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Krystia Grembocki  
*Lindenwood University*

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## **Racial Salience in Context: The Role of Visual Information on Conviction Decisions**

*Krystia Grembocki<sup>14</sup>*

*Jurors arguably play the most influential role in determining the outcome of most criminal trials. The U.S. legal system relies on them to make unbiased, substantiated decisions based on evidence presented in court. The problem with this expectation is that jurors are ordinary people who are subject to the influence of extralegal factors – variables that are not legally related to a case (e.g. how a defendant looks). Unfortunately, when jurors hold implicit biases regarding the appearance of defendants, extralegal factors, such as race, tend to have at least some impact on their verdict (Maeder & Hunt, 2011; Mitchell, Haw, Pfiefer, & Meissner, 2005; Sommers, 2007). The present study aimed to evaluate the effects of visual information and race salience on conviction decisions. Participants were randomly assigned to view one of five videos containing a crime scenario about an armed robbery and pictures of two defendants (White/White, White/Black, Black/White, Black/Black) or no defendants at all (No Visual). For each defendant, participants were asked to provide a verdict, justification and confidence rating for that verdict, as well as to assess the character of each defendant, and to attribute responsibility to one defendant for initiating the idea to commit the crime. Overall, it was anticipated that racial biases would be more evident in participants' responses when defendant race was made salient, especially when defendants were presented as Black rather than White. Findings, limitations, suggestions for future research, and implications are discussed.*

Most of the literature focusing on race effects in the judicial system emphasizes differences between Black and White defendants. Although subjective experiences and media tend to portray a substantial difference in the treatment of Black defendants compared to White defendants, research routinely indicates that White jurors are less likely to convict defendants when they are Black (Abwender & Hough, 2001; Bucholo & Cohn, 2010; Cohn, Bucolo, Pride, & Sommers, 2009; ForsterLee, ForsterLee, Horowitz, & King, 2006). While this statement is seemingly counterintuitive, the phenomenon is commonly attributed to the theory of aversive

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<sup>14</sup>Krystia Grembocki, Department of Psychology, Lindenwood University. Correspondence concerning this research paper should be addressed to Krystia Grembocki, Department of Psychology, Lindenwood University, St. Charles, MO 63301 or Email: klg997@lindenwood.edu

racism, which is the idea that White jurors are aware that, when determining whether to convict a Black defendant, their decisions may be deemed as racially biased, thus leading them to find the defendant not guilty (Gaertner & Dovidio, 2005).

If White jurors are particularly prone to aversive racism, as the theory suggests, it is critical to determine whether other extralegal variables impact a jury's verdict. Previous research has aimed to identify these factors and their significance in relation to defendant race. For instance, when race is varied with crime severity, it is more likely that a defendant will be found guilty when the crime is stereotyped as racially typical as opposed to when it is viewed as neutral or racially atypical. Specifically, when a white-collar crime, such as embezzlement, is committed by a White defendant, he or she is more likely to be convicted than a defendant of another race; likewise, when a Black defendant commits a blue-collar crime, such as burglary, he or she is more likely to be found guilty than a defendant of another race (Gordon, Bindrim, McNicholas, & Walden, 1987).

In other studies, defendant race has also been evaluated in relation to characteristics of victims and jurors. When a defendant commits a crime against a victim of a different race, he or she is more likely to be found guilty than when the crime is committed against someone of the same race (Hymes, Leinhart, Rowe, & Rogers, 1993; Brewer, 2004; ForsterLee et al., 2006). It has also been demonstrated that White jurors with more authoritarian personality traits tend to convict Black defendants more often than White defendants (Foley & Chamblin, 1982). However, this does not apply when the racial roles are reversed. Rather, Black jurors with authoritarian personality traits have a lower conviction rate for both White and Black defendants, a difference which is thought to be the result of cultural distinctions between Black and White attitudes on crime and punishment (Foley & Chamblin, 1982).

