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THE EFFECTS OF GROUP SIZE ON MOCK JURY DECISION MAKING

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ABSTRACT

The present investigation was a partial replication and extension of Saks' (1977) study on the effects of group size on mock jury decision making. Mock juries of size 4, 6, and 12 were formed by randomly assigning 232 student volunteer subjects to one of 30 groups, or to the condition where subjects worked alone (N=12 individuals). The case used was a written transcript adapted from Saks (1977). After reading the transcript, groups deliberated until they reached a verdict. Overall, it was found that groups of 12 came to the correct verdict more often and deliberated the longest, groups of 6, unexpectedly, produced the most hung juries, and the individuals recalled the least amount of the testimony. Groups of 4 perceived their group as being the most fair and were also the most satisfied with their group's decision. They also rated their influence on the decisions made by other members of the group as the highest. In all groups, there was a shift in the pre- and post-deliberation guilt ratings toward the group verdict, indicating an effect of group polarisation, and discussion also increased individuals' confidence in their rating of guilt, providing some support for the model of group influence proposed by Myers and Lamm (1976). In general, the results support previous findings and add to the growing literature which suggests that the effect of jury size is a complex phenomenon requiring more investigation.

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INTRODUCTION

OVERVIEW

In 1970, the Supreme Court held that a six member jury was constitutional in *Williams vs. Florida* as the court claimed that there was no evidence that a jury of a different size would result in a different verdict. In 1973, the Supreme Court again held that six member juries were constitutional in *Colgrove vs. Battin* and cited four studies in which no differences in verdicts were found. Researchers, however, have disagreed with the Court's decision and have questioned the validity of the studies cited by the Court. Each of the four studies have been shown to have major flaws (Sales, 1981).

More recently, there have been other investigations, some of which have found differences in verdicts between juries of 6 and 12 (e.g. Kerr & MacCoun, 1985; Saks, 1977), and others which have found no differences (e.g. Roper, 1980; Mills, 1973). In addition to jury size, several other variables have been investigated. For instance, deliberation length, likelihood of a hung jury, recall of testimony, and so on. While consistent findings have been obtained for some of these variables, it would seem that the answer to the question: 'What changes occur when the size of a jury is altered?' is by no means fully resolved. There are many contradictory findings concerning jury size reported in the literature for both mock and real jury studies.

The focus of the present study was to examine systematically the effects of mock jury size upon variables such as jury verdict, pre- and post-deliberation guilt, deliberation length, recall of testimony, and some sociometric measures.

THE HISTORY OF THE JURY

In 10th and 11th century England, guilt or innocence was often determined by the powers of the 'supernatural'. The two main 'ordeals' were that of fire and water. The ordeal of fire involved the accused carrying a heated stone for a certain distance and then having the damaged hand bandaged. Several days later the hand was inspected. If after this time, the hand had not become infected, the accused would then be declared innocent. In the ordeal of water, accused people were bound and thrown into a body of water. If they sank, they were declared innocent, but if they floated, they were judged guilty. The reasoning behind this method was that as water was an element of nature, it would only accept pure souls. It was widely believed that God would settle all disputes by intervening on the side of the innocent person (Hans & Vidmar, 1986; Greenberg & Ruback, 1982).

The growing distrust in the ordeals resulted in the emergence of the jury trial. After 1215, an accused could opt for a trial by jury, rather than trial by ordeal. The trial by jury entailed the judge, or some other officer of the King's court, choosing 12 people who knew facts about the case or the parties involved. They were questioned by the court about what they knew. Hence, they only provided information, upon which the court made its verdict (Hans & Vidmar, 1986).

Eventually the role of the jury started to change. The jurors were asked if they believed there was enough evidence for a verdict of guilty or not. Early on, some of those jurors had been part of the 'presenting' jury, which was the group of people who had set in motion the indictment against the accused. However, in 1352, the presenting jury and the trial jury became separate entities (Hans & Vidmar, 1986; Greenberg & Ruback, 1982).

In 1772, *peine forte et dure* (punishment strong and hard until they relented to a jury trial or painfully died by being crushed to death), was replaced with the assumption that if a trial was refused, a guilty plea was entered. This was changed in 1827 so that a refusal indicated a plea of not guilty (Hans & Vidmar, 1986).

By the middle of the 18th century, the structure and functions of the jury had become similar to how we know them today.

"... juries became finders of the facts rather than providers of the facts, just as are today's juries." (Hans & Vidmar, 1986, p. 28).

So, it would seem that the functioning and general structure of the jury system has remained largely unchanged for the past 150 years or so. However, little is known about the nature of the decision processes that occur within juries as it is both illegal and unethical to observe a real jury trial or question jurors directly during a trial (Kerr & Bray, 1982). Therefore, much of what is known about juror decision processes has been inferred from general studies of the group decision process.

GROUP DECISION PROCESSES

Many factors can affect a group as it attempts to make a decision. Most important among these processes are group polarisation, group think, and choice shifts.

Group polarisation was identified by Moscovici and Zavalloni (1969). They observed how some French university students demonstrated more extreme attitudes following a group discussion. The current use of the term 'polarisation' refers to members of a group displaying a post-discussion mean response which is more extreme than the pre-discussion mean response and in the same direction (Myers, 1982). Myers and Kaplan (1976) found support for polarisation in their study involving 60 undergraduate students. Each subject responded to eight traffic felony cases (half of which contained information that was highly incriminating with the other half containing low incriminating information), then discussed two high and two low guilt cases in groups of 10, and then responded to all cases again. The discussion significantly enhanced the dominant initial leanings of the group members, thus indicating group polarisation.

An extreme form of polarisation, identified by Janis (1972), is group think. In group think, members of the group who disagree with the group's decision will keep quiet so as not to spoil the harmony or criticise others' views. Often the other members of the group will actively silence those who do disagree and a decision is often quickly reached. Group think also occurs when the leader of a group indicates that objections are not allowed. Government policy advisors have provided us with two

classic examples of group think. First, President J.F. Kennedy's advisory group supported the decision to launch the Bay of Pigs invasion of Cuba despite the availability of information indicating that it would be an unsuccessful venture and would also damage the United States' relations with other countries. Secondly, President L.B. Johnson's "Tuesday luncheon group" supported the decision to escalate the war in Vietnam despite intelligence reports and other information indicating that this would not defeat the Vietcong or the North Vietnamese and would result in unfavourable political consequences (Janis, 1982).

Choice shift (also called risky shift) refers to the fact that a group is more inclined to advocate a more 'risky' course of action after discussion than the average individual member before discussion. Such choice shifts run counter to the widespread belief that group decisions tended to moderate extreme views. It appears that groups may be biased in recommending adventurous and improbable but attractive goals (Davis & Hinsz, 1982). A master's thesis by Stone (1961, cited in Myers, 1982) uncovered this effect of risky shift. Participants responded to a series of "dilemma situations" (a decision faced by a fictional character). They were to advise how much 'risk' the person should take. After making their individual decision, the group then had to discuss each item until they agreed. It was found that the groups were more risk-prone than the average group member.

Myers and Lamm (1976) proposed a view of the group influence process which incorporates both choice shift and group polarisation. This view is illustrated diagrammatically in Figure 1

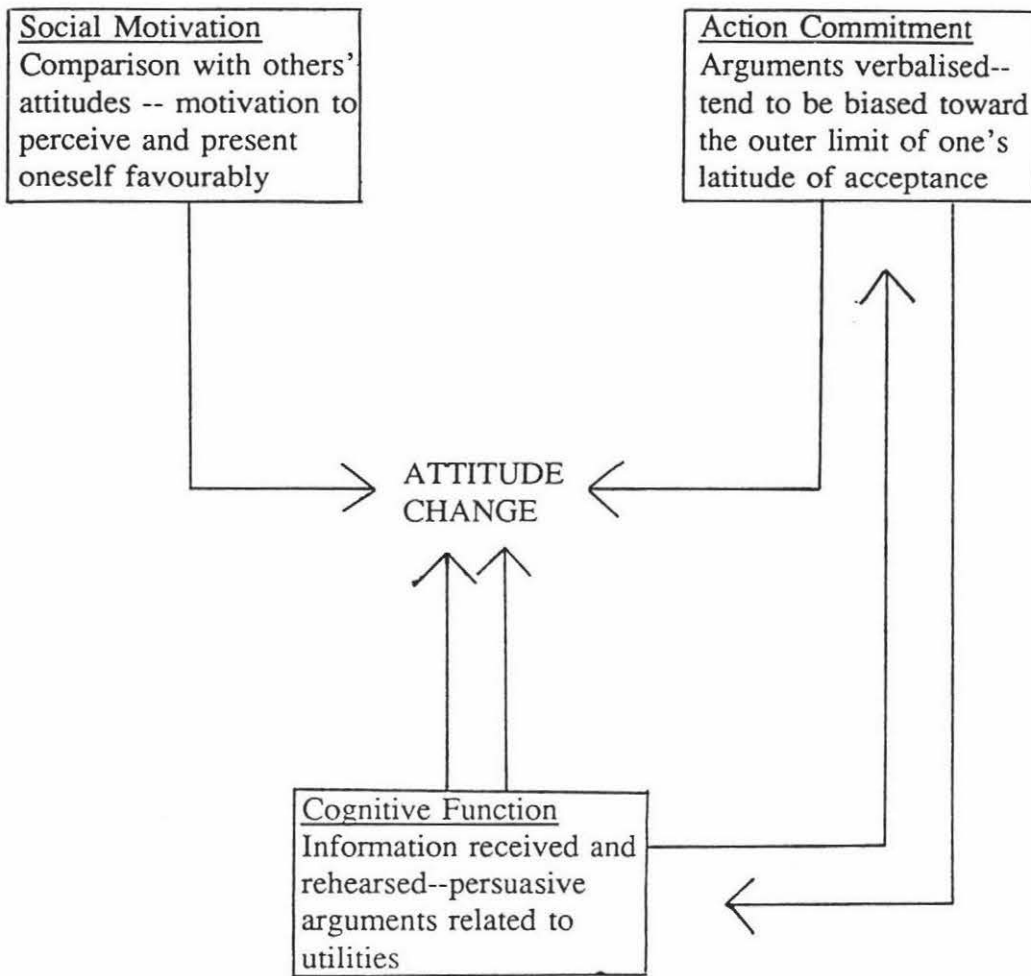


Figure 1. Conceptual scheme of group influence. Social motivation may change an attitude through the interpersonal comparison process, but it also motivates the person to express socially desirable arguments. This verbal commitment may enhance the attitude, and it also serves as a cognitive rehearsal function for the listeners (Myers & Lamm, 1976, p. 619).

Social motivation (as depicted in Figure 1) produces a small direct impact by motivating people to verbalise arguments that correspond with their ideals and are also socially desirable.

Through offering arguments that tend to individuals' outer ranges of acceptability, their ideals are tested and they also present themselves favourably to the group

because this extremity in ideas implies knowledge and competence. The sharing of these ideas may have a direct affect upon attitude, but it also acts as a form of action commitment (by verbalising their view) and also as a form of cognitive foundation (by information being received and responded to by the other members of the group). The resulting cognitive learning and rehearsal contributes significantly to subsequent attitude change (Myers & Lamm, 1976).

Goodwin and Restle (1974) provide support for the social motivation aspect of the scheme in Figure 1. The results of their study indicate that members of a group who are uncertain about their views, or who are not very concerned with the outcome of the group decision, tend to keep their opinions to themselves until the majority view becomes clear. Once this has occurred, they will then express views in accordance with the majority. The majority seems considerably to influence the other members of the group. Therefore, Goodwin and Restle concluded that once a group arrives at a majority position, little effort is required to reach unanimity. They do, however, acknowledge that an occasional minority member can be a lot more dogmatic than the average, which can significantly affect the effort required by the group to come to a decision. Research carried out by Davis (1973) and Walbert (1971) also provides support for social motivation playing an important role in the group decision process.

Support for the cognitive functions variable in Figure 1 is provided by Kaplan (1977). From his study, he concluded that discussion "increases the information integrated by the individual, offsetting the more neutral initial impression and

thereby polarizing the postdiscussion response" (p. 269). Sharing information changes peoples' judgments by informing them about the issue or problem under discussion. The discussion preferences of the other members of the group are of little consequence; it is the incorporation of information that is of significance.

In support of the third variable (action commitment) of Figure 1, research indicates that arguments verbalised in discussion more decisively favour the dominant alternative than do written arguments (Ebbesen & Bowers, 1974). That is, people are generally more polar in conversation than in writing. This could be because they are responding to other people rather than only materials, as when they are working alone.

Overall, the model proposed by Myers and Lamm (1976) seems to be well supported by research and contributes a great deal to the understanding of the group decision process. The model can be used as a guide for observing groups, including the jury.

Other factors

As well as the group influences discussed above, there are several personal attributes which may also bias group decisions in general and juries in particular. For instance, high authoritarians impose longer sentences and are more likely to vote guilty, as are those who believe in mystical and supernatural powers (Bray & Noble, 1987; Howard & Redfering, 1983). People with an internal locus of control attribute more responsibility to the defendant (Gerbasi, Zuckerman, & Reis, 1977), and those

who believe in a 'just world' recommend more severe verdicts when the victim's suffering was caused by another person (Gerbasi et al., 1977).

A number of other factors may have an effect on a group's decision process. For example, Reed (1964), upon administering a questionnaire to 432 people who had recently served on a jury, found that subjects with low occupational status were more likely to vote not guilty. Sealy and Cornish (1973) found that the younger juror is more likely to acquit. (But see Howard & Redfering, 1983.)

It has also been found that those with more education and high-status jobs tend to dominate the discussion, with males having higher participation rates than females (Hans & Vidmar, 1986; Gerbasi et al., 1977). Moreover, the larger the faction a member belongs to, the less any given member participates in the discussion. If there are only one or two members that represent a certain position, they tend to be very active in the deliberation. However, if a large number of the jury holds that position, they each tend to speak less (Hastie, Penrod, & Pennington, 1983). It also seems that a large proportion of time is spent discussing nontrial material (Gerbasi et al., 1977; Reed, 1964).

Thus, there are a great many person variables which may influence group decision processes. In the present study it was not possible to control for all these variables. However, the strict randomisation procedures used to assign subjects to the different conditions ensured that the risk of any of these uncontrolled variables having any significant influence on experimental outcomes was low.

In summary, many situational and personal factors influence the group decision process, and these influences operate in the jury just as in any other group. Thus, many researchers have felt that the decision processes within juries are best investigated under laboratory conditions, using mock juries where it is possible to achieve greater control over extraneous factors.

MOCK JURY AND REAL JURY RESEARCH

One of the first mock jury studies was performed by Marston in 1924 (Marston, 1968, cited in Gerbasi et al., 1977). In a typical mock jury study, subjects (all randomly allocated to an experimental group) have the case material presented to them by whichever mode the researcher has chosen (i.e., written, video, or audio). If included in the study, a pre-deliberation questionnaire is then completed. Following deliberation, once the jury had reached its verdict, or the time limit had been reached, the final verdict is recorded and a post-deliberation questionnaire completed. Finally subjects are debriefed and dismissed.

Since Marston's study there has been a considerable amount of mock jury research carried out. However, while some of the early difficulties associated with this research have been resolved, several major methodological problems remain.

1). The use of students as subjects. Students are frequently used as subjects in mock jury research because they are readily available for studies which often require large subject numbers. Research has shown students not to be representative of the

population at large and has questioned the comparability of students to real jurors (Weiten & Diamond, 1979). Compared to real jurors, students have been found to be more likely to acquit (Feild & Barnett, 1978; Weiten & Diamond, 1979), and have better retention of trial related information (Roper, 1980). Moreover, the deliberation of student mock jurors is unlikely to represent that of real jurors (Lempert, 1975). However, it is important to note that much, if not most, social psychology research takes the risk of compromising its external validity by using students as its subjects. It seems unreasonable to single out mock jury studies for criticism.

2). A commonly noted problem with mock jury research is that subjects know they are not determining someone's fate. Subjects know that, although they may take the task seriously, their decision does not have the real life consequences facing real jurors. The results of studies on this issue so far have been ambiguous. Wilson and Donnerstein (1977) found significant differences in the proportion of guilty verdicts between those who were led to believe that there would be real consequences to their decision and those who knew only of a hypothetical consequence. But Kerr, Nerenz, and Herrick (1979) found that individual predeliberation verdicts and sentences, jury verdicts, deliberation time and number of polls, individual jurors' retention of case related material, and their criteria of reasonable doubt were not significantly affected by the role manipulation of whether or not the subjects believed their decisions had real consequences. Overall, it would seem that the evidence is not strong enough to conclude that the mock jury decision will be adversely affected by the simulated nature of the trial.

3). Lack of realism in the cases used. Often the cases used are very brief summaries of the trial, or of the incident. For instance, the cases used by Kerr (1981) and Landy and Aronson (1969) were one page summaries. These brief summaries can in no way mirror the complexity of a real trial (Weiten & Diamond, 1979). Also, it is often the case that no judge's instructions are included and this has been shown to make a difference in the given verdicts (Oskamp, 1980; Weiten, 1979, cited in Weiten and Diamond, 1979). However, although many mock jury cases lack realism, this does not render them useless. It is the process of reaching consensus and how that is affected by variables such as group size, gender balance, and so on, that is often in need of investigation, as in the present study. It is not clear, at present, that the lack of realism has any marked influence on these processes.

4). Presentation of the case material. Differences have been found when varying the mode of presentation of the case. Juhnke, Vought, Pyszcynski, Dane, Losure, and Wrightsman (1979, cited in Oskamp, 1984), found that a videotape presentation resulted in more guilty verdicts than when the material was presented by audiotape, written transcript, or written summary. It has been noted that approximately half of all the jury studies have used a written presentation which is considered to be the least realistic mode (Bray, 1976, cited in Oskamp, 1980). More research is needed to resolve this issue. Meanwhile, although different modes of presentation will continue to be used, caution must be exercised in generalising the results across studies when different modes are employed.

5). The dependent variable employed. Most jury studies have asked jurors to return a probability of guilt rating or a recommended sentence rather than a guilty, not-guilty verdict (Weiten & Diamond, 1979). In reality, a juror is only involved in reaching a verdict. It has been argued that different mechanisms and processes may be involved for deciding a verdict versus a sentence or a probability of guilt. While this may be true, there are powerful arguments for collecting additional information from the jurors, especially in the pre- and post-deliberation phases (Kerr & Bray, 1982). It is not clear at all that collecting additional information such as sentence length and guilt probability in the pre- and post-deliberation phases has any effect on the group decision making processes leading up to a verdict. Until this evidence is forthcoming, it seems likely that researchers will continue to collect such additional information from mock jurors.

6). No deliberation or group decision. One of the most serious criticisms levelled against mock jury research is that subjects are often not required to deliberate and reach a group decision. Bray (1976, cited in Roper, 1980) found that only half of the mock jury studies he examined included deliberation. "If one intends to study the jury as an institution, mock jurors must be allowed to act as a group" (p. 983). As an example of one influential study that failed to allow their mock jurors to deliberate, consider the work of Landy and Aronson (1969) who studied the effects of victim and defendant attractiveness upon the sentence length imposed. Subjects read a negligent automobile homicide case and were then asked to assign what they thought was an appropriate sentence length. No deliberation or group interaction occurred. Landy and Aronson concluded that their results may have important

implications for real jury trials. However, there is no evidence that the functions involved in individual deliberations can be generalised to the product of a group deliberation (Weiten & Diamond, 1979; Gerbasi et al., 1977). The present research on the effect of jury size upon group deliberation was partly motivated by concern that much (so-called) previous mock jury research has failed to allow 'group' participants to interact.

