>No Mention</td>
<td>Good</td>
<td>10</td>
<td>10.00</td>
<td>0.148</td>
</tr>
<tr>
<td>Technicality</td>
<td>Good</td>
<td>10</td>
<td>30.00</td>
<td>0.148</td>
</tr>
<tr>
<td>Cause</td>
<td>Good</td>
<td>5</td>
<td>40.00</td>
<td>0.209</td>
</tr>
<tr>
<td>No Confession PTP Control</td>
<td>12</td>
<td>50.00</td>
<td>0.144</td>
<td></td>
</tr>
<tr>
<td>No PTP Control</td>
<td>13</td>
<td>53.80</td>
<td>0.138</td>
<td></td>
</tr>
</tbody>
</table>

DISCUSSION

• Results so far indicate that there is no change in conviction rates across the three conditions (PTP, Exclusion Reason, Interrogation Quality).
• There is no overall effect between the six PTP conditions so far either.
• An interaction did emerge between “No Mention” Exclusion and conviction rate. When participants were exposed to a bad confession and then not told why the confession evidence was excluded from trial, they convicted the defendant at a higher rate than those that were exposed to PTP and told why it was excluded.

REFERENCES


Contact Information: Rebecca Rhein
Email: rheinr1@udayton.edu