Most research indicates that race seems to be a powerful indicator of guilt when paired with the previously mentioned variables. However, it should be acknowledged perceived socioeconomic status does not necessarily impact criminal trial jurors (Thornberry, 1973; Gleason & Harris, 1975; Foley & Chamblin, 1982). Likewise, attractiveness level of a defendant tends to have little to no impact on conviction decisions when evaluated in this context (Abwender & Hough, 2001).

In light of these findings, researchers have recently begun exploring the relationship of defendant race and race salience in criminal trials. When a defendant's race is salient, the race of the defendant is known to the jurors. A variety of approaches have been used to understand the significance of race and race salience in jury trials. In one study examining race effects, Abwender and Hough (2001) presented 207 college-age participants with a scenario about a defendant charged with negligent homicide while driving drunk. Participants were provided with one of four variations of the story, two of which included manipulations of the defendant's race (Black/White). After reading the scenario, participants were asked to determine how guilty, likeable, intoxicated, and responsible the defendant was in the incident. It was concluded that White participants treated the Black defendants with more leniency when compared to Black participants assessing the guilt and character of White defendants. They also found that, although the defendant's perceived level of guilt varied systematically with the defendant's race and the participant's race, responsibility and likability were not correlated with race of either the defendant or the participant (Abwender & Hough, 2001).

Cohn et al. (2009) assessed the outcome of a trial when race and race salience were manipulated. They recruited and analyzed the responses of 157 White college students. Participants were partitioned into groups of 6 to 15 "jurors" and were instructed to watch a trial about a man charged with attempted homicide using his vehicle. Race salience was manipulated

by showing select groups a version of the trial in which the race of the defendant and victims was made salient – the defendant was Black, and the victims were White. Other participants were shown a version in which the defendant’s race was not mentioned. What Cohn et al. (2009) found was that White participants convicted the defendant less often when it was known that he was Black and more often when his race was unknown. They justified their findings using the notion that modern society has conditioned people with racist attitudes to be more aware that their actions may be perceived as prejudiced (Cohn et al., 2009). This means that the low conviction rate for the Black defendant is likely explained by the idea that White jurors did not want to appear racist for their verdict, a finding which further supports Gaertner and Dovidio’s (2005) theory of aversive racism.

More recently, Bucolo and Cohn (2010) analyzed the responses of 151 White participants who acted as jurors for a trial about an assault which occurred during a bar fight. The researchers created four trial transcripts, and randomly assigned them to participants. To manipulate race, it was mentioned in the defense attorney’s opening and closing statements that the defendant was either Black or White. To manipulate race salience, Bucolo and Cohn (2010) either mentioned the defendant’s race in the opening and closing statements or did not mention it at all. After reading the transcript, participants were asked to assess the guilt of the defendant and recommend an appropriate punishment. Consistent with Abwender and Hough’s (2001) and Cohn et al.’s (2009) findings, it was determined that when participants knew the defendant was Black, they were less likely to convict than when the defendant was White (Bucolo & Cohn, 2010). These findings are also consistent with that of other aversive racism study outcomes (Gaertner & Dovidio, 2005).

The primary purpose of this research is to explore the effects of visual information (e.g. defendant race) – and lack thereof – on jurors’ conviction decisions in a criminal

case. Additionally, it aimed to identify implicit racial biases presented by jurors when assessing a pair of defendants. While previous studies have fundamentally examined the effects of manipulating defendant race and race salience for a single defendant, they have yet to explore these concepts in the context of a crime committed by two or more defendants, which provides the present study with a unique and complex framework for investigation. These studies have also manipulated race salience and defendant race using trial transcripts and verbal cues. The present study utilizes a crime scenario that does not make explicit mention of any physical characteristics of the defendants, including race. This allowed race and race salience to be manipulated visually through pictures of the defendants, rather than verbally through words. Deviating from conventional procedures in this line of research may allow for the present study to make more comprehensive inferences and draw new, contemporary conclusions about the effects of race and race salience in a courtroom.

Although it has been found that making race salient often leads to a lower conviction rate, it was predicted in the present study that the presence of visual information (e.g. pictures of defendants) would impact conviction decisions. This assumed that participants who were shown no visual – therefore remaining “blind” to a defendant’s appearance – would be more split in their conviction decisions, meaning that the ratio of guilty versus not guilty verdicts will be closely matched (50% guilty versus 50% not guilty).