7). Imposing time constraints on the deliberation. Those studies which have allowed deliberation have often imposed unrealistic time constraints, even as short as 10 minutes (Izzett & Leginski, 1974). In reality, a jury has unlimited time and by constraining this variable in research, it may also be altering what would be the final verdict and the number of groups that fail to reach a verdict (hung juries). Time constraints have obvious relevance to the group verdict. However, it is not clear at this stage if they have relevance to other group variables, such as individual participation, ratings of group performance and testimony recall, that are studied in the mock jury situation.

Most of the criticisms of mock jury research are valid and should be given serious consideration by researchers. However, many of these criticisms do not have strong supporting evidence and should, at the present time, therefore not limit the research being undertaken. While there may be disadvantages to running mock jury research, especially if one wishes to generalise to real world situations, there are certainly methodological advantages also.

The first advantage is that laboratory experimentation allows much greater control over variables that the researcher wishes to investigate than does the study of real juries. Causal relationships can be established by the systematic manipulation of variables, with many of the extraneous and confounding factors that impinge on the real life situations being controlled or even eliminated completely. For example, physical factors such as the attractiveness and appearance of the defendant or victim, jury characteristics such as the inclusion of minorities like religious or racial groups, and gender differences can all be well controlled in the laboratory setting.

Secondly, experimental jury research permits multiple replications. "Since no two actual trials are alike, each courtroom behavior is a response to a unique and highly complex stimulus" (Kerr & Bray, 1982, p. 296). By exposing mock jurors to exactly the same trial (whether written, video, or audio), they will all be making their judgment on exactly the same amount and strength of evidence. Such factors cannot be controlled when comparing real trials.

A third advantage of mock jury research is that researchers are able to monitor the actual deliberation process. When researching jury decision behaviour, several important factors can be observed. For instance, the amount contributed by each juror, the quality of the contributed information, the time spent by each juror talking, and so on. All of these may be important variables when studying the decision processes of juries. If one is in fact studying the group decision processes in juries, it is highly desirable, perhaps even necessary, to be able to observe those processes

first hand. This is not possible with real juries as it is both illegal and unethical to observe a real jury deliberation.

It is sometimes possible to investigate real jury processes by analyzing court records and/or interviewing jurors after the case is complete. However, there are some potentially serious difficulties. For example, in examining court records, the researcher almost certainly will be unable to examine all the court's cases. Because of the uniqueness of jury trials, questions concerning the representativeness of the cases chosen for examination arise. There is the distinct possibility that different results may have been obtained if the researcher had looked at another set of cases.

Another problem with researching real juries is the inability to control the evidence. When the evidence is very incriminating, the influence of defendant characteristics, for example, may be less influential than when the evidence is weak (Weiten & Diamond, 1979). If the cases selected by the researcher included many of these 'open and shut' type, then the study may fail to uncover important information about jury decision making processes.

Turning now to juror interviews, a predominant problem is that the researcher must rely upon the jurors' memory and ability to recount events accurately. The jurors may simply forget or could have distorted memory of what their pre- and post-deliberation opinions were and what occurred during the deliberation. Therefore, if a researcher is relying on past jurors' recollections, then it is likely that their findings will reflect subjects' memory difficulties.

There is one final problem for real life jury research that is worth noting: it is a costly method. "Archives are often inaccessible and are rarely organised in ways that yield the desired data without laborious and expensive distillation; comprehensive in-court observation is difficult and time-consuming; courtroom participants may be hard to contact, set meetings with, and interview; and working with expert observers (e.g., judges or lawyers) can be very expensive in terms of time and expense of cultivating contacts" (Kerr & Bray, 1982, p. 298).

To summarise, like mock jury research, real jury research faces its share of major problems. The researcher must carefully weigh up the advantages and disadvantages of both approaches. There will be some problems which, at least initially, are best tackled in a systematic fashion in highly controlled conditions (for example, gender balance, jury size, testing of a theory of jury-like decision problems), while others may be best dealt with by questioning real jurors (for example, the impact of having to face an especially unrepentant defendant for several days before deliberating).

The present study set out to conduct a systematic investigation of some of the effects of jury size on mock jury decision making. Given that all current juries in criminal cases have 12 members in New Zealand, the investigator was, in fact, not in a position to choose whether size should be investigated by mock or real juries. However, few laboratory studies using mock juries have focussed directly on the effects of jury size. This fact is rather puzzling on at least two counts. First, there is little or no evidence to suggest that a jury of 12 is the optimum size, and second, assembling a group of 12 to sit as a jury is a very costly exercise. Thus, from a

purely pragmatic point of view, we would like to know how jury size effects the deliberation process. But, in addition, group size is known to affect a number of factors in group decision making (see below). Adding to the meagre amount of evidence available on the effects of size on group decision making may help in the process of formulating better theories of group processes.

THE EFFECTS OF JURY SIZE

Thomas and Fink (1963) summarised the findings of 31 studies in which group size was a major variable by stating "[I]t appears that both quality of group performance and group productivity were positively correlated with group size under some conditions, and under no conditions were the smaller groups superior" (p. 373). However, Lorge, Fox, Davitz, and Brenner (1958) in reviewing studies between 1920 and 1957, found that it had often been stated that increasing the size of a group decreases productivity for certain types of problems. Thus, the effects of group size are not consistent across all studies. It appears that group size has a varying effect depending on the task given to the group and the conditions under which the task is undertaken. It further appears that the situation is little different when one examines the effect of jury size on jury decision making.

In reviewing the literature on the effects of jury size, each variable relevant to the present investigation will be discussed separately and the findings detailed.

In the following review of the literature, unless stated otherwise, the basic procedure for running a mock jury study is as outlined on page 10. For convenience, the relevant literature is summarised in Table 1.

Table 1: Studies investigating the effects of jury size. Note that I.V. stands for independent variable and D.V. stands for dependant variable, and that the studies are presented in alphabetical order.

RESEARCH ER(S)	SUBJECTS	CASE & MODE OF PRESENTA- TION	I.V.	D.V.	DIFFERE- NCE IN VERDICT?
Beiser, Varrin, 1975	Real juries	Personal injury Neglige- nce Contract "Other"	Compari- son of 6 & 12 over 252 civil cases	—	Yes
Bermant, Coppock, 1973	Real juries	Cases involving the Workmans Compensat- ion Act	Compari- son of 6 & 12 over 128 trials	—	No
Buckholt, Weg, Reilly, Frohboese, 1977	N=180 Jurors	Murder -video	Size 6 & 12 Decision rule	Pre & post deliberation verdict Jury verdict	Yes

Davis, Kerr, Atkin, Holt, Meek, 1975	N=720 Students	Rape -audio tape	Size 1, 6 & 12 Decision rule	Voire Dire questionnaire Pre & post deliberation verdict Jury verdict Deliberation latency Personal- Social responses	No
Gordon, 1968	N=162 ?	Personal injury -video	Size 6, 9, & 12	Jury verdict Deliberation length Juror estimates of group impartiality, responsibility, & individual feelings of guilt	No
Izzett, Leginski, 1974	N=50 Students	Negligent auto- mobile homicide -written description of the crime	Size 4 to 6 Defendant attractive- ness	Pre & post discussion sentence and guilt	Not discussed in relation to size
Kerr, MacCoun, 1985	N=612 Students	Armed robbery cases -one page summaries	Size 3, 6, & 12 Polling method	Pre delib- eration verdict Jury verdict	Yes
Mills, 1973	Real juries	Civil cases	Compari- son of 6 & 12 juries over 485 cases	—	No

Roper, 1981	N=nearly 1000 From Jury role	Murder -video	Size 5, 6, & 12 Decision Rule	Individual accuracy of evidence recall	N/A
Roper, 1980	N=nearly 1000 From Jury Role	Murder -video	Size 6 & 12	Jury verdict	No
Saks, 1977	N=264 Students N=461 Former Jurors	Robbery -written Burglary -video	Size 6 & 12 Decision rule	Jury verdict Deliberation time Arguments Recall of -arguments -testimony Certainty of guilt Ratings by jurors Communicat- ion amount & content	Yes
Tanford, Penrod, 1983	Computer simulation of 300 juries	—	Size 6 & 12 Decision rule Number for acquittals Apparent guilt	—	Yes
Valenti, Downing, 1975	N=360 Students	Assault and battery -audio tape	Size 6 & 12 Apparent guilt	Jury verdict Deliberation time Ratings by jurors	Yes

Group verdict

The effects of group size on verdict are equivocal. Some researchers have found group size does effect the verdict (Kerr & MacCoun, 1985; Tanford & Penrod, 1983; Buckholt, Weg, Reilly, & Frohboese, 1977; Saks, 1977; Beiser & Varrin, 1975; Valenti & Downing, 1975), while others have found no such effect (Roper, 1980; Davis et al., 1975; Bermant, 1973; Mills, 1973; Gordon, 1968).

The results from those studies which found a difference in the verdict which could be attributed to varying group size display a degree of inconsistency. Kerr and MacCoun (1985) and Buckholt et al. (1977) found no difference between the verdicts of juries of 6 and 12; however, other differences were uncovered. Kerr and MacCoun in using 612 undergraduate students and nine, one page summaries of armed robbery cases, discovered that juries of 3 were more likely to convict than were juries of 6 and 12. Buckholt et al., using 180 jurors and a video presentation of the trial, found no difference in the number of convictions, but they did find that the severity of the verdict was higher with juries of 6. The severity was measured by the charge on which the defendant was found guilty: first degree murder, second degree murder, reckless manslaughter, negligent manslaughter, or not guilty.

Valenti and Downing (1975) found an interaction between the verdict and the apparent guilt. Their study employed 360 undergraduate students and the case material was presented by means of an audio tape. The case used was one of assault and battery. When the apparent guilt was low, they found no differences, but when

the apparent guilt was high, they discovered that juries of 6 were more likely to convict.

A computer simulation of 300 juries conducted by Tanford and Penrod (1983) resulted in juries of 6 producing more acquittals (80%) than juries of 12 (55%).

Finally, in analyzing court records from 252 civil cases, Beiser and Varrin (1975) found that real juries of 12 decided more cases in favour of the plaintiff than did juries of 6 (76.9% v. 47.5%).

Overall, although there is some disparity across studies, it would appear that the decision made by the Supreme Court on the basis that there were no differences in the verdicts of juries of size 6 and 12, is unfounded.

Deliberation length

Deliberation length varies widely across mock jury studies. For example, Kerr and MacCoun (1985) used a 10 minute deliberation time while Valenti and Downing (1975) allowed one hour. The general finding is that the larger the jury size, the longer the deliberation (Kerr & MacCoun, 1985; Beiser & Varrin, 1975; Friedman & Shaver, 1975, cited in Hastie et al., 1983; Valenti & Downing, 1975). However, the picture is clouded by the fact that many studies (e.g. Kerr & MacCoun, 1985; Valenti & Downing, 1975) used limited time deliberation periods while others (e.g.

Roper, 1980) used open ended periods. Limited discussion periods may alter what would be the final verdict and the number of hung juries (as discussed earlier).

Recall of testimony

Roper (1981) used a videotaped presentation of a murder case to investigate the accuracy of evidence recall by mock jurors. The subjects (nearly 1000 jurors taken from the actual juror role) were placed in juries of size 5, 6, or 12. No differences were found in the percentage of correct responses made by individual jurors. This study is typical of a number that have studied the accuracy of individual recall in a jury setting. However, an important question about recall has not been addressed. Although individuals' recall of testimony has been studied, what about the jury as a whole? There has been no research into the effects of jury size upon the accuracy of evidence recall when the jury as a group has answered the questions, rather than individuals' answers. Group accuracy is much more important because one could expect some group members to correct the inaccuracies of other members, but if the whole jury gets the question wrong, then there is no mechanism for correction. Thus, it is important to see how size effects accuracy. The present study therefore examined the effect of group size on the accuracy of information recall for the jury as a whole.

Pre-and post-deliberation guilt

Davis et al. (1975) obtained a significant shift in the pre- and post-deliberation verdicts given by the individual jurors. Seven hundred and twenty undergraduate students comprised the subject pool, and the case used was an audio presentation of a rape trial. There was a shift to acquittal in the distribution of individual verdicts from pre- to post-deliberation. As no jury convicted the defendant, it appears that the average juror was influenced by the group decision, thereby demonstrating the effects of group polarisation.

Izzett and Leginski (1974) also looked at the effects of deliberation upon individual judgments of guilt. Fifty undergraduate students were the subjects and the case was a written one involving negligent automobile homicide. The deliberation appeared to alter the subjects' opinions, as their judgment of guilt became less severe after the deliberation.

However, although Izzett and Leginski (1974) did use groups of size 4, 5, and 6, they did not break down their results to see if there were any size effects. This leaves open the possibility that their results were influenced by the subjects deliberating in groups of different sizes.

In summary, the most consistent and outstanding effect of examining the differences between pre- and post-deliberation guilt is the group polarisation effect. In all cases,

individual post-deliberation judgments shifted further toward the verdict expressed in the pre-deliberation questionnaire.

Frequency of a hung jury

When a jury is deadlocked and it cannot reach a verdict, the jury can be declared 'hung', and no verdict entered. Research has looked at the frequency of hung juries with respect to group size and several researchers have supported the hypothesis that 12 member groups are more likely to hang than are smaller groups (Kerr & MacCoun, 1985; Tanford & Penrod, 1983; Roper, 1980; Padawer-Singer, Singer, & Singer, 1977, cited in Hastie et al., 1983; Valenti & Downing, 1975). The mathematical model developed by Saks and Ostrom (1975, cited in Saks, 1977) also suggests that groups of 12 are more likely than smaller groups to hang.

Almost inevitably, hung juries are found where there are several dissenters at the beginning of deliberation (Hans & Vidmar, 1986). The minority viewholders are only able to hold out on the majority when they have some initial support. It seems unlikely that there would be more dissenters in a 6 member jury than in a 12 member jury; hence, juries of 12 are expected to hang more frequently.

Other factors

The study by Valenti and Downing (1975) was one of the few that asked the subjects several post-experimental questions regarding their feelings about the deliberation.

In analysis, they found that the satisfaction with their participation in the group discussion was greater in the 6 than in 12 member groups and that groups of 6 were more inclined to think that a larger jury would have promoted more discussion. Subjects in groups of 6 also indicated more personal agreement with the jury verdict. Valenti and Downing also found that although groups of 12 thought that a smaller jury would have promoted a more productive discussion, they also indicated that their group more thoroughly discussed all the facts.

Another study which utilised a post-experimental questionnaire as well as post-experimental interviews was that of Gordon (1968). He investigated juries of size 6, 9, and 12 by using a video of a personal injury case. He found that juror estimates of group impartiality, responsibility, and individual feelings of guilt did not vary as a function of jury size. However, it can be noted that Gordon used a small sample size ($N=6$ per cell), which may have contributed to the lack of statistically significant results.

One finding that is important to note is that of Davis et al. (1975). Although they found no difference in the verdict between groups of 6 and 12, individuals gave a higher proportion of guilty verdicts. This result supports the desirability of researchers allowing group decisions to be made when investigating any aspect of a jury and their decision process. The decisions made by the 'average' individual may be very different to that of a group decision.

Saks' (1977) study

One major investigation that examined the effect of jury size as one of its aims was that of Saks (1977). This study is considered in detail because of its relevance to the present investigation. In fact, the case used in the present research was adapted from Saks (Experiment 1), and the present questionnaires were also based on those used by him.

Two hundred and sixty four undergraduates formed Saks' subject pool. The trial was adapted from a case in a law school practice text and involved a defendant accused of complicity in a jewelry store robbery. Presentation of the case was as a written transcript. The basic procedure was as outlined earlier (p. 10): presentation of case material; pre-deliberation questionnaire; jury deliberation; post-deliberation questionnaire. Observers also watched the deliberation through a one-way mirror and recorded 'communication patterns' and 'content categories'.

Saks (1977) found that juries of 12 spent more time deliberating, engaged in more communication per unit time, manifested better recall of testimony, and (although not reaching statistical significance) tended to produce more correct verdicts than juries of 6. Groups of 12 also facilitated markedly better community representation, for which there is generally strong support (Hare, 1952; Zeisel, 1972, cited in Elwork, Sales, & Suggs, 1981).

However, Saks (1977) found that juries of 6 allowed jurors to initiate more communication per member, share more equally in the communication (although Friedman & Shaver, 1975, cited in Hastie et al., 1983, did not obtain this result), and obtain higher sociometric ratings of reasonableness and contributions to the jury's task. No differences occurred on measures of perceived fairness and satisfaction, or in jurors' ratings of the influence by the group on them and by them on the group.

From the above review, it can be seen that there are a variety of limitations and many methodological problems in research on jury size. Of the 13 studies reviewed, only five included jury sizes different from 6 and 12. Even then, the focus of these studies often remained on the groups of 6 and 12. The number of subjects ranged widely from 50 to nearly 1000, and the subjects were either students or past jurors, with the exception of Roper (1980, 1981) who obtained subjects from the actual juror role. Three studies used real jury records (Beiser & Varrin, 1975; Bermant & Coppock, 1973; Mills, 1973), one was a computer simulation (Tanford & Penrod, 1983), and the source of subjects is unknown for one study (Gordon, 1968). In addition, the mode of presentation varied across studies. Five studies used a video presentation of the case material (Roper, 1981, 1980; Buckholt et al., 1977; Saks, 1977; Gordon, 1968), three used written material (Kerr & MacCoun, 1985; Saks, 1977; Izzett & Leginski, 1974), and two used audio tapes (Davis et al., 1975; Valenti & Downing, 1975). As discussed earlier, the mode of presentation can affect the results of the study. Indeed, given the wide range of factors that are known to influence jury decision making, it seems highly likely that the disparity among the studies reviewed is at least partly due to these factors acting as confounds.

In summary, and despite the methodological problems, it seems that differences do occur in the group decision process of juries of varying sizes. Consistent findings are that larger juries deliberate for longer and hang more frequently, and group polarisation has an effect upon the judgments of the group members. However, there are also inconsistencies across studies and several replication attempts have failed. For example, there is considerable conflict across studies in regard to the effect of group size on verdict. Some have found differences in the verdicts of groups of 6 and 12 (e.g. Beiser & Varrin, 1975), and some have found no differences between groups of 6 and 12 but in groups of other sizes (e.g. Kerr & MacCoun, 1985). However, it is perhaps worth restating that methodological differences across studies, even where group sizes are identical, makes direct comparisons of results difficult.

The present investigation was a systematic study of jury size with the focus on size only. In addition, the present study was a partial replication of Saks' (1977) investigation as the same case study was used and some of the same group sizes were employed (6 and 12). In fact, every attempt was made to keep the present study as similar as possible to that of Saks, at least in regard to those factors that are known to influence the results (e.g. mode of presentation, type and length of case). Very little research on jury size has been replicated in any systematic fashion. Indeed, given the inconsistent results obtained from using a variety of methods, the question that is most in need of an answer is - are the results of *any* jury study replicable? Therefore, as well as being a study of the effect of group size on jury decision making, the present investigation was a deliberate attempt to partially replicate the study of Saks.

THE PRESENT STUDY

The present study was a systematic investigation of the effects of jury size upon a number of dependant variables: group verdict, confidence in verdict, deliberation length, group recall of evidence, individual pre- and post-deliberation guilt, pre- and post-deliberation confidence in guilt rating, perceived fairness and satisfaction of group verdict, individuals' perceived influence on others and others' influence on them, and the direction provided by the foreperson.

Group Verdict - As the trial case used was adapted from Saks (1977), it was expected that the verdict trends in the present study would match Saks' findings: namely that juries of size 12 would come to a not guilty verdict¹ more often than the juries of size 4 and 6, and the individuals (jury size=1). The larger the sample of individuals, the lower the margin of error will be. Because six member juries are a smaller sample of the community, a wider range of outcomes is expected than in 12 member juries. That is, 12 member juries are more likely to reach the same decision than are 6 member juries (Hans & Vidmar, 1986). So, combining the above two factors leads to the prediction that 12 member juries are more likely to reach the same decision (the correct verdict) than are groups of 4, 6, and individuals working in isolation.

¹Not guilty was the "correct" verdict for this trial (Saks, 1977). As the evidence produced in the case was circumstantial, proof beyond reasonable doubt was not applied, thereby ruling out a guilty verdict.

Group Confidence that the Verdict was Correct - It was expected that those groups who found the defendant guilty would have a higher confidence rating that their verdict was correct, than those who found him not guilty.

In groups of 12, there is more likely to be one or two members who, while going along with the group decision, have little confidence in the decision. These people may have less chance to speak out in a group of 12 (compared to groups of, say, 6) and thus will express little confidence in the group decision. Their low confidence ratings would subsequently pull down the overall average for the group. In smaller groups, it is likely that dissenters will have a better chance to air their views and have them refuted, or agreed to. Thus, it is suggested that confidence in the decision is, to some extent, a function of the ability of each member to fully voice their opinions.

Another factor suggesting that guilty verdicts might result in higher confidence ratings than not guilty verdicts is that a verdict of guilty (in the present case) has potentially severe consequences for the defendant. In the present case the evidence is circumstantial, but it strongly implicates the defendant in the crime. Thus, it was expected that those jurors that found the defendant guilty would have greater confidence in their decision than those who found him not guilty.

Length of Deliberation - No time limit was imposed upon the deliberation. Therefore, it was hypothesized that the present investigation would support the findings of Kerr and MacCoun (1985), Beiser and Varrin (1975), Friedman and

Shaver (1975, cited in Hastie et al., 1983), and Valenti and Downing (1975), that the larger the jury size, the longer the deliberation. In larger groups, more viewpoints and more information will be available (Saks, 1977). For the group to hear all of this information, discuss it and sort out the important items, more time will be taken than if the group was smaller. Thus, the total deliberation time should increase with group size

Recall of Testimony - As noted earlier, only individual rather than group recall has been investigated in mock jury studies. Although Roper (1981) found no difference in the individual recall of testimony as a function of group size, Saks (1977) found that individuals in juries of size 12 did manifest better recall. If individuals who are members of a group with 12 participants do have better recall of the testimony, it would be expected that when the questions are answered by the group as a whole, juries of 12 would have better recall than smaller juries. The variable of accuracy of group recall was an exploratory variable, in that it has not been examined in previous research.

Frequency of hung juries - In support of the literature (Kerr & MacCoun, 1985; Tanford & Penrod, 1983; Roper, 1980; Padawer-Singer, Singer & Singer, 1977, cited in Hastie et al., 1983; Valenti & Downing, 1975), it was hypothesized that the number of hung juries would increase with group size. As discussed previously, it is unlikely that there would be more dissenters in a 6 member jury than in a 12 member jury; hence juries of 12 were expected to hang more frequently.

Pre- and Post-deliberation Guilt - In order to assess the impact of the group discussion (sometimes omitted from mock jury research) on verdict, subjects in the present study provided both a pre- and post-deliberation guilt rating. Davis et al. (1975) found that there was a significant shift to acquittal (which was the verdict of all groups) in the distribution of individual verdicts from pre- to post-deliberation. This was expected to occur in the present investigation. That is, the individuals' post-deliberation guilt rating was predicted to be more extreme and in the direction of the respective group verdict, than their pre-deliberation guilt rating. In other words, the effect of group discussion was expected to produce the well known phenomenon of group polarisation.

Pre- and Post-deliberation confidence in guilt rating - None of the studies reviewed has investigated individual confidence ratings. However, an expectation can be made on the basis of the theory of group interaction proposed by Myers and Lamm (1976). This theory suggests that by verbalising arguments and ideas, members of a group become more confident in their decision. Thus, it was expected that the confidence in the guilt rating made by the individual group members would increase as a result of the discussion. Since arguments and ideas can be equally well verbalised in small as well as larger groups (provided there is no control over deliberation time), it was predicted that changes in group size would not affect the size difference between pre- and post-deliberation confidence ratings.

Perceived Fairness and Satisfaction with Verdict / Jurors Perceived Influence on Others and Others' Influence on Them - Saks (1977) found no differences on measures of perceived fairness and satisfaction, or in jurors' ratings of the influence by the group on them and by them on the group. These variables rarely have been investigated in mock jury research; however, on the basis of Saks' findings it was expected that no differences would occur as a result of the different sized groups. These variables were included both as an attempt to replicate Saks' findings, and also as a check that no one person in the group had an unduly large effect on the outcome and that all subjects felt the procedure was fair.

Direction Given by the Foreperson - In mock jury research, the role of the foreperson has not been addressed. It was hoped that by including the selection and use of a foreperson into the experimental procedures, more realism would be achieved. Additionally, it was of interest to see to what extent, if any, the foreperson would play a leading role, and if group size would make any difference to the influence of the foreperson.

Methodological Considerations - The present study was conceptually straight forward, involving simple one-way Analysis of Variance (ANOVA) to analyze the effect of jury size on a range of dependent variables. However, a major difficulty arose regarding the number of subjects to utilise. It was critical to study a jury of size 12 (so as to link in with other studies), yet the subject numbers required to get a reasonable N per cell were very large (the group being the unit of analysis - see below). Given the nature of the project and the time constraints, it was decided to

run 10 groups per cell (group sizes of 4, 6, and 12), but with 12 (rather than 10) individuals. Thus, a direct comparison could be made between the results averaged over 12 individuals and those obtained from actual groups of 12. However, it was realised that $N=10$ groups per cell may not provide sufficient power to test adequately some of the statistical hypotheses.

For several of the dependent variables, the group mean score was the unit of analysis: pre- and post-deliberation guilt and confidence in that rating, perceived fairness and satisfaction, perceived influence on others and others' influence on them, and the direction given by the foreperson.

A rationale for using the group mean score rather than the individual scores is given by Saks (1977, p. 71):

"Because jurors were members of internally interacting groups, each person's behavior was due not only to the independent experimental variables and to his individual characteristics, but to the unique behavior of the particular group of which he was a member. Since the units of analysis must be independent, each jury was treated as the unit."

Several other researchers of group processes have similarly argued for the non-independence of individual scores (e.g. see Epstein and Baum, 1978).²

²For the above reasons, all the ANOVA computations in the present investigation are calculated with the group as the unit of analysis. However, as a check, all ANOVA's were repeated using the individual as the unit of analysis. All computations

As discussed earlier, the mode of presentation of the case material has been seen to be a factor affecting the results of several studies. In the present investigation a case was needed that would not only produce good discussion, but also allow a comparison with some previous research. It was decided to use the case used by Saks (1977), who presented it to his subjects in a written mode. The same case was used in the present study after a few minor modifications to adapt it to the New Zealand scene (see Appendix A). In addition to using the same case study as Saks, two of the jury sizes (6 and 12) were the same size as those used by Saks. Thus, it was possible, at least to some extent, to compare directly the results of the present study with those of Saks.

sulted in those F values that were significant with the group as the unit of analysis remaining significant when the unit of analysis was the individual. All non-significant results also remained the same with one exception: the perceived influence of themselves upon the other group members. With the individual as the unit of analysis, the difference was non-significant. However, when the unit of analysis was the group, the F value increased slightly - enough to yield a significant result.

METHOD

SUBJECTS

Subjects were 232 Massey University undergraduate psychology student volunteers recruited from lectures. Each subject was randomly assigned to a jury size of 4, 6, or 12, or to be one of the 12 individuals, each of whom carried out the task alone.

Sixty two percent of the subjects were female and 98.5% of all subjects were above the minimum voting age of 18, therefore being eligible for jury service. Their age distribution is shown in Table 2.

Table 2: Age distribution of the subjects.

Age Group	Percentage
17-20	59%
21-25	28%
25-35	9%
35+	4%

Eighty seven percent of the subjects were 25 or under, with a range of 17-51 years (mean=21.50 years, s.d.=5.27 years).

MATERIALS AND EQUIPMENT

Each subject was given a name badge with a unique letter on it, a clipboard and an attached pen. The case used was a written transcript of a trial which was adapted from the one used by Saks (1977) (see Appendix B). The adaptations made involved altering American relevant information into information which was appropriate to N.Z. No alterations were made to the content of the trial (compare Appendices A and B). There were also four questionnaires: pre- and post-deliberation questionnaires (Appendices C and D); jury verdict questionnaire (Appendix E); and a multiple-choice questionnaire (Appendix F).

The experimental setting for groups of 12 is shown in Figure 2. For smaller groups, outside chairs from the semi-circle were removed. Subjects sat in comfortable armchairs and were provided with a clip-board and low tables for completing the questionnaires. The overhead projector and screen shown in Figure 2 were used to provide subjects with the instructions. All experimental sessions were recorded on video and the experimenter observed the proceedings from an adjoining room with a one-way mirror. Subjects were made aware that they would be observed and that the video camera would be operating.

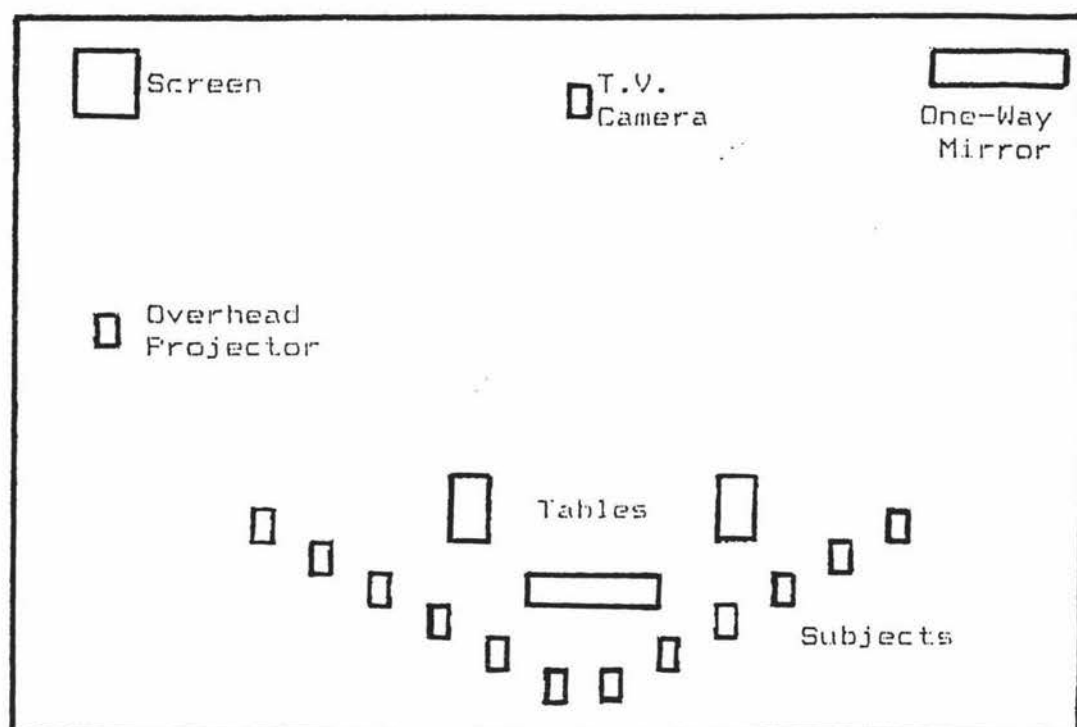


Figure 2: Experimental Setting.

PROCEDURE

Each jury was run separately, and all sessions were held either during the afternoon or the early evening.

Ten groups of size 4, 6, and 12 were run, and 12 subjects were run in the single subject condition. Twelve, rather than 10, subjects were run in the single subject condition so a comparison could be made between the results of 12 subjects who were part of a group and discussed the case with others, and 12 subjects who worked independently and had no group interaction.

When all of the subjects in a particular group had arrived, they were taken inside the experimental room and asked to take a seat. On each seat was a clipboard and a name badge, with a letter on it. The subjects were asked to put the name badge on.

The first instructions were then read out to the subjects by the experimenter. The instructions were also visible on the overhead projector for the subjects to follow.

"The aim of this experiment is to investigate several aspects of jury decision making. You will be deciding upon the verdict to be given to the defendant being tried. In this session you will be presented with some evidence, then asked to deliberate about the facts and finally render a verdict. Each of your fellow jury members has a code letter on. If you wish to direct a comment directly to a particular person, please address them as their code letter rather than their name. This is so in later analysis of the discussion I can identify who is talking and to whom. Would you now please turn your attention to the booklet in front of you. When instructed you may turn it over and begin reading the transcript of the trial. You will be given a maximum of twenty minutes to read the transcript. However, if you should finish reading it before this time please place it in front of you on the table and turn it over, back into the position it is now in. I would recommend that you try and go over the transcript twice. I will warn you when there are five minutes reading time left. Does anybody have any questions?..... Would you please now turn your attention to the consent form. (This was now placed on the overhead projector.) Would you please read this overhead and sign the copy that will be handed around." (see Appendix G).

Once the subjects had signed the consent form they read the transcript for the next 20 minutes. After ensuring that everyone had read the transcript through at least once, all the transcripts were collected in.

Subjects were then given the pre-deliberation questionnaire to complete (see Appendix C), with the following instructions:

"I am aware that you may not have come to your final decision yet, but I would like to know what your present feelings are. Please read all the instructions carefully and feel free to ask me if you have any questions. When you have finished, please place the pre-deliberation questionnaire in front of you and turn it over, back into the position it is now in. You may now go ahead and answer the questionnaire."

Once the pre-deliberation questionnaires had been completed and collected in, subjects were asked to decide on a foreperson:

"You will now be able to begin your discussion on the trial. All of you must decide upon a guilty or not-guilty verdict before the deliberation can be completed. That is, there must be a unanimous decision. Before you begin the discussion of the trial, however, you must decide upon a foreperson. You can go about this in any way you choose - someone can volunteer, you can have a vote, or any other way you like. The foreperson is there to direct and control the discussion if it is needed. The foreperson is also responsible for filling in the questionnaire according to what the whole jury decides. Would you please decide on a foreperson now, as quickly as possible. I will wait outside, so will the chosen person please come and get me when you have decided."

After the selection of the foreperson, the final instructions were given before the group began the deliberation:

"The deliberation will be video-taped so I can observe the discussion later and look at such things as the content and direction of the discussion. However I will be leaving the room when you begin. When you have reached your decision and the foreperson has indicated this on the questionnaire, the foreperson is to bring the completed form outside the room, where I will be waiting. I will be in the next room observing through a one-way mirror. As soon as I leave the room you may begin your discussion."

The deliberation was video-taped mainly as a precaution, to provide a check if necessary, or to provide further data if required. (As it turned out, the questionnaire

data were very clear and there was never a need to resort to checking the tapes. While it was possible that further useful data could have been obtained by analysing the tapes, the scope of the present project did not allow for this.)

The deliberation length was timed by the experimenter. If the foreperson came out to the experimenter and said that the group felt they were a hung jury, the experimenter requested that they try once more to reach agreement. If the foreperson again returned with no verdict, then a hung jury was declared and recorded.

Once the deliberation was over and a verdict had been reached, the subjects were given the post-deliberation questionnaire (see Appendix D). Once this was completed and collected, subjects were then asked to complete the multiple-choice questionnaire (see Appendix F), *as a group*. The foreperson was given a copy on which the group's answers were recorded, and all the others were given a copy as a reference. The subjects were then informed that the experiment had now come to an end. After answering any questions, the subjects were thanked for their time and told they could contact the experimenter if they had any further queries as to their own group performance or required any further information about the study.

RESULTS

GROUP VERDICT

It was predicted that, in general, the larger the group the more accurate the final verdict would be. The percentages of not guilty verdicts (the correct verdict) plotted as a function of group size, are shown in Figure 3.

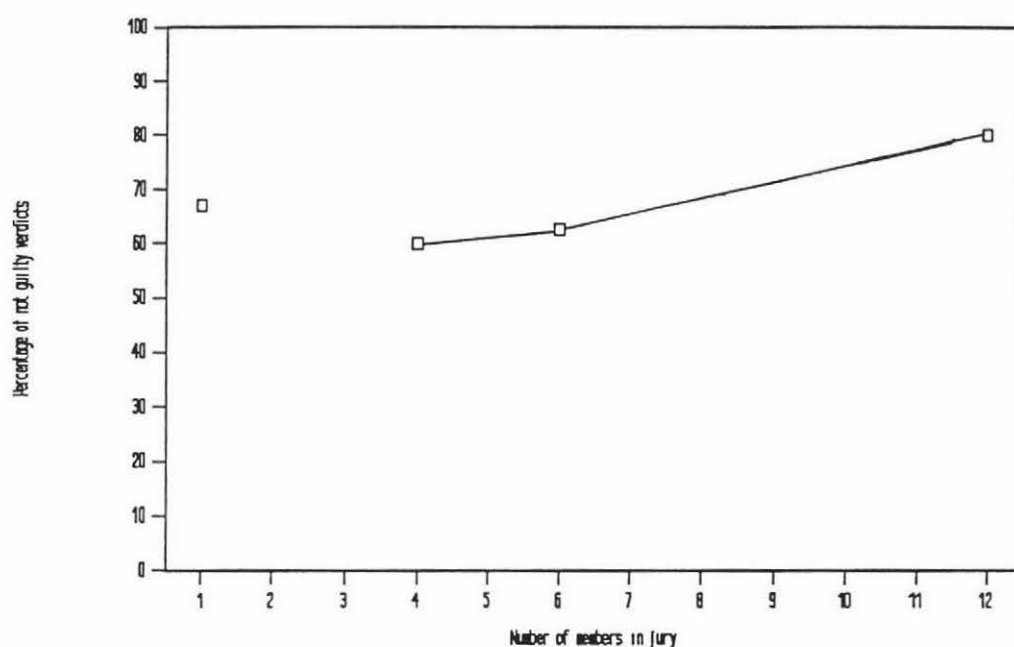


Figure 3: Percentage of not guilty verdicts given by the different sized groups. Groups of 12 gave the highest percentage of not guilty verdicts, and groups of 4 gave the lowest percentage. NOTE: Individuals operating alone did not constitute a group. Thus, while the data for individuals are shown, they should not be viewed as part of the graphed function for the various group sizes.

It can be seen that the largest group (size 12) produced 80 % correct decisions, groups of size 6, 62.5%³, and groups of size 4, 60%. It can also be seen that individuals produced more correct verdicts (67%) than either groups of size 4 or 6.

GROUP CONFIDENCE THAT THE VERDICT WAS CORRECT⁴

Subjects were asked to decide, as a group, their level of confidence in the correctness of their verdict. Figure 4 shows the average overall levels of confidence for each group size, and separately for both guilty and not guilty verdicts.