Additionally, it was hypothesized that defendant race would affect their conviction decisions; more specifically, contrary to evidence presented in the previous literature, Black defendants would be more likely to be found guilty than White defendants. It was also postulated that race salience would have an impact on defendants’ perceived character (e.g. trustworthiness, criminal history, and recidivism). That is, a defendant would be perceived more

negatively when he was presented as Black than when he was presented as White or when there was no visual information available to indicate race.

Furthermore, it was believed that defendant race would affect the attribution of responsibility for developing the idea to commit a crime when the defendants were of different races. In particular, when paired with a White defendant, Black defendants would be more likely to be found responsible for coming up with the idea to commit the crime than White defendants.

Lastly, despite previous findings regarding aversive racism, it was speculated that the participant's race would be a predictor of the case verdict when assessing the guilt of Black versus White defendants. Namely, Black participants would be less likely to convict Black defendants, and White participants would be less likely to convict White defendants. These research inquiries were investigated using an online survey containing the crime scenario, defendant photos, and questions regarding participants' perception of the criminal act and the defendants.

## **Method**

### **Participants**

For the present study, 114 participants were recruited, but complete or near complete data were only collected from 75 participants. The sample included 56 women, ages 18 to 43 years ( $M_{\text{age}} = 20.6$ ). About 78.7% of participants identified as White/Caucasian American; 6.7% identified as Black/African American; and 14.6% identified as Latino/Hispanic American, Asian/Asian American, American Indian or Alaskan Native, or mixed race. Regarding marital status, 58.7% reported being single/never married. In terms of achieved education, 78.7% of participants reported having less than a college degree. A majority

of participants (80.0%) reported being a student or working part-time, and 77.3% reported an income of less than \$20,000 per year.

Participants were primarily recruited from Lindenwood University through the Lindenwood Participant Pool (LPP) and secondarily online using Facebook. LPP participants were compensated in the form of extra credit, and Facebook participants were provided with the opportunity to enter a drawing to win a \$25 gift card in exchange for their participation.

## **Materials**

**Recruitment materials.** LPP participants were recruited online through Sona Systems using a recruitment description which explained that the present study aimed to understand factors related to juror conviction decisions. Facebook recruitment occurred using a similar description attached to a study link that was posted several times on the principal investigator's (PI) personal Facebook page during the data collection period. The recruitment descriptions did not inform participants about the focus on race of the defendants (see Appendix A).

**Crime scenario.** A fictitious crime scenario was created for this study, which detailed an alleged robbery and assault case. The scenario was ambiguous, meaning that the case was based on circumstantial evidence, and there was not definitive proof that the defendants were guilty of committing a crime. The scenario was constructed in a plain-worded way to avoid confusion caused by the use of legal jargon. It was also free of explicit language indicating information about the appearance of the defendants, so participants were not provided with verbal descriptions of the defendants or the victim and therefore had no verbal or written indication of race (see Appendix B).

**Defendant pictures.** Defendant pictures were obtained using the Chicago Face Database (Ma, Cornell, & Wittenbrink, 2015). The pictures from the database are not mugshots,



but for the purpose of the present study, they were meant to appear as mugshots. Headshots of four men – two Black and two White – were included as pictures in the study. Each man appeared to be in their 20s and displayed neutral facial expressions, and none of them had any pronounced or unusual features, nor did they appear bi-racial or of mixed race (see Appendix C).

**Video stimuli and voiceover.** The video presented to participants was created using Microsoft Power Point. It contained the written transcript of the crime scenario, as well as vertically placed pictures of two defendants or no pictures at all. A defendant name – either Anthony Johnson or Jordan Williams – was also written below each defendant's picture, except when no pictures were shown. Accompanying these visual materials was a voiceover of the principal investigator reading crime scenario. In total, five different videos were created with the scenario and voiceover as well as pictures of two White defendants (WW condition), one White and one Black defendant (WB condition), one Black and one White defendant (BW condition), two Black defendants (BB condition), or no visual at all (NV condition) (see Appendix D).