Groups of 12 appear less confident in their decision than any of the other groups. However, when the confidence ratings were broken down by verdict (guilty vs. not guilty), a different picture emerged (see Figure 4). It appears that the lack of confidence in groups of 12 is only with the groups that found the defendant not guilty (80% of the groups). Those groups that returned a guilty verdict were quite confident in their decision. There is little difference in the ratings between juries of size 4 and 6, even when verdict is taken into consideration. It can be noted that, in general, not guilty judgments yielded less confidence in the verdict than guilty judgments.

³ Two groups of size six did not reach a unanimous verdict. These hung groups not included in this analysis, nor in the next two sections (group confidence and deliberation length).

⁴ For all further analyses, unless otherwise stated, the subjects who were part of single subject condition are not included in the statistical analyses. The reason for this has already been given; that is, a person working alone does not constitute a group. However, for comparative purposes, the data from individuals are of considerable interest.

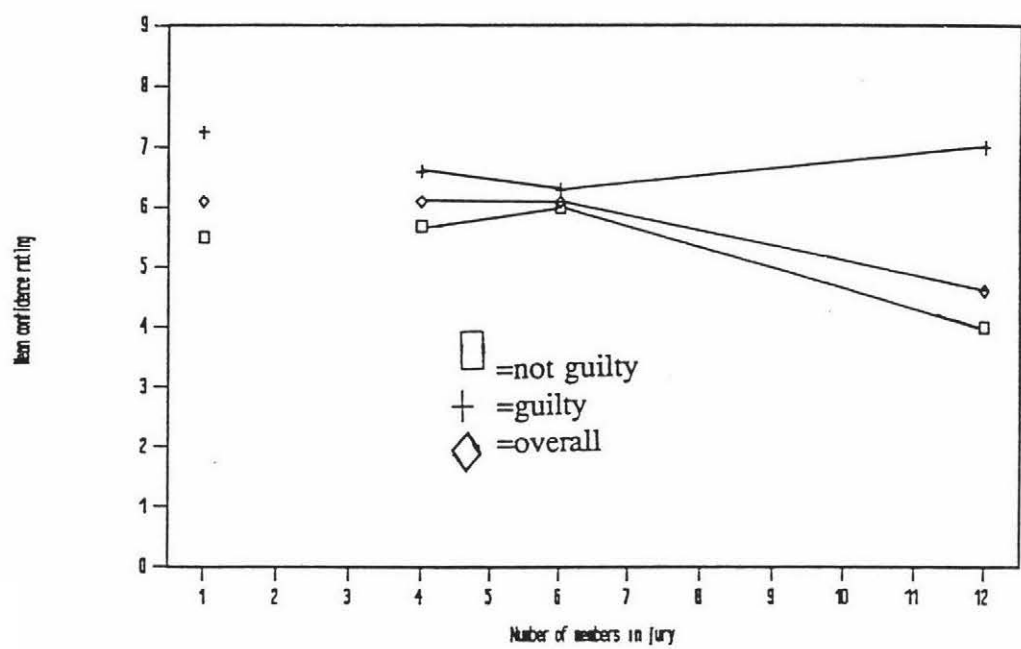


Figure 4: Ratings of confidence that the group verdict was correct as a function of group size. The groups which found the defendant guilty had a higher confidence rating than those which found him not guilty, for all sizes.

However, an ANOVA (Table 3) showed that group size has no statistically significant effect on the overall results, $F(2,25)=1.33$; n.s.⁵

Table 3: ANOVA for the comparison between group size and the confidence rating that the group verdict was correct.

Source of Variation	df	SS	MS	F
Between Groups	2	14.17	7.09	1.33
Within Groups	25	133.50	5.34	
Total	27	147.67		

⁵ No inferential analysis was done on the data when broken down by the verdict as the number of groups was too small (e.g. N=2 for some groups).

It was hypothesized that those groups who returned guilty verdicts would have the highest confidence ratings. As can be seen in Figure 4, groups of all sizes were in fact, more confident in their decision when there was a guilty verdict. A binomial test revealed that the probability of obtaining higher confidence ratings for all four group sizes (including individuals) that reached a guilty verdict compared to those reaching a not guilty verdict by chance alone, is only .06. Therefore, the data at least suggest that guilty verdicts may lead to higher confidence ratings, even though that verdict is incorrect.

LENGTH OF DELIBERATION

It was hypothesized that the larger the jury size, the longer the deliberation length would be. As can be seen from Figure 5, overall, groups of 12 deliberated for longer than did juries of 4 or 6. In fact groups of 4 and 6 deliberated for only 60% of the time that groups of 12 did. Once broken down by verdict, however, groups of 12 took longer to reach a guilty verdict than a not guilty verdict (36.5 minutes vs. 23 minutes). This pattern also occurred for groups of 6 (17 minutes vs. 12.5 minutes); however, it did not occur for the groups of 4, who took less time to find the defendant guilty (14 minutes) than not guilty (17 minutes).

An ANOVA (Table 4) showed there to be no statistically significant differences in deliberation time as a function of group size, $F(2,25)=2.57$; n.s. However, when the verdicts were divided into guilty and not guilty verdicts, there was a very marked increase in deliberation time in the 12 member group. While the 6 member groups

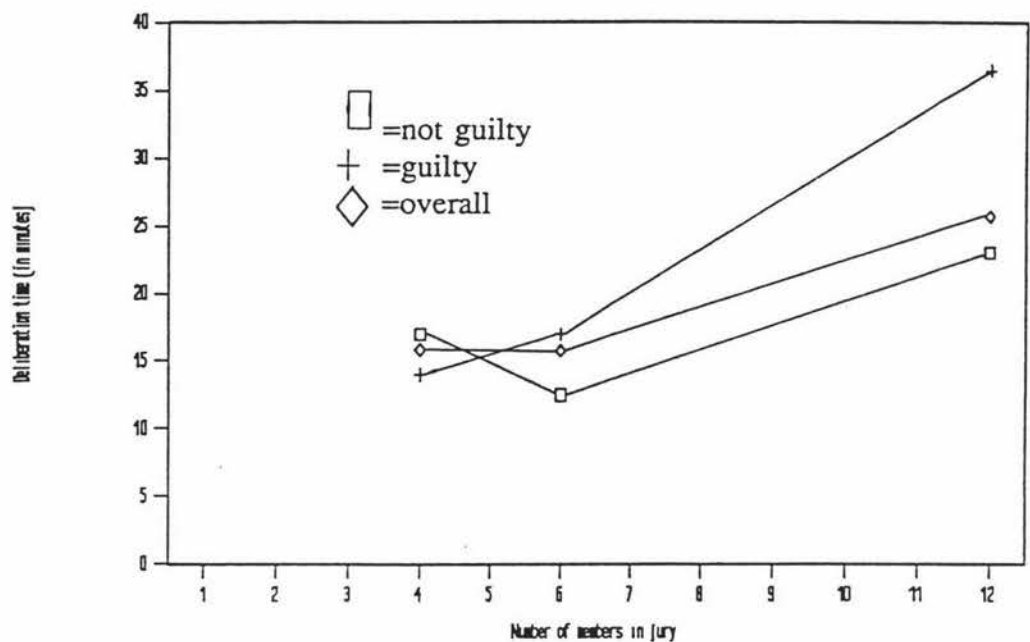


Figure 5: Length of deliberation as a function of the different sized groups. The groups of 12 took the longest to reach a verdict, with those groups who came to a guilty verdict taking by far the most time.

returning guilty verdicts averaged a 17 minutes deliberation time, 12 member groups averaged 36.5 minutes deliberation time - an increase of more than 100%.

Table 4: ANOVA for the deliberation length vs. the group size.

Source of Variation	df	SS	MS	F
Between Groups	2	632.41	316.21	2.57
Within Groups	25	3077.20	123.09	
Total	27	3709.61		

RECALL OF TESTIMONY

It was expected that groups of 12 would have a more accurate recall of the testimony than the other sized groups. The average percent correct on the multiple-choice questionnaire⁶ was calculated for each jury size. The results are plotted in Figure 6 as a function of group size.

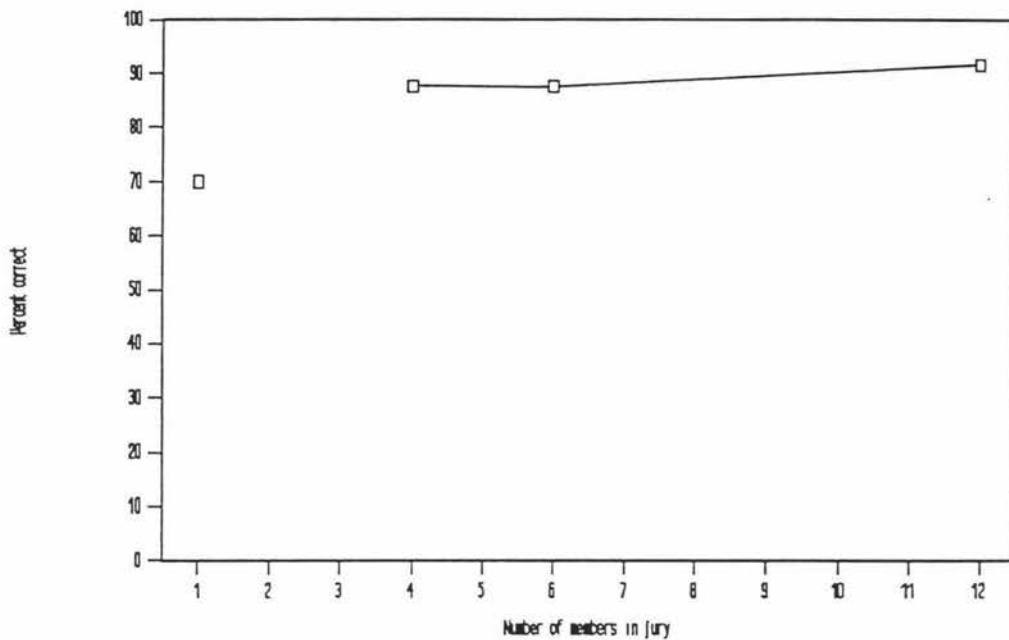


Figure 6: Recall of testimony (% correct on a multiple choice questionnaire answered by the jury as a group) achieved by each sized group. The individual subjects had the lowest recall of testimony, and then there was a small increase up to group size 12.

It can be seen that there was a large jump in the percentage of correct responses between the individuals (70%) and groups of 4 (87.5%), and from then on, a small

⁶ The questionnaire administered to the groups and individuals contained 20 items. error was discovered in question 15; therefore, this analysis is based on the answers 19 items.

increase up to the groups of 12 (see Figure 6). There was a difference of 21.5% correct responses between individuals and the juries of 12, but only a 4% difference between juries of size 6 and size 12

The differences in the percentage of correct items over the three different size juries and the individuals was significant, $F(3,38)=15.7$; $p<.01$ (Table 5). However, when the individuals were omitted from the ANOVA (Table 6), there were no differences among the groups of 4, 6 and 12, $F(2,27)=1.22$; n.s.

Table 5: ANOVA for the recall of testimony as a function of group size. This analysis included individuals.

Source of Variation	df	SS	MS	F
Between Groups	3	3146.90	1048.96	15.77
Within Groups	38	2527.50	66.51	
Total	41	5674.40		

Table 6: ANOVA for the recall of testimony as a function of group size. This analysis excludes individuals.

Source of variation	df	SS	MS	F
Between Groups	2	106.06	53.34	1.22
Within Groups	27	1177.50	43.61	
Total	29	1284.17		

FREQUENCY OF A HUNG JURY

It was predicted that groups of 12 would result in the most hung juries. It was found, however, that 6 member groups produced both of the hung juries that occurred.

PRE- AND POST-DELIBERATION GUILT

Subjects⁷ were asked to estimate the likelihood of the defendant being guilty on a 9 point scale both before and after deliberation. The average ratings of likelihood of guilt are plotted in Figure 7 as a function of group size for both the overall ratings and for guilty and not guilty judgments.

The average ratings of guilt before deliberation are little affected by changes in group size. However, after deliberation, the ratings for all group sizes, including individuals, have shifted in the direction of the respective group verdict. It would seem that the average responses for the individuals are more extreme. There is a larger difference in the ratings of guilt by individuals between those who found the defendant not guilty and those who found him guilty when contrasted with the pre-deliberation responses of the subjects who were members of groups. In fact, the individuals' ratings match much better with the post-deliberation group ratings.

⁷The data for one subject's post-deliberation questionnaire from the groups of size 12 could not be used. Therefore, the above analysis, and all further analyses, will be based on 11 rather than 12 subjects for one of the 10 groups in this condition.

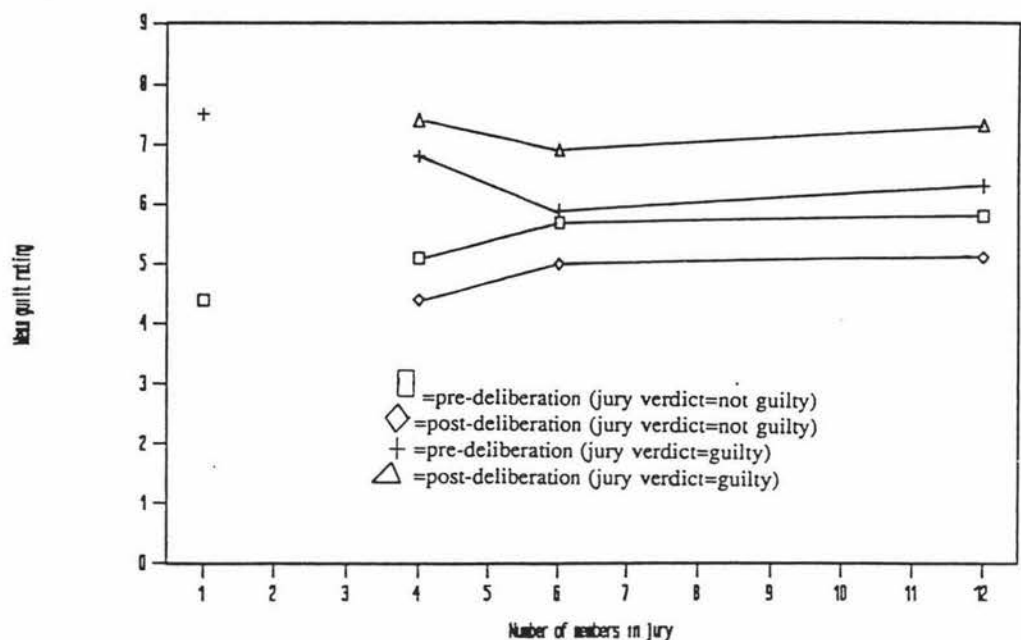


Figure 7: Subjects' ratings of guilt before and after deliberation. All means display a shift in the ratings toward the group's verdict, indicating an effect of group polarisation.

It was hypothesized that the pre- and post-deliberation guilt ratings would demonstrate the effects of group polarisation, with subjects' ratings reflecting the groups' decision. As can be seen in Figure 7, for all three group sizes, this effect occurred. A two-way ANOVA produced no effect of group size on overall guilt ratings, and no differences between pre- and post-deliberation guilt ratings (see Table 7). However, Figure 7 clearly indicates that when the results are broken down by guilty and not guilty verdicts, all six conditions (group size (3) by verdict (2)) produce a polarisation effect. A binomial test showed that such an outcome was unlikely to be due to chance effects ($p<.02$).

Table 7: Two-way, mixed design, ANOVA for the pre- and post-deliberation ratings of guilt as a function of group size.

Source of Variance	df	SS	MS	F
Size (S)	1	0.08	0.08	0.36
Between Groups	18	39.97	2.22	
Pre/Post (P)	2	0.04	0.02	0.01
S*P	2	0.18	0.09	0.06
Within Groups	36	56.64	1.57	
Total	59	97.63		

PRE- AND POST-DELIBERATION CONFIDENCE IN GUILT RATING

It will be recalled that subjects, after indicating how guilty they believed the defendant was, also individually indicated how confident they were in that guilt rating. It was predicted that the post-deliberation confidence rating would be stronger than the pre-deliberation confidence rating.

As can be seen in Figure 8, over all the different sized groups, the post-deliberation confidence rating is higher than the pre-deliberation rating. The difference is quite small for groups of 12 (2.78%), but is larger for groups of four and six (7.44% and 6.67% respectively). Although the confidence rating systematically increased after deliberation, an ANOVA failed to uncover any significant differences (see Table 8).⁸

⁸Once again, no inferential analysis was done on the data when broken down by dict as the N for some groups was too small.

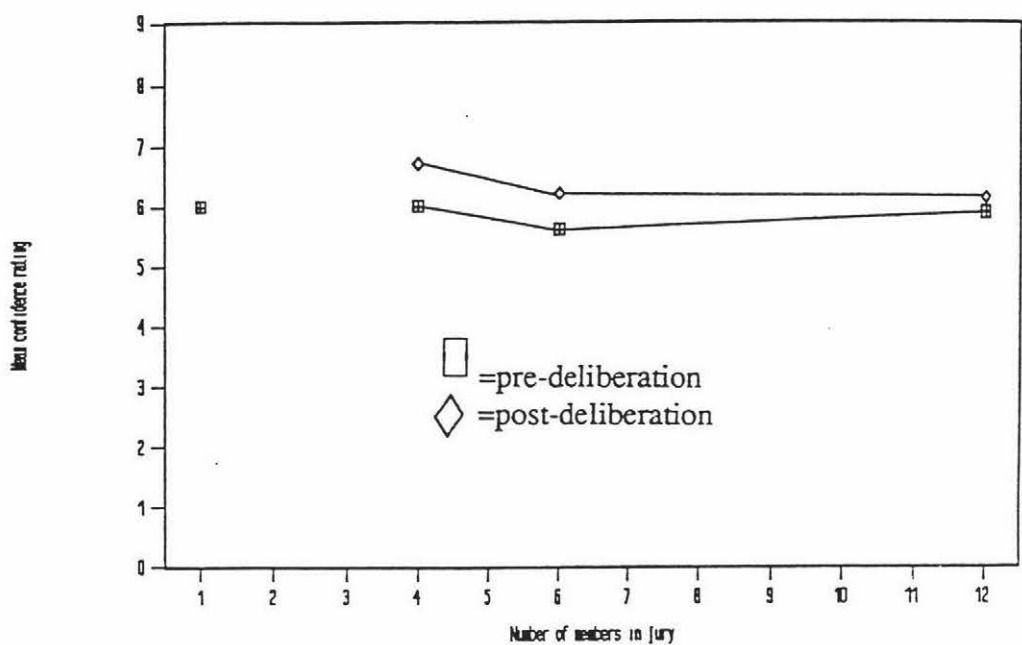


Figure 8: Individuals’ confidence in their rating of guilt before and after deliberation. The discussion increased confidence, irrespective of group size.

Table 8: Two-way, mixed design ANOVA for the pre- and post-deliberation ratings of confidence as a function of group size.

Source of variation	df	SS	MS	F
Size (S)	1	3.81	3.81	2.84
Between Groups	18	24.08	1.34	
Pre/Post (P)	2	2.30	1.15	2.05
S*P	2	0.45	0.23	0.41
Within Groups	36	20.09	0.56	
Total	59	50.73		

PERCEIVED FAIRNESS WITH THE GROUP DECISION

As with Saks (1977), no differences in the ratings for fairness were expected as a function of group size. The means were calculated for each group size and are plotted in Figure 9.