**Survey.** The survey consisted of two parts: case questions and demographic questions. Case questions pertained to deciding a verdict, as well as justifying and indicating confidence in those verdicts on a percentage scale from 0 (*not at all confident*) to 100 (*extremely confident*) for each defendant. Participants were also asked to assess each defendant's character in three different dimensions (trustworthiness, likelihood of committing past crimes, and likelihood of committing future crimes/recidivism) using 7-point Likert scales. Additionally, participants were asked to attribute criminal responsibility to one of the defendants for coming up with the idea to commit the crime. Demographic questions inquired about gender identity, age, racial identity, marital status, completed education, current employment status, annual

income, and previous jury experience. To comply with Institutional Review Board standards, participants were shown an electronic informed consent statement at the beginning of the survey and a debriefing statement at the end (see Appendix E).

### **Procedure**

The presented study took place online in the form of a Qualtrics survey. Participants in the LPP accessed the survey link using Sona Systems, whereas Facebook participants accessed the link directly by clicking on the post in which it was featured. Prior to taking part in the study, participants were asked to read and agree to an informed consent statement. They were then randomly assigned to a video condition and asked to watch the corresponding video. After that, participants were asked to complete the case questions and demographic questions. All participants were debriefed at the end of the survey, but participants recruited through Facebook were subsequently redirected to a link that allowed them to enter their information for the \$25 Amazon gift card drawing. Using a redirect link ensured that participants' email addresses were not connected to their survey responses.

### **Results**

#### **Primary Analyses**

**Hypothesis 1: Verdict by condition.** The primary hypothesis of the present study was that participants who are shown no visual will be more split in their conviction decisions. To determine whether these group differences were significant, a 2 (visual – defendant pictures present, no defendant pictures present) x 3 (verdict – both defendants found guilty, one defendant found guilty, neither defendant found guilty) chi-square analysis was conducted. There was a significant difference in verdicts of participants who were assigned to view pictures of defendants in the WW, WB, BW, and BB conditions and participants who were assigned to the NV condition  $\chi^2 = (2, N = 75), 4.70, p = 0.10, W = 0.25$ . Thus, defendants were

more likely to be found guilty when their pictures were presented to participants in the visual conditions (60.3%) than when their pictures were not presented at all (38.5%).

**Hypothesis 2: Verdict by race.** In comparing the verdicts of Black and White defendants, it was assumed that Black defendants would be more likely to be found guilty than White defendants, regardless of the group in which their pictures were presented. Descriptive analyses showed that Black defendants had an average conviction rate of 58.8% when presented in the same-race (BB) condition and a 56.7% conviction rate when presented in the mixed-race (WB/BW) conditions. White defendants had an average conviction rate of 53.1% in the same-race (WW) condition and a 56.7% conviction rate in the mixed-race (WB/BW) conditions. However, a 2 (race – Black, White) x 2 (verdict – guilty, not guilty) chi-square analysis indicated that there was not a significant difference between Black and White defendants in terms of guilty and not guilty verdicts assigned to them,  $\chi^2 = (1, N = 30), 0.53, p = 0.47$ . Therefore, the assumption that Black defendants would be treated more harshly in terms of conviction decisions was not supported.

**Hypothesis 3: Perceived character by race.** The third hypothesis was that defendants' character would be perceived more negatively when presented as Black than when presented as White or when their race was unknown to participants. Three one-way analyses of variance (ANOVAs) were used to assess differences in perceived trustworthiness, criminal past, and recidivism for each defendant when presented as Black, White, and when race was unknown. For the first defendant presented to participants, Mr. Johnson, no significant differences were detected between Black, White, and No Visual conditions in perceived trustworthiness,  $[F(2, 73) = 0.49, p = 0.61]$ ; likelihood of the defendant having a criminal past,  $[F(2, 72) = 1.85, p = 0.16]$ ; or likelihood of future recidivism,  $[F(2, 73) = 1.12, p = 0.33]$ . For Mr. Williams, the second defendant presented to participants, there were no

significant differences between Black, White, and No Visual defendants in perceived trustworthiness, [ $F(2, 73) = 1.04, p = 0.36$ ]; likelihood of the defendant having a criminal past, [ $F(2, 72) = 1.78, p = 0.28$ ]; or likelihood of future recidivism, [ $F(2, 73) = 0.07, p = 0.94$ ].