Figure 9 indicates that the juries with 4 members perceived their decision as being the most fair. There was little difference between the perceived fairness by the members in the groups of size 6 and 12, and by the individuals.

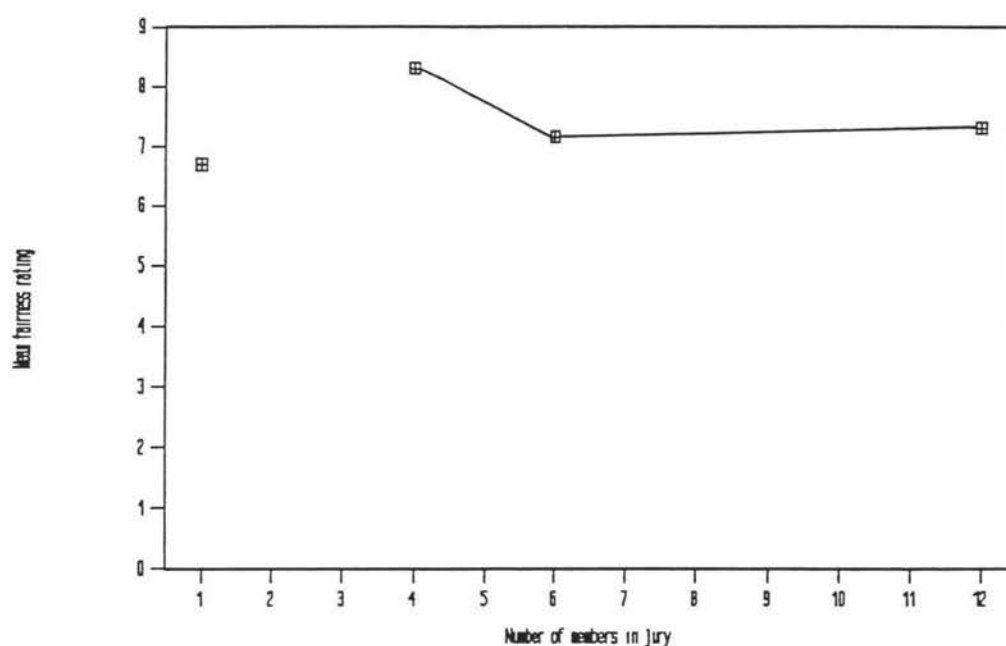


Figure 9: Individual ratings of the fairness of the group verdict. The groups of 4 perceived their group as being the most fair, with little difference between the other two groups.

The differences in the perceived fairness of the group decision, as a function of group size, was significant, $F(2,27)=5.28$; $p<.05$ (see Table 9). No differences were found between groups of 6 and 12 ($t(18)=0.45$; n.s.), but a difference exists between

groups of 4 and 6 ($t(18)=2.74$; $p<0.05$). That is, groups of 4 perceived their group as being significantly more fair than did groups of 6 or 12.

Table 9: ANOVA for the perceived fairness of the group decision, as a function of group size.

Source of Variation	df	SS	MS	F
Between Groups	2	7.60	3.80	5.28
Within Groups	27	19.50	0.72	
Total	29	27.10		

PERCEIVED SATISFACTION WITH THE GROUP DECISION

The average ratings of perceived satisfaction with the group verdict were calculated for each jury size, and are plotted in Figure 10.

As with fairness, groups of 4 appear to be more satisfied with the group’s decision than groups of 6 and 12, and the individuals.

The difference in perceived satisfaction with the group verdict was significant, $F(2,27)=3.81$; $p<0.05$ (see Table 10), although it was hypothesized that no difference would occur.

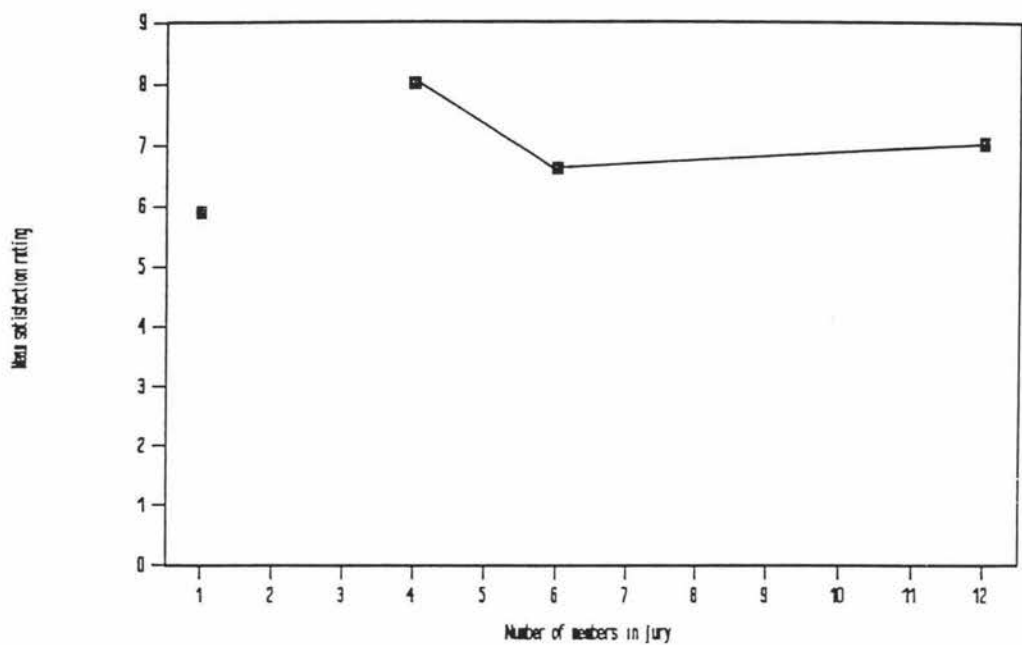


Figure 10: Individual ratings of the satisfaction with the group verdict. Groups of 4, once again, were the most satisfied with their group’s verdict.

Table 10: ANOVA for the perceived satisfaction of the group verdict as a function of group size.

Source of Variation	df	SS	MS	F
Between Groups	2	10.19	5.10	3.81
Within Groups	27	36.17	1.34	
Total	29	46.36		

No difference occurred in the ratings of satisfaction by the members of groups of size 6 and 12,($t(18)=0.96$; n.s). However, a difference was found between groups of size 4 and 6, ($t(18)=2.75$; $p<0.05$). Therefore, as was found with fairness, groups

size 4 appear to be significantly more satisfied with the group’s decision than are groups of size 6 and 12.

JURORS’ PERCEIVED INFLUENCE ON OTHERS, AND OTHERS’ INFLUENCE ON THEM

It was not expected that group size would influence either jurors’ perceived influence on others or others’ influence on them.

The ratings of the perceived influence of one member on others (see Figure 11) are similar for groups of size 6 and 12, but groups of 4 appear to have a slightly higher rating. This observed difference in the perceived influence on others was significant, $F(2,27)=4.67$; $p<0.05$ (see Table 11).

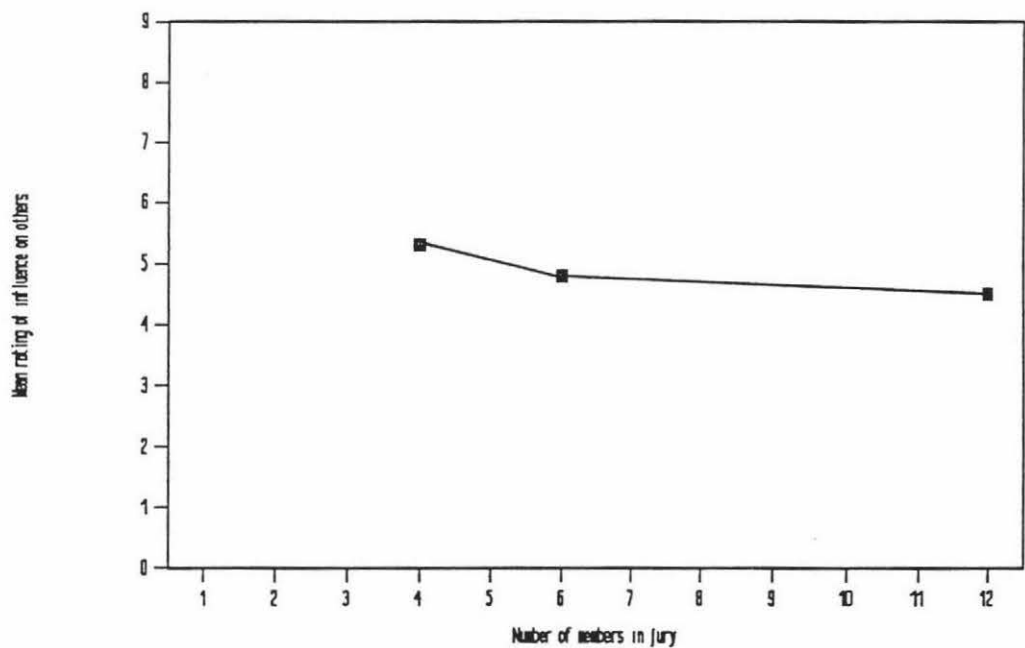


Figure 11: Ratings of the perceived influence of one member on the decisions made by other members of the group. The groups of 4 reported the highest ratings.

Table 11: ANOVA for the perceived influence of one member on the other members of the group as a function of group size.

Source of Variation	df	SS	MS	F
Between Groups	2	3.46	1.73	4.67
Within Groups	27	10.02	0.37	
Total	29	13.48		

Further analysis revealed that although there was no difference between groups of 6 and 12 in the rating of their influence on others ($t(18)=0.89$; n.s.), a significant difference occurred between groups of 4 and 12 ($t(18)=2.69$; $p<0.05$). Thus, members of groups of 4 perceive themselves as influencing other members of the group significantly more than do members of groups of size 6 or 12.

The mean ratings for the perceived influence that others had on them (as shown in Figure 12), are much the same with there being little difference due to changes in the group size. Despite the fact that groups of 4 had a slightly higher rating than the other groups, there were no significant effects of group size, $F(2,27)=0.64$; n.s. (Table 12.)

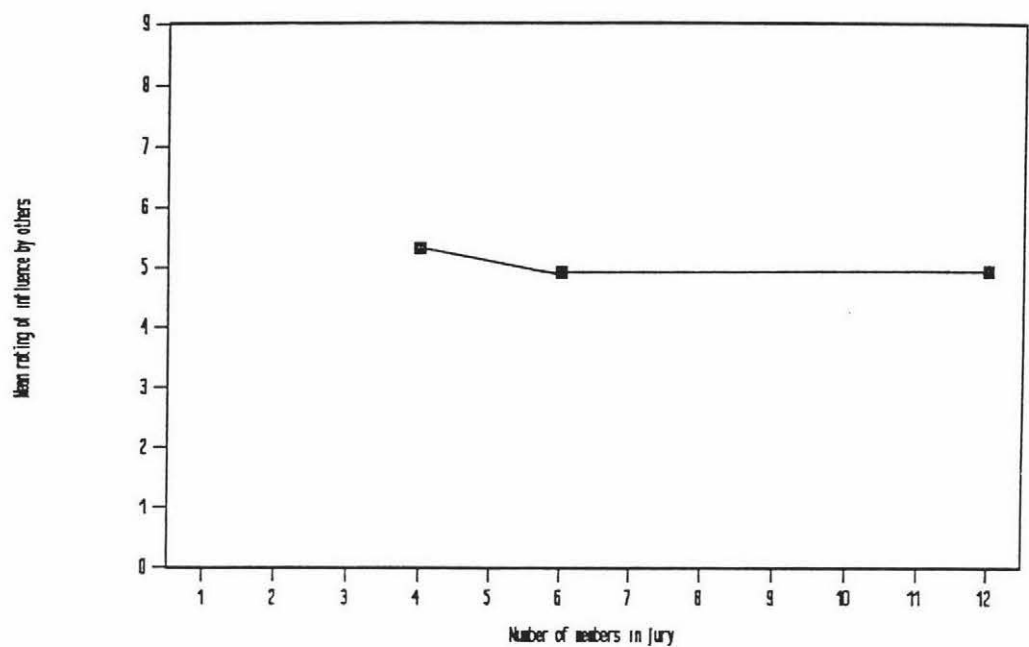


Figure 12: Ratings of the perceived influence of the other members of the group upon their decision.

Table 12: ANOVA for the perceived influence of other members of the group, as a function of group size.

Source of Variation	df	SS	MS	F
Between Groups	2	1.07	0.54	0.64
Within Groups	27	22.97	0.85	
Total	29	24.04		

DIRECTION GIVEN BY THE FOREPERSON

Subjects were asked to rate how much direction was given by the foreperson in their group. Figure 13 shows that group size had no effect on how the group saw the foreperson’s direction, $F(2,27)=0.03$; n.s. (see Table 13).

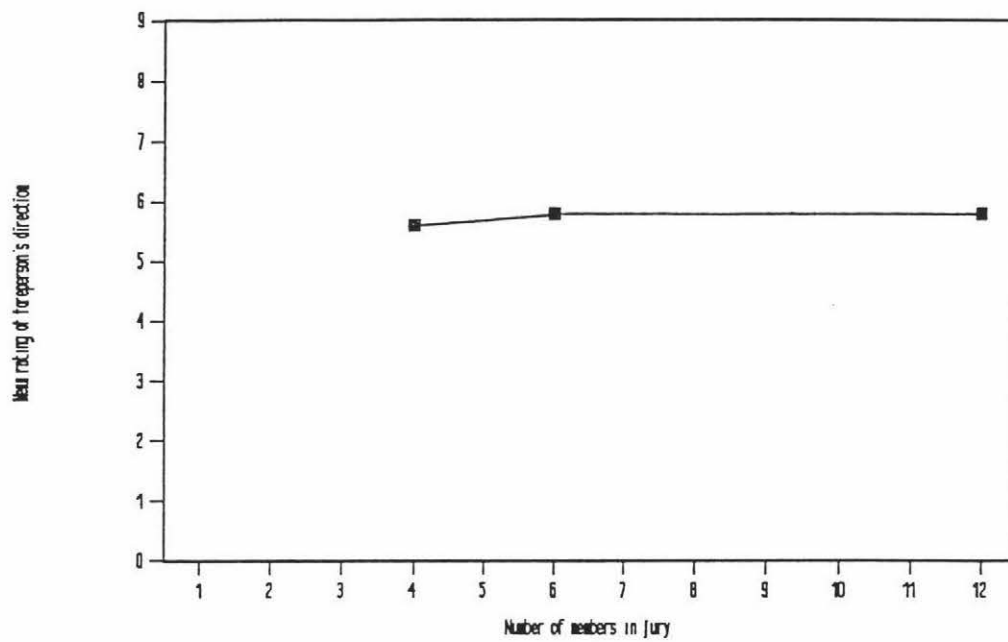


Figure 13: Individual ratings of the direction given by their group's foreperson.

Table 13: ANOVA for the perceived direction given by the foreperson, as rated by the group members, as a function of group size.

Source of Variation	df	SS	MS	F
Between Groups	2	0.07	0.04	0.64
Within Groups	27	39.14	1.30	
Total	29	39.21		

DISCUSSION

The present study systematically investigated the effects of group size on the decision making processes in mock juries. Overall, it was found that groups of 12 came to the correct verdict more often and deliberated longer, while groups of 6 resulted in the most hung juries. Groups of 4 perceived their group as being the most fair, with their group members being the most satisfied with the group decision and perceiving their influence on the other members of the group as greater than that for members of other sized groups. It was also found that subjects working alone recalled the least amount of the testimony. The theory of group polarisation was strongly supported, as was the model of group influence proposed by Myers and Lamm (1976).

GROUP VERDICT

On the basis of Saks' (1977) study, it was predicted that the larger groups would produce more correct verdicts (not guilty). The results supported this hypothesis with groups of 12 producing a greater number of not guilty verdicts than groups of 4 and 6, and the individuals.

The case chosen for discussion was based almost entirely on circumstantial evidence. The larger the jury discussing the case, the more likely (a) someone would know that the evidence, as presented, was insufficient to convict and, (b) that plausible

alternatives, other than criminal intent, could be ascribed to the defendant's behaviour.

The case used was taken from Saks (1977) and when the verdicts in the present study are compared to those found by Saks, a very similar distribution is obtained. For groups of 6 and 12 respectively, Saks obtained 69% and 83% correct verdicts. The corresponding figures for the present study are 63% and 80%. Taken together, these results strongly suggest that 12 member juries may have a higher likelihood of reaching an accurate decision. Further research is required using different cases and different modes of presentation before this result can be generalised.

An unexpected result was that for the individuals. They had the second highest rate of not guilty verdicts, greater than that for groups of 4 and 6. However, with 12 individual subjects, changing one subject's verdict would result in a 8.33% change in the percentages (i.e. 67% to 58.67%). A change in just one individual's verdict to not guilty would have removed the difference between individuals and groups of 4 and 6. Thus, it seems prudent to attach little significance to the apparently greater accuracy of individual verdicts over those of the smaller groups.

Previous research (e.g. Landy & Aronson, 1969) on jury decision making has drawn conclusions from results which were obtained through the use of single-subjects, with no form of group decision or even deliberation. The present results suggest that 12 individual verdicts cannot be combined and assumed to be the same as the verdict of a group of 12. The processes involved in group deliberation play a major part in

the final verdict given by a group. Studies such as that of Landy and Aronson have, in fact, sometimes averaged the results of 12 individuals and assumed that a group of 12 would have ended up with that decision. The validity of studies using such dubious procedures should be seriously doubted.

Overall, there appears to be little difference between the verdicts of groups of size 4 and 6, and the individuals, but a difference between them and groups of 12.

GROUP CONFIDENCE THAT THE VERDICT WAS CORRECT

It was hypothesized that the groups which found the defendant guilty would have the highest confidence ratings. As there was no 'proof beyond reasonable doubt' in the case used, only circumstantial evidence, not guilty verdicts were expected, but with low confidence due to the strong implicating testimonies in the case transcript. The results produced support for this hypothesis. For all group sizes, those groups which reached a guilty verdict gave a higher confidence rating in their decision.

The groups which produced a not guilty verdict had less confidence in their decision. Thus, the possibility of convicting an innocent defendant appears to invoke stronger feelings than acquitting a guilty defendant.

No effects for the group confidence that the verdict was correct were found as a function of group size. However, within the group size of 12, a 30% difference in the confidence ratings was found between those who reached a guilty verdict and

those who found him not guilty. Compared to the others, the groups of 12 were, in general, the most confident in a guilty verdict, and the least confident in a not guilty verdict.

The marked difference in confidence for those reaching a guilty verdict and those reaching a not guilty verdict is not easily explained, but the results are reminiscent of those of Wells, Lindsay, and Ferguson (1979, cited in Penrod, Loftus, & Winkler, 1982) which showed no relationship between eyewitness confidence and accuracy. However, the present result could well be a function of the case used. The evidence was circumstantial, but it pointed strongly at the guilt of the defendant. Once a not guilty verdict had been agreed to, there still could have been a lot of jurors who felt he was actually guilty of the offence, therefore having low confidence in the verdict. Further research is required using different cases. However, there is the need for a case to produce a reasonable debate about the innocence or guilt of the defendant. Thus, the evidence must always be somewhat ambiguous in mock jury trials. It may well be that a critical factor controlling juror confidence is in fact the degree of ambiguity in the evidence.