Differences in perceived character were also assessed by dividing defendants into same-race (WW/BB) and mixed-race (WB/BW) conditions for statistical analysis. An independent samples *t*-test was used to compare means of same-race and mixed-race defendants in terms of trustworthiness, criminal past, and recidivism. A significant difference was detected in perceived trustworthiness between defendants in the same-race conditions ( $M = 3.27$ ) and mixed-race conditions ( $M = 3.70$ ),  $p = 0.02$ . This means a defendant was considered less trustworthy when paired with a defendant of the same race than when paired with a defendant of a different race.

**Hypothesis 4: Attribution of criminal responsibility by race.** Furthermore, it was believed that, when paired with a White defendant, Black defendants would be more likely to be found responsible for coming up with the idea to commit the crime. A frequency count indicated that White defendants were found responsible more often than Black defendants in mixed-race (WB/BW) conditions. Specifically, 17 of 27 defendants (63.0%) in the mixed-race conditions who were deemed responsible for initiating the idea to commit the crime were White as opposed to 10 of 27 defendants (37.0%) who were Black and considered responsible for the crime. However, significance testing using a 2 (race – Black, White) x 2 (criminal responsibility – Johnson responsible, Williams responsible) chi-square analysis suggested that there was not a significant difference between Black and White defendants in attribution of criminal responsibility,  $\chi^2 = (1, N = 27), 1.81, p = 0.18$ . This finding does not support the proposed hypothesis.

**Hypothesis 5: Effects of juror race on verdict.** The last hypothesis was that Black and White jurors (participants) would be less likely to convict defendants with whom they shared a race. Black participants in visual conditions convicted three out of five Black defendants (60.0%) and three out of three White participants (100.0%), giving Black participants an overall conviction rate of 75.0%. White participants in visual conditions convicted 27 of 52 White defendants (51.9%) and 29 of 50 Black defendants (58.0%), providing an overall conviction rate of 55.0% for White participants. A 2 (participant race – Black, White) x 2 (defendant race – Black, White) chi-square analysis elicited no significant differences between Black and White participants' verdicts for Black and White defendants,  $\chi^2 = (1, N = 65), 0.04, p = 0.84$ . This suggests that participants did not necessarily favor defendants of their own race when making conviction decisions.

### **Additional Analyses**

**Confidence ratings.** Participants' confidence ratings were also evaluated using a one-way ANOVA to compare all verdicts for Black defendants, White defendants, and No Visual defendants. Statistical analysis indicated that there was a significant difference between these groups,  $[F(2, 141) = 2.40, p = 0.09]$ ; however, a post-hoc analysis suggested that the difference was only significant between Black ( $M=52.14$ ) and White ( $M=61.0$ ) defendants,  $p = 0.02$ . This means that participants reported an average confidence rating of 52.1% for Black defendants and an average confidence rating of 61.0% for White defendants. Although not significant, participants also reported an average confidence rating of 57.4% for defendants in the No Visual condition. This means that participants who viewed pictures of Black defendants were significantly less confident in their verdicts than participants who viewed pictures of White defendants.

**Qualitative findings.** In the survey, participants were asked to justify their verdicts. Participants who found the defendants guilty justified their verdict on the grounds that that the knife and money were found on the men, it would not make sense for the victim to make up this situation, and that the men had a “shady” explanation for their side of the story. Participants who found the defendants not guilty cited reasons including that the suspects were found in close proximity, the victim was unharmed, the victim borrowed money and did not pay it back, there were two men to corroborate their side of the story, the suspects offered a reasonable explanation for what happened, and there was not enough evidence to make a conviction.

Participants were also asked to justify their attribution of criminal responsibility. Participants who believed the first defendant, Mr. Johnson, was responsible for the initiating the crime primarily indicated that he seemed like the aggressor in the scenario, or that he seemed more aggressive or more violent than the other defendant. On the other hand, those who believed Mr. Williams was responsible for the crime primarily indicated that it was because he removed the money from the victim’s wallet.

### **Discussion**

In the present study, race salience was manipulated using the presence of defendant pictures. While it was believed that there would be a significant difference between participants who saw pictures of defendants and participants who did not, it was also speculated that participants who did not have access to visual information about defendants would be more split in their conviction decisions than participants in the visual conditions. Although there was a significant difference in the verdicts of Visual and No Visual defendants, the original hypothesis on race salience was not supported because descriptive analyses indicated that participants in the No Visual condition had an average conviction rate of 38.5%. For the hypothesis to be

supported, it was predetermined that the conviction rate must be between 45.0% and 55.0% in order for the participants in this condition to be considered “split” in their conviction decisions, with the ideal conviction rate falling at 50.0%. Had this been the case, it could be said that race salience had a substantial impact on participants’ findings, and further analysis would be necessary to determine whether knowing the race of defendants has an overall positive or negative effect on criminal trials. The finding that participants who saw pictures of defendants had a higher conviction rate than those who did not is inconsistent with previous research conducted by Cohn et al. (2009) and Bucolo and Cohn (2010), which indicated that, when race was salient, participants had lower conviction rates than when it was not.

Many researchers have found that Black defendants are consistently treated with more leniency than White defendants (Abwender & Hough, 2001; Bucolo & Cohn, 2010; Cohn et al., 2009; ForsterLee et al., 2006; Gaertner & Dovidio, 2005). In the present study, though, there were no significant differences detected in the treatment of Black and White defendants regarding verdicts, perceived character, and criminal responsibility when analyzed on an individual basis. However, when evaluated in the context of pairs, defendants in same-race (BB/WW) conditions were treated less favorably than defendants in mixed-race (WB/BW) conditions. Specifically, when paired with a defendant of the same race, defendants were found guilty more frequently, especially in the BB condition, and they were considered less trustworthy than defendants who were paired with a defendant of another race. Perhaps this suggests that there is a contrast effect present in mixed-race conditions; when paired with a defendant of the same race, defendants are viewed more negatively and more culpable in a criminal context than when paired with someone of a different race. That is not to say that one race is viewed more positively overall, but that when a Black defendant commits a crime with a White defendant, he may be viewed as less responsible than when he commits a

crime with another Black defendant. Similarly, when a White defendant commits a crime with a Black defendant, he may be viewed as less responsible than when he commits a crime with another White defendant.

Additionally, White defendants in the mixed-race (WB/BW) conditions were considered responsible for coming up with the crime more frequently than Black defendants. This may indicate that participants wanted to avoid appearing biased by attributing criminal responsibility to White defendants more often, despite the fact that there was not a significant difference in guilty verdicts for Black and White defendants. If true, this explanation lends support to Gaertner and Dovidio's (2005) theory of aversive racism – that people compensate for their fear of being considered racist by offering less negative assessments of individuals who do not share their race. Considering that participants rated themselves as less confident in their verdicts for Black defendants than for White defendants, it can be speculated that that implicit racial biases were present to an extent when answering some – if not all – questions about the case.

Furthermore, although it was believed that Black and White participants' race would have an effect on their verdicts for Black and White defendants, there was not a significant finding associated with this hypothesis. Given that the racial makeup of the sample was skewed – 78.7% of participants identified as White/Caucasian, and only 6.7% identified as Black/African American – it was difficult to evaluate whether the race of participants impacted their conviction decisions for defendants who shared their race and defendants who did not. Needless to say, further analysis with a more diverse and representative sample is required to determine the impact of juror race on conviction rates for each race of defendant.