LENGTH OF DELIBERATION

As there was no time limit imposed upon the groups, on the basis of previous research (e.g. Kerr & MacCoun, 1985; Saks, 1977) it was hypothesized that groups of 12 would deliberate the longest. Although the results indicated a trend for groups

of 12 to deliberate the longest in the present study, no statistically significant differences were found.

When the deliberation times were broken down by verdict, it was found that the groups of size 6 and 12 which came to a guilty verdict took longer to reach their decision (17 minutes and 36.5 minutes respectively) than those groups which found the defendant not guilty (12.5 minutes and 23 minutes). These time differences were reversed for the groups of 4. The differences within groups of 4 and 6 were quite small (3 minutes and 4.5 minutes); however, the difference in deliberation length within the groups of 12 was larger (13.5 minutes).

The present results suggest that although groups of 12 were more confident in their decision of guilty compared to the groups of 12 returning a not guilty verdict, as previously discussed, it took them longer to reach that final verdict. Further research is needed to test the prediction that the longer the deliberation over a decision, the more confidence there will be in that decision. More discussion may yield more reasons for returning a guilty verdict but one would have thought that the increased time would have also yielded more counter-arguments. Again, the present results might be peculiar to the type of case used. The explanation for the long deliberation time in 12 member groups is probably that there were more dissenters and dissenting opinions to overcome than in groups of 4 or 6. However, further research is required before any firm conclusions can be made. Also, caution in interpreting the present results is required because sample sizes were small.

RECALL OF TESTIMONY

Saks (1977) found that members of a group which had 12 participants had a higher recall of the testimony when questions were administered to the individual subjects, than did members of a group of 6. From this, it was predicted that if the questions were answered by the group as a whole, groups of 12 would still reign superior over groups of 4 and 6. However, it was found that although they did have the greatest recall of the testimony, there was little difference between them and groups of 4 and 6. The major difference in recall occurred between the answers from the groups and from the individuals. The individuals recalled significantly less testimony than the groups.

It would appear that the process of a discussion between subjects within a group of any size, affects the accuracy of the recall of the testimony. Through the process of discussing ideas and justifying answers, members of a group can correct each other. However, in answering alone, individuals have no alternative ideas to discuss or to defend themselves against and therefore rely solely upon their own recollection. Once again, these results provide support for the argument that if one wishes to examine institutions such as a jury, then one must examine the group as a whole. Substituting the averages of individual scores as a group decision may produce misleading results.

Overall, there is little difference in the recall of testimony as a function of groups of size 4, 6 and 12, although individuals seem to recall significantly less testimony

than groups. However, the multiple-choice answers were found to be reasonably easy for all groups. It would be interesting to see if a stiffer test of some of the finer details of the testimony would produce differences in accuracy of recall across various group sizes.

FREQUENCY OF A HUNG JURY

No support was found for the prediction that groups of 12 would have the greatest number of hung juries. In fact, all groups of size 12 came to a decision. The two hung juries were both of size 6. Thus, the results of the present study fail to support the findings of Kerr and MacCoun (1985), Tanford and Penrod (1983), Roper (1980), Pawder-Singer, Singer, and Singer (1977, cited in Hastie et al., 1983), and Valenti and Downing (1975).

One difference between this study and most of those that have found hung juries are likely to be of size 12, was that there was no time limit imposed upon the deliberation. It is often not reported in the literature whether a hung jury was declared because time had run out or because the jury could not reach a verdict. In the present study, both hung juries were because the groups could not reach a verdict. Perhaps the results of other studies would differ if only those groups who were deadlocked and could not reach a unanimous decision were included in the hung jury tally, and not those who could not reach a decision in the specified time. One result of the present study is that larger groups tend to deliberate longer than

smaller groups. Hence, it may be that the greater frequency of hung juries of size 12 is due simply to running out of time.

Kerr and MacCoun (1985), and Valenti and Downing (1975) are two examples of studies which have included in their hung jury frequencies those groups who ran out of time. Kerr and MacCoun allowed only 10 minute deliberations, whereas Valenti and Downing allowed up to one hour before the group was declared hung. As defined earlier, a hung jury is one which is deadlocked and cannot reach a decision. By limiting the deliberation time, especially to as short as 10 minutes, true hung jury frequencies will be severely distorted, and the reported results will not be a representation of those groups which could not come to a decision, as in a real hung jury situation. The practice of confusing true hung juries with those who were labelled hung due to the deliberation time being restricted limits the validity of the findings. In any event, the present study cannot be viewed as definitive as the number of hung juries was very small (2). Further research is required to determine the true rate of hung juries in different sized groups.

PRE- AND POST-DELIBERATION GUILT

It was predicted that the individual ratings of guilt after deliberation would shift in the direction of the respective group verdict. Although the differences were not significant when using ANOVA, a binomial test revealed that the probability of all six post-deliberation ratings being in the expected direction by chance was only .02. Thus, the *pattern* of responses shows the classical effect of group polarisation (Myers

& Kaplan, 1976; Moscovici & Zavalloni, 1969). This polarisation effect appeared to be independent of group size in the present study.

The fact that polarisation seems to occur in jury decision making is of some concern. For example, a foreperson at the beginning of deliberation may ask for people's initial standing (guilty or not guilty). The prediction is that deliberation will serve to strengthen the group's initial attitude (guilty or not guilty). Indeed there is considerable evidence that this is the case (e.g. Davis et al., 1975). Thus, it may be that polarisation effects work to bias a jury against any evidence that is against their initial (favoured) verdict. Evidence in favour of the initial position seems to be more acceptable. So, group polarisation effects point to a potentially serious weakness in the jury system, which certainly warrants further research.

PRE- AND POST-DELIBERATION CONFIDENCE IN GUILT RATING

On the basis of the model proposed by Myers and Lamm (1976), it was expected that the post-deliberation confidence rating would be stronger than the pre-deliberation rating. Although this was the case for all three group sizes, the differences were not significant.

It will be recalled that Myers and Lamm's (1976) proposal of the group influence process suggests that the sharing of ideas may have a direct effect upon attitude as well as serving as a form of action commitment and cognitive foundation. If these factors are playing a role in the decisions made by an individual in a group situation,

then as a result of the interaction, the individuals' ratings of the confidence in their decision will also become stronger. The present results offer only weak support for this aspect of the model proposed by Myers and Lamm; the data show only a trend in the direction predicted.

Little difference in levels of confidence occurred as a result of varying group size. The size of the group that the individuals interacted with did not appear to have any effect upon their confidence rating, as with their guilt rating. It would appear that although the group interaction altered their ratings, the number of members in the group had no effect.

Once again, however, the predicted results were in the right direction for all group sizes, but the differences failed to reach significance. One has to wonder whether a rigid adherence to reaching statistical significance ($p < .05$) is justified for these factors. For both pre- and post-deliberation guilt and confidence in their guilt rating, *all* results are in the expected direction. Binomial tests indicate that the likelihood of obtaining such a pattern of results by chance factors alone is extremely unlikely. These results suggest that the predicted effects may well have been present but that the experimental design lacked the statistical power required to support the hypothesis (see the section on suggestions for future research for further comment on this matter).

PERCEIVED FAIRNESS AND SATISFACTION WITH GROUP DECISION

Saks (1977) investigated both the perceived fairness and satisfaction with the group decision, finding no differences between groups of 6 and 12. However, the present study did, in fact, find a statistically significant difference for both of these factors. It was found that groups of 4 perceived their group decision as being the most fair and groups of this size were the most satisfied with their decision. (Saks did not run juries of size 4.) The results of the present study and that of Saks for 6 and 12 member groups are in agreement in that neither study found any differences in fairness and satisfaction.

The question of interest, then, is why should groups of 4 be perceived as being significantly more fair and the members being more satisfied. A group of size 4 appears to foster stronger feelings of fairness and satisfaction than do groups of 6 or 12 members. It is suggested that a group of 4 allows every person the opportunity to have their say, whereas in a group of 6, a shy person may not necessarily put across their point of view and their reasons as strongly. In fact, Saks (1977) actually found that juries of 6 fostered more equal sharing of communication. Groups of 4 would not only have even more "equal sharing", but also greater participation time per person (even allowing for the fact that smaller groups do not deliberate as long as 12 member groups). A group of 4 is small enough so that no one is likely to be intimidated. Therefore, factors such as perceived fairness and satisfaction are rated higher than in groups with more members.

Further research on group size and its effects on perceived fairness and satisfaction is required. What needs to be determined is whether there is an optimum size for the group, or whether fairness and satisfaction are simply inversely related to group size.

JURORS' PERCEIVED INFLUENCE ON OTHERS, AND OTHERS' INFLUENCE ON THEM

Saks (1977) found no differences, as a function of group size, in jurors' perceived influence on others, and others' influence on them. On the basis of these results, no differences were expected in the ratings of these variables in the present study.

Although the present results support Saks (1977) in showing that there were no differences in the perceived influence on others in members of groups of size 6 and 12, members from groups of 4 rated their influence on others as being significantly higher than both groups of size 6 and 12. However, no differences were obtained in the perceived influence of the other members upon them.

It would appear that in a smaller group, such as size 4, the intimacy of the size results in the group members feeling that the reasons for their decision were fairly heard and understood by the other members of the group, and that their logic influenced the others. This effect may not occur in larger groups; the larger the group, the less opportunity each group member has to justify their view, as the discussion is usually dominated by only a few of the members.

DIRECTION GIVEN BY THE FOREPERSON

Although it is clear that the foreperson will talk more than their fellow jury members, it is not clear to what extent they influence the jury's decision (Stasser, Kerr, & Bray, 1982). In the present study it was found that group size did not affect how group members viewed the influence of the foreperson; that is, the perceived direction given by the foreperson, as rated by the individual group members, did not differ across groups of size 4, 6 or 12.

It is therefore concluded that there appears to be no differences in the perceived performance of the foreperson when he/she is directing juries of different sizes in mock jury research. However, the behaviour of the foreperson may be different in real juries of size 6 and 12 where their role must be treated more seriously. But, it does seem unlikely that the foreperson plays any more or less an active role as the mock jury size varies.

SUGGESTIONS FOR FUTURE RESEARCH

The present investigation had many weaknesses, some of which could be addressed by future research.

The present data often showed strong trends, or there was a consistent pattern of results, even though statistical significance was not achieved. It is likely that the number of groups (10) for each condition was insufficient to yield the required

statistical power to test some of the hypotheses. Time constraints in the present study did not allow for the collection of more data.

Future research needs to consider carefully the number of jury groups needed for each condition. This is especially so if the results are to be analysed in terms of the verdict (guilty or not guilty) returned by each group. The present study showed that an analysis by verdict produced some very interesting results. However, the validity of the conclusions drawn has to be tempered by the fact that the numbers involved (e.g. $N=2$ for guilty verdicts for groups of 12) were very small.

Juries of 12 are always used in New Zealand criminal courts; thus it is important to include this size in any jury research. Where the group is used as the unit of analysis, a very large number of subjects is required to achieve a reasonable N . The present study used 120 subjects for just one group size (i.e. 10 groups of 12) and the results suggest that perhaps 15 or so groups are needed to conduct reasonable tests of some of the experimental hypotheses.

In the present study, individuals were included so a comparison could be made between the averaged results of 12 individuals and those obtained from a group of 12. Some past research (e.g. Landy & Aronson, 1969) has assumed that the average of 12 individual ratings would be similar to that of a group of 12 reaching a group decision. The present study has shown this not to be the case. If a researcher is investigating any aspect of a group, a group - not a collection of individuals - must be used.

Further research should be done using different sized groups to those used in the present study. In hindsight, it may have been better to have run a smaller group than size 4 (say, size 2 or 3). There were few differences between groups of size 4 and 6, as it turned out. Running groups of size 2 would be valuable in that size 2 is the smallest group possible. Results obtained, when compared with groups of size 12, would give an idea of the full range of effects that can occur by varying group size in a mock jury situation. However, it must be noted that there could not ever be a jury of size 2 for several reasons, not the least of which is that one aggressive juror may bully the other into their preferred verdict. Moreover, such a small jury would not be a representative sample of the community. Thus, although running groups of 2 would be useful in helping determine the group dynamics at play, little practical information would be gained in regard to real juries. Also, running groups between size 6 and 12 is required in order to ascertain any affects. The present study was largely exploratory, but it produced some interesting results, which suggest that studying the effect of group size in more detail is warranted.

The present study used a written mode of presentation for two reasons. First, it was desirable to use the same case as Saks (1977) for comparative purposes. Second, time constraints did not allow consideration of other modes, such as video and audio tapes. If it is assumed that realism in mock jury trials leads to more valid results having greater generality, then time (and money) needs to be spent to undertake such a study. It would be of considerable interest to examine the effects of jury size when varying the realism of the mock trial, and by using members of the general public as subjects. Although such studies exist (e.g. Roper, 1980, 1981) where

realistic cases have been used, other weaknesses limit the generalisability of these findings.

CONCLUSIONS

The present study aimed to undertake a systematic investigation of the effects of jury size by the partial replication of Saks' (1977) study. This aim was successfully achieved, and the following conclusions can be drawn:-

(a) Several effects of group size were found. In support of the hypotheses, groups of 12 produced more correct verdicts and tended to deliberate longer than groups of 4 or 6. Groups of 6 yielded the only hung juries, in contradistinction to previous research, and the individual subjects recalled significantly less testimony. Groups of 4 perceived their groups as being the most fair and members were the most satisfied with their group, and they also perceived themselves as influencing the other members of the group to a greater degree. All of these findings need further research to ascertain whether they are a result of the particular case used or if they are, in fact, a result of the group dynamics.

(b) Other group effects, unaffected by the jury size, were also uncovered. Guilty verdicts yielded higher group confidence levels than did not guilty verdicts. Support was gained for group polarisation as the individuals ratings of guilt shifted in the direction of the respective group verdict after deliberation. There was also some support for the model of group influence proposed by Myers and Lamm (1976) as

the individual group members' confidence ratings increased as a result of the deliberation.

(c) It is further concluded that the use of individuals instead of groups for investigating juries cannot be justified. If one wishes to study the institution of the jury, then one must study it as a group. Even for a simple study, the N required for jury research is large. However, cutting down N by averaging across individuals to obtain "group effects" is a sacrifice that cannot be made if meaningful results are to be obtained.

The present study has shown clearly that group size can influence the processes involved in jury decision making and also the nature and quality of those decisions. Thus, the results are consistent with those of Saks (1977) and others (e.g. Buckholt et al., 1977; Kerr & MacCoun, 1985; Valenti & Downing, 1975) who have examined the effects of group size (mainly 6 and 12) on jury decision making. However, it is equally clear that much more research is required, varying a wide range of variables, before any definitive conclusions can be made. The problem of jury size is not trivial for two reasons. First, there appear to be no logical or empirical grounds for juries being of size 12. Much time and money might be saved if smaller juries could be used without loss of quality or justice. Secondly, further research on group size has the potential to make major contributions to theories of group dynamics. In fact, once such a theory is formulated, it may be that the practical question of how many people should sit on a jury will be considerably easier to answer.

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APPENDICES

Appendix A	Transcript of the trial used in the present study.
Appendix B	Transcript used by Saks (1977).
Appendix C	..	..	Pre-deliberation questionnaire.
Appendix D	..	..	Post-deliberation questionnaire.
Appendix E	..	..	Jury verdict questionnaire.
Appendix F	..	..	Multiple-choice questionnaire.
Appendix G	..	..	Informed consent form.

APPENDIX A

TRANSCRIPT OF A TRIAL IN THE HIGH COURT OF NEW ZEALAND, AUCKLAND.

CROWN v IRA M BENNETT

Criminal action
File No. 1284/72

defendant is charged with the burglary of Karron's Jewellery
store on the evening of March 6, 1989.

EXTRACTS OF TRANSCRIPT OF EVIDENCE AND PROCEEDINGS AT TRIAL
Before Lurie, J. and a jury

Appearances:

Richard H. Field, Esq., Prosecutor for the Crown
Arthur E. Sutherland, Esq., Counsel for the Defendant

Witnesses:

Arnold Karron Jr., Proprietor for Karrons Jewelry Store
Daniel R. Huggins, Arresting Officer
Philip Ricker, Witness

ARNOLD KARRON, JR., Sworn

(Questions by Mr Field)

Are you Mr. Arnold Karron, Jr.? A. Yes.

Where do you live, Mr. Karron? A. At 42 Fuller Street in the
city of XXXXXX.

What business are you in? A. Since 1986 I have been manager
of my fathers jewellery shop - Karron's - located at 113 Kings
Avenue in XXXXXX.

Do you know Ira Bennett? A. Yes, I do. he was employed by me
as the assistant manager of the jewellery store.

How long has Bennett worked for you? A. Well, he has been at
the jewellery store since 1984, but I didn't start as manager
until 1986. On my father's recommendation I made Ira
assistant manager during my first year as manager of the
store, which was sometime in 1986. He worked for us until
March of 1989.

What caused the termination of your employer-employee
relationship? A. Well, soon after the incident of Ira
entering the store back on March 6th, 1989, we had a
discussion about the incident and his gambling. I guess I
tried to lecture him a little. Anyway, he got pretty huffed
up about the whole thing and one thing led to another. He
indicated that it would be best if he didn't continue on at
the store and I agreed, so I gave him a months pay and that's
the last I saw of him.

Were you friendly with Bennett socially? A. No-I'm married and have three children while Ira was a bachelor, so we didn't really associate after business hours.

Did Bennett ever mention financial problems or gambling to you? A. Yes, he did. The month before the attempted theft of the jewels from the store, Ira asked for an advance on his salary. Since he gets paid at the end of the month, I saw nothing wrong with it. I was a little concerned, however, about the way he had been acting so I asked if anything was the matter. It was then he told me about having lost some money gambling and needing an advance to make ends meet. I know how my dad feels about mixing gambling and the jewellery business, so I was a little upset about it.

Could you tell us what Ira earned as an employee? A. Sure-he made \$22,000 a year until 1986 when he was promoted to assistant manager at \$25,000. He may have started at a little less than \$22,000 back in 1984, but I am certain what he was paid while I was manager. That includes commissions also.

Do you know Marsha Mather? A. No.

Did Bennett ever mention the girl he was going out with or the fact that he was engaged? A. No.

Did Bennett ever mention coming down to the store at night to pick out a ring? A. No.

Do you know Phil Ricker? A. No.

Do you recognize the person in this picture marked Exhibit D? A. No.

Mr. FIELD: I take it this will serve as a sufficient identification, Your Honour?

The COURT: Yes.

What was your policy about allowing Bennett to enter the store after hours? A. Well, I never forbade him to come in. He and I were the only ones with the key to the alarm or the key to the door. We occasionally would come down to the store to do some bookwork or let Mr. Mura, the watch repairman, in at night. Sometimes Ira and I would be in together, sometimes separately. I know of a few times when he went in by himself at night to do bookwork and I never objected, so I guess I could be considered as giving him permission.

Did he ever go in on personal business or to purchase anything for a friend? A. Not that I know of.

What type of alarm system did you have in the store? Would you tell us everything you can think of about it? A. We have an old type of burglar alarm with a large bell in the store. This bell is wired with the windows and doors of the store so that it goes off if they are broken open without first turning off the alarm. You can turn off the alarm only with a special registered H-shaped key. The lock to turn off the alarm is supposed to be pick proof and this key, the insurance company tells us, can't be reproduced by any locksmith. The turn-off box is right above the front door to the store and we use the key to turn it off when we go in at night, or in the morning. Sometimes we open the front door in the morning without turning off the alarm in order to test it. It's pretty loud and can be heard for eight to ten blocks. The alarm can't be

heard in the police station or at a security agency as some of the newer systems can. It just rings loudly at the store. How do you set the alarm? A. The alarm is set before we close up each night. There's a switch in the back of the store and we set it and close the front door and the alarm is set. This switch can also be used to turn off the alarm from the inside.

DANIEL R. HUGGINS, Sworn

stions by Mr. Field)

Officer, what is your full name, please. A. Daniel R. Huggins.

You are a police officer? A. Yes, I am.

And have been for how long? A. Seven years.

Of the City Police Department. A. Yes.

What is your present position in the police department? A. Detective Sergeant.

On March 6, 1989, what was your position in the police department? A. Constable.

On the evening of March 6, 1989, where was your beat? A. I was in the downtown area, the area bound by Kings and Thomas Avenues and Prince and Market Streets.

You were on duty on the evening of March 6? A. Yes, I went on duty at 10 o'clock.

Where were you about 11 o'clock of that night, officer. A. I was on Prince Street, checking the stores.

In what direction were you walking on Prince Street. I think we need to have the other diagram again (placing Pre-trial Exhibit 3 on blackboard). A. I was on Prince Street walking towards Kings Avenue.

Where on Prince street, on which side of Kings Avenue? A. It was on the right side of the map.

Walking then in a westerly direction on Prince Street? A. Yes.

Thankyou. As you were walking on Prince Street checking the stores, as you have said, I will ask you if you observed anything on Kings Avenue? A. As I was coming up Prince I noticed a car very slowly going along Kings Avenue. That is not unusual at that time of night; a lot of people are window shopping.

Going on which direction on Kings Avenue? A. It was heading north on Kings Avenue.

That is in the direction of Queen Street? A. Yes, towards Queen.

Did you observe any other traffic on Kings Avenue at that time? A. No, it is a very quiet street.

Was there any traffic on Prince Street at that time? A. No, sir.

Is this a common condition of things in that area? A. Yes. At that time of night? A. Quite Common.

What did you do thereafter? A. Well, I didn't pay much attention to the car; I just continued on my way until I got to the corner of the street and as I turned the corner...

Which way did you turn? A. To my right.

All right. A. I noticed the car had stopped approximately in front of Karron's, the door on the left-hand side was open, the engine was running, and the lights were out. That was rather suspicious for that time of night so I quickened my pace and started to go heading toward the car.

Just stop there for a moment. Can you identify the make and type of car? A. Yes, it was a '71 Ford.

Sedan. A. Yes.

All right, continue. Tell us what happened. Were you able to see who, if anyone, was in the car? A. No. I couldn't tell.

All right. Now tell us what happened. A. Well, as I say, I rounded the corner and headed towards the car when I noticed the door open. I quickened my pace and started to run, and just as I did that a person came out of the doorway and headed towards the car. I called him to halt and he fired two shots at me.

What did you do then, officer? A. Ducked in the doorway.

What happened after that? A. Well, I heard a woman scream, but that was way in the background, and I continued on.

Then what happened? A. I headed for the car and it started to pull away quite rapidly.

What happened to the car? A. It continued on down Kings Avenue and then went around Queen Street.

When you emerged from the doorway, would you indicate on the diagram where the car was when you emerged. A. Oh, between...

Will you step over and show us, please. A. Approximately there (indicating).

Mr. FIELD: Now may we for the purpose of the record mark an "H" at that point, Mr Sutherland, as indicating where he says the car at that time?

Mr. SUTHERLAND: Yes, indeed.

And thereafter what happened to the car? A. The car--there was no lights on it at the time so I couldn't get the licence number; it just turned and went down Queen Street, right down the street.

How far were you from the Prince Street corner at the time you stepped out from the doorway? Can you indicate approximately where you were? A. Well, just about approximately there (indicating).

Mr. FIELD: I will mark that "H2," if I may (doing so). And I take it that at no time you were able to identify how many people there were in the car? A. No.

What happened after the car disappeared? A. I ran on down the street and I noticed the door of the jewellery store open. Then what did you do? A. I stepped right inside, just glanced over it, and I noticed Ira Bennett crouched down by the counter.

What lights were on in the jewellery store at that time? A. The regular night lights that are always on.

Do you recall where they were? A. Yes, I patrolled that area for some time. There is one over the safe and there is one over the opposite side of the store.

Now, you said after you went in and looked around you saw the defendant Ira Bennett? A. Yes.

Where did you see him? A. Right by the desk, between the desk and the counter area there.

Could you see him from the street? A. Yes, it was glass...

Did you see him yourself from the street? A. No, I didn't see him until I stepped in the door.

Will you tell us what happened after you saw him? A. Well, I seen him crouched there. I told him to stand up and asked, "What are you doing here?"

You said "What are you doing there"? A. Yes.

Did he make a reply? If so, what? A. He said, "I work here."

By the way, had you ever seen him before? A. Yes, I had seen him in the store.

Did you know him to be an employee of the store? A. Yes, he was familiar in the store.

Did you know his name at that time? A. No.

Tell us what you did? A. I handcuffed him to the radiator and made sure he wasn't armed.

Which did you do first? A. Handcuffed him first.

Was there any further conversation? A. No.

What did you do after you handcuffed him to the radiator, as you have described? A. Called headquarters.

Where was the telephone? A. On the desk as indicated.

At the point indicated on the diagram marked Pre-trial Exhibit 1? A. Yes.

Was that telephone in good working order? A. Yes.

You had no difficulty in putting the call through? A. None.

And you called, in effect, for help? A. Yes.

After you made that telephone call, what did you do? A. There was a bag aside of Mr. Bennett and I moved it down by the safe, just glanced in it, and I seen there was jewels and I put it there and went right out to the street.

What kind of bag was it? A. A briefcase.

A briefcase, and you looked inside and saw there was jewellery? A. Yes, jewellery; that's all I could tell.

Did you say you put it in the safe? A. By the safe.

What did you do then? A. I wanted to check on the scream, so I went and ran down Kings Avenue.

Tell us what happened after that? A. I ran down Kings Avenue and I noticed a man lying there with a woman kneeling over him.

How far down was that? A. Approximately halfway down the next block.

Where you had been, the block between Prince and Stone? A. That is right.

Go on, tell us what you did? A. I knelt down and saw the man was bleeding and the woman was rather upset and crying, so I said, "I will get an ambulance right away," and she said something to the effect that an ambulance had been called, so

just got their names and I went back to the store to my prisoner.
 Did you leave the door unlocked or open when you went out? A. I pushed the button so I could get back in again.
 What is, you released it? A. Yes.
 Was this knob or lock was then unlocked? A. Yes.
 When what happened? A. The patrol car came.
 Within a minute? A. Yes, we can get a patrol car in a minute to any part of the downtown district.
 What is, it came within a minute from the time you called? A. Yes.
 What would be when with reference to your return to your prisoner? A. Oh, a very short time, less than a minute; 30 seconds.
 After the patrol car came, what did you do? A. The other officers - one went to check on the man that was injured, and released him from the radiator and put the handcuffs back on again, and then we checked the jewels in the case, just looked at them again and made a telephone call to Mr. Karron, the owner of the store.

CROSS-EXAMINATION

tions by Mr. Sutherland)

ergeant, you told us a few moments ago that you had no connection with the case except for a matter that you mentioned after the events of March 6th. Is it not the case that on March 7th you made a written report to your superiors in the police department? A. Yes.
 Your report was made on a subsequent date? A. The shift started at 10 o'clock at night and went through to 6 o'clock the next morning. That would account for the difference in dates.

Mr SUTHERLAND: May I ask that this be marked for identification?

The COURT: Yes.

(Typewritten document shown by Mr. Sutherland to the witness marked A for identification.)
 Would you glance at Exhibit A for identification and tell the jury whether this is the report to which you have referred? A. Yes.

Was your recollection of the events of that evening better on the early morning of March 7th than it is now? A. I believe so.

So that when you said to your superiors in the police department, "On the way in Bennett told us that he had not wanted to break into the store but that he had been made to by some hoodlum and that his girl friend was still held as hostage," that is a correct account of the events, is it not? A. Yes.

So that it is a fact that on the way in the car to the station the defendant, Mr. Bennett spoke of the word "hoodlum" and

said that his girlfriend was still held as hostage? A. Yes. And this was the point at which you said "nuts," as you testified in direct examination, is that correct? A. Yes. At this time, Sergeant, you had been a police officer for how long? A. Five years.

You had been, in the course of your official duties, familiar with kidnapping as a mode of compulsion by hoodlums? A. Yes. This is fairly common practice by thugs, isn't it? A. I don't believe it is a common practice, but it has happened. It has happened with reasonable frequency, hasn't it, in the history of crime? A. Yes.

When you went into the station house with the defendant on that evening did you report to any of your superiors on that occasion the statements that Mr. Bennett told you, that a young woman was held as a hostage by thugs in order to compel him to get into the store? A. Well, as I stated before, he was telling the Sergeant that, but I didn't - I didn't pay no attention because I didn't feel it was true.

Wasn't your reason for not reporting this the fact that Mr. Bennett was reporting it in your hearing? A. Partly. Partly, and so when you testified on your direct examination in response to my friend's question about Mr. Bennett's statements, "I believe he may have," your recollection now is quite definite that Mr. Bennett did complain that his fiancée... A. I only heard part of the conversation. I would have when I had finished booking the person, I would have immediately contacted the Sergeant, but in the course of talking it over I would have said something to him, not in the sense of reporting it, I would just have said that he was compelled, but by indicating that I didn't believe him, but naturally the full decision would have been left to the Sergeant.

Is it the case then that you did say to the Sergeant that Mr. Bennett complained of coercion and complained that his girlfriend was held as a hostage? A. No, I did not.

You did not tell the Sergeant that? A. No.

And you say your reason for not telling the Sergeant was two things: first that you heard Mr. Bennett say it and, secondly, that you disbelieved Mr. Bennett, is that correct. A. Yes. Your practice as an officer is to report only those things you believe?

Mr. FIELD: I submit that is an unfair question. He has already said he would have reported it to the Sergeant if he hadn't heard Mr. Bennett do so.

The COURT: Do you press the question?

Mr. SUTHERLAND: No, I don't press it.

You testified very definitely on your direct examination that the only words uttered by Mr. Bennett during the minutes that you in the store were three words, "I work here." Are you entirely sure that those were the only three words uttered by Mr. Bennett during the minutes you were in the jewellery store? A. I didn't say they were the only three words. It was just, "What are you doing to me? Why are you handcuffing me? I work here."

ah, he did say other things besides, "I work here"; he said, "What are you doing to me" and "Why are you handcuffing me?" ... Something to that effect.

You aren't quite sure just what he did say? A. No, I can't remember whether he did just say these words at that time. Surely; and I just have been saying that your memory of exactly what was said is naturally, Sergeant, a little bit uncertain; am I correct in that? A. No, I remember quite well. It was just to the exact way the words were said. He might have said, "I work here" or "Don't you know me, I work here," or something like that, but nothing else but that.

PHILIP RICKER, Sworn

stions by Mr. Field)

Mr. Ricker, were you involved in any way in the burglary of Karron's Jewellery Store last March 6? A. I pleaded guilty to the burglary in court last week.

Did you commit the burglary yourself or did you have an accomplice? A. Ira Bennett and his fiancée planned the burglary with me and Ira participated with me in the job.

Mr. FIELD: Thankyou, Mr. Ricker.

CROSS-EXAMINATION

stions by Mr. Sutherland)

Rather than working with you on the burglary, isn't it true that you compelled Ira Bennett to let you into Karron's Jewellery Store? A. No. He was my accomplice. He wanted to rob the store.

Mr. SUTHERLAND: No further questions.

INSTRUCTIONS TO JURY

COURT: Your roles as conscientious jurors are essential to aiding justice. You sit as triers of fact. Your task is to decide what are the true facts of the case and in the light of these facts to decide if the defendant is guilty or innocent of crimes of which he is accused.

You must decide in your own mind if the Prosecution has proven to beyond a reasonable doubt that the defendant did commit burglary. You are to deliver a verdict of guilty or not guilty of charge.

You should give a fair hearing to the view of your fellow jurors deliberate with them over the facts at hand. But in the end you should cast your vote in accordance with your own conscience.

ne performance of this task you should first select a person who will serve in effect as the chairperson of the jury who will deliver the verdict. All of you must agree imously on a verdict in order for that to be the jury's ict.

are free to operate in any manner agreeable to you as a group, ong as you honour the responsibilities of your role as a r.

Transcript of Trial I

IN THE COURT OF COMMON PLEAS
STATE OF XXXXXXXXXX, COUNTY OF XXXXXXXXXX

THE PEOPLE v. IRA M. BENNETT

Criminal Action
File No. 1284/72

FIRST COURT

The defendant is charged with the burglary of Karron's Jewelry Store on the evening of March 6, 1972.

EXCERPTS OF TRANSCRIPT OF EVIDENCE AND PROCEEDINGS AT
TRIAL
Before Lurie, J. and a jury

Appearances:

Richard H. Field, Esq., Prosecutor for the People
Arthur E. Sutherland, Esq., Counsel for the Defendant

Witnesses:

Arnold Karron, Jr., Proprietor of Karron's Jewelry Store
Daniel R. Huggins, Arresting Officer
Philip Ricker, Witness

ARNOLD KARRON, JR., Sworn

(Questions by Mr. Field)

- Q. Are you Mr. Arnold Karron, Jr.? A. Yes.
Q. Where do you live, Mr. Karron? A. At 42 Fuller Street in the City of XXXXXX.
Q. What business are you in? A. Since 1970 I have been manager of my father's jewelry shop—Karron's—located at 613 Third Avenue in XXXXXX.
Q. Do you know an Ira Bennett? A. Yes, I do, he was employed by me as the assistant manager of the jewelry store.

- Q. How long has Bennett worked for you? A. Well, he has been at the jewelry store since 1965, but I didn't start as manager until 1970. On my father's recommendation I made Ira assistant manager during my first year as manager of the store, which was sometime in 1970. He worked for us until March of 1972.
- Q. What caused the termination of your employer-employee relationship? A. Well, soon after the incident of Ira entering the store back on March 6th, 1972, we had a discussion about the incident and his gambling. I guess I tried to lecture him a little. Anyway, he got pretty huffed up about the whole matter and one thing led to another. He indicated that it would be best if he didn't continue on at the store and I agreed, so I gave him a month's pay and that's the last I saw of him.
- Q. Were you friendly with Bennett socially? A. No—I'm married and have three children while Ira was a bachelor, so we didn't really associate after business hours.
- Q. Did Bennett ever mention financial problems or gambling to you? A. Yes, he did. The month before the attempted theft of jewels from the store, Ira asked for an advance on his salary. Since he gets paid at the end of the month, I saw nothing wrong with it. I was a little concerned, however, about the way he had been acting so I asked him if anything was the matter. It was then that he told me about having lost some money gambling and needing an advance to make ends meet. I know how my dad feels about mixing gambling and the jewelry business, so I was a little upset over it.
- Q. Could you tell us what Ira earned as an employee? A. Sure—he made \$6000 a year until 1970 when he was promoted to assistant manager at \$7500. He may have started at a little less than \$6000 back in 1965, but I am certain what he was paid while I was manager. That includes commissions also.
- Q. Do you know a Marsha Mather? A. No.
- Q. Did Bennett ever mention the girl he was going with or the fact that he was engaged? A. No.
- Q. Did Bennett ever mention coming down to the store at night to pick out a ring? A. No.
- Q. Do you know a Phil Ricker? A. No.
- Q. Do you recognize the person in this picture marked Deposition

Exhibit D? A. No.

Mr. FIELD: I take it this will serve as a sufficient identification, Your Honor?

The COURT: Yes.

- Q. What was your policy about allowing Bennett to enter the store after hours? A. Well, I never forbade him to come in. He and I were the only ones with the key to the alarm or the key to the door. We occasionally would come down to the store at night to do some book work or let Mr. Mura, the watch repairman, in at night. Sometimes Ira and I would be in together, sometimes separately. I know of a few times he went in by himself at night to do book work and I never objected, so I guess I could be considered as giving him permission.
- Q. Did he ever go in on personal business or to purchase something for a friend? A. Not that I know of.
- Q. What type of alarm system did you have in the store? Would you tell us everything you can think of about it? A. We have an old type of burglar alarm with a large bell in the store. This bell is wired with the windows and doors of the store so that it goes off if they are broken open without first turning off the alarm. You can turn off the alarm only with a special registered H-shaped key. The lock to turn off the alarm is supposed to be pick-proof and this key, the insurance company tells us, can't be reproduced by any locksmith. The turn-off box is right above the front door to the store and we use the key to turn it off when we go in at night, or in the morning. Sometimes we open the front door in the morning without turning off the alarm in order to test it. It's pretty loud and can be heard for eight to ten blocks. The alarm can't be heard in the police station or at a detective agency as some of the newer systems can. It just rings loudly at the store.
- Q. How do you set the alarm? A. The alarm is set before we close up each night. There's a switch in the back of the store and we set it and close the front door and the alarm is set. This switch can also be used to turn off the alarm from the inside.

DANIEL R. HUGGINS, Sworn

- Q. (By Mr. Field) Officer, what is your full name, please? A. Daniel R. Huggins.
- Q. You are a police officer? A. Yes, I am.
- Q. And have been for how long? A. Seven years.
- Q. Of the City Police Department? A. Yes.
- Q. What is your present position in the police department? A. Detective Sergeant.
- Q. On March 6, 1972, what was your position in the police department? A. Patrolman.
- Q. On the evening of March 6, 1972, where was your beat? A. I was in the downtown area, the 16 Block area bounded by Third and Seventh and Prince and Market streets.
- Q. You were on duty on the evening of March 6? A. Yes, I went on duty at 10 o'clock.
- Q. Where were you about 11 o'clock of that night, officer? A. I was on Prince Street, checking the stores.
- Q. In what direction were you walking on Prince Street? I think we need to have the other diagram again (placing Pre-trial Exhibit 3 on blackboard). A. I was on Prince Street walking towards Third Avenue.
- Q. Where on Prince Street, on which side of Third Avenue? A. It was on the right side of the map.
- Q. Walking then in a westerly direction on Prince Street? A. Yes.
- Q. Thank you. As you were walking along Prince Street checking the stores, as you have said, I will ask you whether or not you observed anything on Third Avenue? A. As I was coming up Prince I noticed a car very slowly going along Third Avenue. That is not unusual at that time of night; a lot of people are window shopping.
- Q. Going in which direction on Third Avenue? A. It was heading north on Third Avenue.
- Q. That is in the direction of Queen Street? A. Yes, towards Queen.
- Q. Did you observe any other traffic on Third Avenue at that time? A. No, it is a very quiet street.
- Q. Was there any other traffic on Prince Street at that time? A. No, sir.
- Q. Is this a common condition of things in that area? A. Yes.
- Q. At that time of night? A. Quite common.

- Q. What did you do thereafter? A. Well, I didn't pay much attention to the car; I just continued on my way until I got to the corner of the street and as I turned the corner...
- Q. Which way did you turn? A. To my right.
- Q. All right. A. I noticed the car had stopped approximately in front of Karron's, the door on the right-hand side was open, the engine was running, and car lights were out. That was rather suspicious for that time of night so I quickened my pace and started to go heading toward the car.
- Q. Just stop there for a moment. Can you identify the make and type of car? A. Yes, it was a '71 Ford.
- Q. Sedan? A. Yes.
- Q. All right, continue. Tell us what happened. Were you able to see who, if anyone, was in the car? A. No, I couldn't tell.
- Q. All right. Now tell us what happened. A. Well, as I say, I rounded the corner and headed towards the car when I noticed the door open. I quickened my pace and started to run, and just as I did that a person came out of the doorway and headed towards the car. I called to him to halt and he fired two shots at me.
- Q. What did you do then, officer? A. Ducked in the doorway.
- Q. What happened after that? A. Well, I heard a woman scream, but that was way in the background, and I continued on.
- Q. How long did you remain ducked in the doorway? A. Until I drew my gun.
- Q. Just enough to draw your gun? A. To draw my gun.
- Q. Then what happened? A. I headed for the car and it started to pull away then quite rapidly.
- Q. What happened to the car? A. It continued on down Third and then went around Queen Street.
- Q. When you emerged with your gun drawn, would you indicate on the diagram approximately where the car was when you emerged with drawn gun. A. Oh, between...
- Q. Will you step over and show us, please. A. Approximately there (indicating).

Mr. FIELD: Now may we for the purpose of the record mark an "H" at that point, Mr. Sutherland, as indicating where he says the car was at that time?

Mr. SUTHERLAND: Yes, indeed.

- Q. And thereafter what happened to the car? A. The car—there were no lights on it at that time so I couldn't get the license number; it just turned and went right down Queen Street, right down the street.
- Q. How far were you from the Prince Street corner at the time you stepped out from the doorway? Can you indicate approximately where you were? A. Well, just about approximately there (indicating).
- Mr. FIELD: I will mark that "H 2," if I may (doing so).
- Q. And I take it that at no time you were able to identify how many people there were in the car? A. No.
- Q. What happened after the car disappeared? A. I ran on down the street and I noticed the door of the jewelry store open.
- Q. Then what did you do? A. I stepped right inside, just glanced over it, and I noticed Ira Bennett crouched down by the counter.
- Q. What lights were on in the jewelry store at that time? A. The regular night lights that are always on.
- Q. Do you recall where they were? A. Yes, I patrolled that beat for some time. There is one over the safe and there is one over the opposite side of the store.
- Q. Now, you said after you went in and looked around you saw the defendant Ira Bennett? A. Yes.
- Q. Where did you see him? A. Right by the desk, between the desk and the counter area there.
- Q. Could you see him from the street? A. Yes, it was glass...
- Q. Did you see him yourself from the street? A. No, I didn't see him until I stepped in the door.
- Q. Will you tell us what happened after you saw him? A. Well, I seen him crouched there. I told him to stand up and asked, "What are you doing there?"
- Q. You said, "What are you doing there"? A. Yes.
- Q. Did he make a reply? If so, what? A. He said, "I work here."
- Q. By the way, had you ever seen him before? A. Yes, I had seen him in the store.
- Q. Did you know him to be an employee of the store? A. Yes, he was familiar in the store.
- Q. Did you know his name at that time? A. No.

- Q. Tell us what you did. A. I handcuffed him to the radiator and made sure he wasn't armed.
- Q. Which did you do first? A. Handcuffed him first.
- Q. Was there any further conversation? A. No.
- Q. What did you do after you handcuffed him to the radiator, as you have described? A. Called headquarters.
- Q. Where was the telephone? A. On the desk, as indicated.
- Q. At the point as indicated on the diagram marked Pre-trial Exhibit 1? A. Yes.
- Q. Was that telephone in good working order? A. Yes.
- Q. You had no difficulty in putting the call through? A. None.
- Q. And you called, in effect, for help? A. Yes.
- Q. After you made that telephone call, what did you do? A. There was a bag aside of Mr. Bennett and I moved it down by the safe, just glanced in it, and I seen there were jewels and I just put it there and went right out to the street.
- Q. What kind of a bag was it? A. A briefcase.
- Q. A briefcase, and you looked inside and saw there was jewelry? A. Yes, jewelry; that's all I could tell.
- Q. Did you say you put it in the safe? A. By the safe.
- Q. What did you do then? A. I wanted to check on the scream so I went and ran down Third Avenue.
- Q. Tell us what happened after that. A. I ran down Third Avenue and I noticed a man lying there with a woman kneeling over him.
- Q. How far down was that? A. Approximately halfway down the next block.
- Q. Where you had been, the block between Prince and Stone? A. That is right.
- Q. Go on, tell us what you did. A. I knelt down and seen the man was bleeding and the woman was rather upset and crying, so I said, "I will get an ambulance right away," and she said something to the effect that an ambulance had been called, so I just got their names and I went right back to the store to my prisoner.
- Q. Did you leave the door unlocked or open when you went out? A. I pushed the button so I could get back again.
- Q. That is, you released it? A. Yes.

- Q. So this knob or lock was then unlocked? A. Yes.
- Q. Then what happened? A. The prowler car came.
- Q. How soon was that? A. Oh, within a minute.
- Q. Within a minute? A. Yes, we can get a prowler car in a minute to any part of the downtown district.
- Q. That is, it came within a minute from the time you called? A. Yes.
- Q. That would be when with reference to your return to your prisoner? A. Oh, a very short time, less than a minute; 30 seconds.
- Q. After the prowler car came, what did you do? A. The other officers—one went to check on the man that was injured, and I released him from the radiator and put the handcuffs back on again, and then we checked the jewels in the case, just looked at them again and made a telephone call to Mr. Karron, the owner of the store.

CROSS-EXAMINATION

- Q. (By Mr. Sutherland) Sergeant, you told us a few moments ago that you had no connection with the case except for a matter that you mentioned after the events of March 6th. Is it not the case that on March 7th you made a written report to your superiors in the police department? A. Yes.
- Q. Your report was made on a subsequent date? A. The shift started at 10 o'clock at night and went through to 6 o'clock the next morning. That would account for the difference in dates.
- Mr. SUTHERLAND: May I ask that this be marked for identification?
- The COURT: Yes.
- (Typewritten document shown by Mr. Sutherland to the witness marked A for identification.)
- Q. Would you glance at Exhibit A for identification and tell the jury whether this is the report to which you have referred? A. Yes.
- Q. Was your recollection of the events of that evening better on the early morning of March 7th than it is now? A. I believe so.
- Q. So that when you said to your superiors in the police depart-

ment, "On the way in Bennett told us that he had not wanted to break into the store but that he had been made to do so by some hoodlum and that his girl friend was still held as a hostage," that is a correct account of the events, is it not? A. Yes.

- Q. So that it is a fact that on the way in the car to the station the defendant, Mr. Bennett spoke of the word "hoodlum" and said that his girl friend was still held as a hostage? A. Yes.
- Q. And this was the point at which you said, "Nuts," as you testified in direct examination, is that correct? A. Yes.
- Q. At this time, Sergeant, you had been a police officer for how long? A. Five years.
- Q. You had been, in the course of your official duties, familiar with kidnapping as a mode of compulsion by hoodlums? A. Yes.
- Q. This is fairly common practice by thugs, isn't it? A. I don't believe it is a common practice, but it has happened.
- Q. It has happened with reasonable frequency, hasn't it, in the history of crime? A. Yes.
- Q. When you went into the station house with the defendant on that evening did you report to any of your superiors on that occasion the statements that Mr. Bennett told you, that a young woman was held as a hostage by thugs in order to compel him to get into the store? A. Well, as I stated before, he was telling the Sergeant that, but I didn't—I didn't pay no attention because I really didn't feel it was true.
- Q. Wasn't your reason for not reporting this the fact that Mr. Bennett was reporting it in your hearing? A. Partly.
- Q. Partly, and so when you testified on your direct examination in response to my friend's question about Mr. Bennett's statements, "I believe he may have," your recollection now is quite definite that Mr. Bennett did complain that his fiancée... A. I only heard part of the conversation. I would have when I had finished booking the person, I would have immediately contacted the Sergeant, but in the course of talking it over I would have said something to him, not in the sense of reporting it, I would just have said that he said he was compelled, but by indicating that I didn't believe him, but naturally the full decision would have been left to the Sergeant.

- Q. Is it the case then that you did say to the Sergeant that Mr. Bennett complained of coercion and complained that his girl friend was held as a hostage? A. No, I did not.
- Q. You did not tell the Sergeant that? A. No.
- Q. And you say your reason for not telling the Sergeant was two things: first that you heard Mr. Bennett say it and, secondly, that you disbelieved Mr. Bennett, is that correct? A. Yes.
- Q. Your practice as an officer is to report only those things which you believe?

Mr. FIELD: I submit that is an unfair question. He has already said he would have reported it to the Sergeant if he hadn't heard Mr. Bennett do so.

The COURT: Do you press the question?

Mr. SUTHERLAND: No, I don't press it.

- Q. You testified very definitely on your direct examination that the only words uttered by Mr. Bennett during the minutes that you were in the store were three words, "I work here." Are you entirely sure that those were the only three words uttered by Mr. Bennett during the minutes that you were in the jewelry store? A. I didn't say they were the only three words. It was just, "What are you doing to me? Why are you handcuffing me? I work here."
- Q. Ah, he did say other things besides, "I work here"; he said, "What are you doing to me" and "Why are you handcuffing me?" A. Something to that effect.
- Q. You aren't quite sure just what he did say? A. No, I can't remember whether he did just say these words at that time.
- Q. Surely; and I just have been saying that your memory of exactly what was said is naturally, Sergeant, a little bit uncertain; am I correct in that? A. No, I remember quite well. It was just to the exact way the words were said. He might have said, "I work here" or "Don't you know me, I work here," or something like that, but nothing else but that.

PHILIP RICKER, Sworn

- Q. (By Mr. Field) Mr. Ricker, were you involved in any way in

the burglary of Karron's Jewelry Store last March 6? A. I pleaded guilty to the burglary in court last week.

- Q. Did you commit the burglary yourself or did you have an accomplice? A. Ira Bennett and his fiancée planned the burglary with me and Ira participated with me in the job.

Mr. FIELD: Thank you, Mr. Ricker.

CROSS-EXAMINATION

- Q. (By Mr. Sutherland) Rather than working with you on the burglary, isn't it true that you compelled Ira Bennett to let you into Karron's Jewelry Store? A. No. He was my accomplice. He wanted us to rob the store.

Mr. Sutherland: No further questions.

INSTRUCTIONS TO JURY

The Court: Your roles as conscientious jurors are essential to providing justice. You sit as triers of fact. Your task is to decide what are the true facts of the case and in the light of those facts to decide if the defendant is guilty or innocent of the crimes of which he is accused.

You must decide in your own mind if the Prosecution has proven to you beyond a reasonable doubt that the defendant did commit burglary. You are to deliver a verdict of guilty or not guilty of the charge.

You should give a fair hearing to the view of your fellow jurors and deliberate with them over the facts at hand. But in the end you should cast your vote in accordance with your own conscience.

In the performance of this task you should first select a foreman who will serve in effect as the chairman of the jury and who will deliver the verdict. All of you must agree unanimously on a verdict in order for that to be the jury's verdict.

You are free to operate in any manner agreeable to you as

a group, so long as you honor the responsibilities of your role as a juror.

PRE-DELIBERATION QUESTIONNAIRE

this point in time, we are aware that you may not yet have decided how sure you are about the guilt or innocence of the accused, and that you will want to discuss the case with the other jurors and to think more about it. However, we would like you to answer the following two questions. We acknowledge that your final decisions may differ greatly from those you indicate here.

Instructions.

Questions 2 and 3, please circle the appropriate number on the scale and then write that number in the box provided. Note that the anchor words associated with each scale represent the extremes. For example, in Question 3 below, if you have no confidence at all in your answer to Question 2, you would circle the number one and write your answer in the box provided. If you are completely confident that your answer is correct, you would circle the number nine and write that in the box. The other scale values represent levels of confidence between these extremes. Don't be afraid to use the extreme scale values (1 and 9), if those values best reflect how you feel. Please do not write your name on this questionnaire. This will protect your right of confidentiality.

What is your code letter? _____

How likely is it that Ira Bennett is guilty?

Not Guilty
at all 1 2 3 4 5 6 7 8 9 Guilty

How confident are you in your decision to the above question?

Not confident
at all 1 2 3 4 5 6 7 8 9 Completely
confident

THANK YOU

POST EXPERIMENTAL QUESTIONNAIRE

Answer all of the following questions. Use the 9-point scale in PART B just as you did in the previous questionnaire. Do not write your name on the questionnaire. This will protect your confidentiality.

A

What is your code letter? _____

How old are you? _____

Sex (circle one) : Male / Female

B

How likely is it that Ira Bennett is guilty?

Not Guilty
at all 1 2 3 4 5 6 7 8 9 Guilty

☐

How confident are you in your decision to the above question?

Not confident
at all 1 2 3 4 5 6 7 8 9 Completely
confident

☐

How fair was the group decision?

Not fair
at all 1 2 3 4 5 6 7 8 9 Completely
fair

☐

To what degree did you, personally, influence the group's final decision?

No influence											Complete	
at all	1	2	3	4	5	6	7	8	9	influence		

☐

To what extent did the other group members influence your final judgement?

No influence											Complete	
at all	1	2	3	4	5	6	7	8	9	influence		

☐

To what extent did the Foreperson direct the discussion?

No direction											Major impact	
at all	1	2	3	4	5	6	7	8	9	on discussion		

☐

How satisfied are you with the group's verdict?

Not satisfied											Completely	
at all	1	2	3	4	5	6	7	8	9	satisfied		

☐

What improvements, if any, would have enhanced the deliberation process in your group? (For Example: Room size; Seating Arrangements; Choice of Foreperson; etc)

THANK YOU

APPENDIX EJURY VERDICT

We, the jury, find Ira Bennett

NOT GUILTY \ GUILTY

of the robbery of Karron's Jewellery shop, on March 6, 1989.

As a jury, how confident are you that your verdict is correct?

Not at
all confident 1 2 3 4 5 6 7 8 9 Completely confident ☐

THANK YOU

QUESTIONNAIRE

answer the following questions, as a group, by circling the answer.

What was Ira Bennett employed as?

- A\ Shop Assistant
- B\ Assistant Manager
- C\ Manager
- D\ Watch Repairman

Had Bennett ever mentioned to Karron that he was engaged?

- A\ Yes, once in passing
- B\ Yes, Karron went to the engagement party
- C\ Karron couldn't remember
- D\ No, not at all

When did Bennett cease working at the jewelery store?

- A\ A month before the robbery
- B\ A little before the robbery
- C\ A week after the robbery
- D\ Soon after the robbery

When officer Huggins left the jewelery store to investigate the scream he had earlier heard, he;

- A\ unlocked the door to the store as he left
- B\ found a man lying injured and then called for an ambulance
- C\ both A and B are true
- D\ found a man lying injured about a block and a half away

Officer Huggins noticed that the car outside the jewelery store at the time of the robbery;

- A\ had the left-hand door open, no lights on, and the engine stopped
- B\ had both doors open, no lights on, and the engine running
- C\ had the left-hand door open, no lights on, and the engine running
- D\ was a 1971 Ford sedan with one headlight missing

Where was Bennett when officer Huggins entered the store?

- A\ Crouched behind the desk
- B\ Crouched behind the counter
- C\ Crouched between the counter and the desk
- D\ Crouched between the counter and the door

Officer Huggins reported that;

- A\ he could not see Bennett crouched in the store until he stepped inside the door
- B\ he saw Bennett crouched in the store from the street
- C\ he used his torch to find a light switch
- D\ he stumbled over Bennett crouching behind the counter

When did Bennett say that Ricker was holding his fiancée hostage?

- A\ One day after the robbery
- B\ On the way to the police station
- C\ While they were at the store
- D\ In later questioning

How many people could officer Huggins see in the car?

- A\ 0
- B\ 1
- C\ 2
- D\ 3

When did Bennett ask for a salary advance?

- A\ The month before the robbery
- B\ The week before the robbery
- C\ About the same time the store was robbed
- D\ The week after the store was robbed

Bennett;

- A\ had no legal access to the jewelery store after hours
- B\ sometimes went back to the jewelery store in the evening without letting Karron know.
- C\ was one of three people with a key to the store
- D\ told Karron that he might be going into the store on the evening of the robbery

How many shots did Ricker fire?

- A\ 0
- B\ 1
- C\ 2
- D\ 3

According to Phil Ricker;

- A\ he planned the burglary alone, but was aided in it's execution by Bennett
- B\ himself, Bennett, and Bennetts fiancée were all involved in the robbery of the store on March 6th
- C\ himself, Bennett, and Bennetts fiancée were all involved in planning the robbery, but only two of them carried it out
- D\ only he and Bennett were involved in the planning and execution of the robbery

Were there any lights on in the store?

- A\ Yes, all of the lights were on
- B\ Yes, the night lights were on
- C\ Yes, one small light was on
- D\ No, none of the lights were on

According to Officer Huggins testimony, which of the following is a TRUE statement;

- A\ officer Huggins called for help on his two way radio, checked Bennett for weapons, and then handcuffed him to the radiator
- B\ officer Huggins handcuffed Bennett to the radiator, called for help on the telephone, and then checked him for weapons
- C\ officer Huggins checked Bennett for weapons, handcuffed him to the radiator, and then called for help on the telephone
- D\ officer Huggins checked Bennett for weapons, handcuffed him to the radiator, and then called for help on his two way radio

How long had Bennett worked at the jewelery store?

- A\ 3 weeks
- B\ 18 months
- C\ 3 years
- D\ More than 5 years

The jewelery store alarm;

- A\ was a silent one that buzzed Karrons home
- B\ could only be turned off outside the store
- C\ was wired to the doors and windows
- D\ had a bell that rang at the shop and a security agency

Officer Huggins;

- A\ did not get the license plate of the car because the car lights were off and he couldn't see it
- B\ did not get the license plate of the car because it had been tampered with
- C\ did not have a chance to take a detailed look at the car
- D\ saw the license plate of the car and wrote it in his report

Where was the bag of jewels in relation to Bennett?

- A\ Next to him
- B\ In his hand
- C\ Next to the safe
- D\ Not in sight

Did officer Huggins report to his superiors what Bennett said about his girlfriend being held hostage?

- A\ Yes, straight away
- B\ Yes, later, in questioning
- C\ No, as he heard Bennett tell them
- D\ No, as he didn't believe Bennetts story

THANKYOU

APPENDIX G

INFORMED CONSENT FORM
Massey University

is to certify that I hereby agree to participate as a
nteer subject in a scientific investigation by Karyn Dunn,
r the supervision of Dr. John Podd.

The investigation has been explained to me and I understand
the explanation.
I have been given the opportunity to ask questions, and these
have been answered to my satisfaction.
I understand that I am free to deny any answer to specific
questions in the questionnaires.
I understand that any answers to questions will remain
confidential with regard to my identity.
I understand that I will not be informed as to which
experimental group I am in until the study has been
completed.
I FUTHER UNDERSTAND THAT I AM FREE TO WITHDRAW MY CONSENT AND
TERMINATE MY PARTICIPATION AT ANY TIME.

ects Signature and Date

the undersigned, have defined and fully explained the
estigation to the above subject.

e Investigators Signature