There were numerous factors that limited the success of this study. First, a common problem in this line of research is the inability to replicate actual conditions which would be found in a criminal trial. This study utilized a video along with an online survey to collect data



from “jurors,” which is not indicative of a trial in real life. Additionally, with only a limited period of time and a small pool from which to collect data, it was difficult to recruit participants to take part in the study. Therefore, the sample size was small and homogenous, and it was not representative of a real jury, which often includes people of varied ages, ethnicities, and backgrounds. Also, since this study used a unique method for manipulating race, it is possible that the effect of the manipulation was weak, allowing participants to realize that race was being manipulated, especially in the mixed-race (WB/BW) conditions. It is also likely that participants in the visual conditions realized the purpose of the study because Americans are socialized to notice race, but they are also taught not to make mention of it or to discriminate against those of a different race. It is likely that this limitation had a substantial impact on the results, making it very difficult to determine whether the study’s design was effective or not. Lastly, it is possible that technical issues interfered with participants taking part in the survey, as some reported problems accessing the video and questions from their mobile devices. In the future, modifications may be made to mitigate the effects of these limitations, so the study can be repeated. Future research directions could also include evaluating the impact of race in relation to other variables, such as age, gender, or crime type/severity on the outcome of a criminal trial.

In conclusion, the present study offered mixed results concerning the effects of race salience and race manipulation on jurors’ perception of guilt, character, and criminal responsibility when assessing a pair of defendants. Although the aforementioned findings do not necessarily support the preconceived notions that many people hold about the impact of race in a courtroom, they do shed light on the fact that, to some degree, jurors may still implicitly or explicitly acknowledge the race of defendants when making conviction decisions. That said, it is vital that researchers continue study the effects of defendant race in order to gain a clearer

understanding of extralegal factors that impact jurors. Furthermore, it is imperative that lawmakers acknowledge this field of research and utilize its findings to create the most fair and equal trial by jury possible and to uphold the constitutional legitimacy of the criminal justice process in the United States.

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## Appendix A

### Recruitment Materials

*Sona Systems Recruitment Description:* “An important and relevant topic is how jurors think and make conviction decisions in criminal trials. This study aims to understand factors that are relevant to these decisions. Participants will watch a video about a crime that has allegedly taken place and will be asked to respond to questions about the video. This study should not take more than 10-15 minutes to complete.”

*Facebook Recruitment Description:* “Please consider taking part in my anonymous online psychology study about how jurors make conviction decisions in criminal trials. It is for my research project for my Senior Thesis class at Lindenwood University. It should not take more than 10-15 minutes of your time. Your participation is completely voluntary. Thank you!”

## Appendix B

### Crime Scenario Transcript

On Sunday, October 1st, Anthony Johnson and Jordan Williams were accused of robbery and assault after allegedly entering into the home of a friend and taking \$200 from him at knifepoint. Police arrived on the scene at 608 S. Bay Street around 8:00pm. The victim of the alleged attack was identified as Nick Smith.

Mr. Smith gave a statement to the police regarding the incident. He claimed that Mr. Johnson and Mr. Williams arrived at his home at approximately 7:00pm. Mr. Smith was not expecting the men, but he opened the door and let them in anyway. Mr. Smith told police that Mr. Johnson and Mr. Williams had been angry with him because he borrowed \$100 from each of them and had not yet paid the money back. The conversation quickly became heated, which led Mr. Johnson to take hold of Mr. Smith at knifepoint while Mr. Williams demanded to know where Mr. Smith's wallet was so he could retrieve the borrowed cash. Mr. Smith, terrified and restrained, pointed to the coffee table where his wallet was lying. Mr. Williams searched through the wallet, took the money, and the two men fled the scene. The victim did not sustain any injuries.

After taking Mr. Smith's statement, police searched for Mr. Johnson and Mr. Williams. They found the two at a local pub, less than a mile away. When police arrived at the pub, Mr. Johnson and Mr. Williams were eating wings and drinking a beer while watching the football game on TV. The police told them why they were there and requested to know their side of the story.

Both Mr. Johnson and Mr. Williams claimed that Mr. Smith was dishonest about their interaction with him. They told officers that when they arrived at Mr. Smith's house, Mr. Smith greeted them and welcomed them inside. The three of them talked for a few minutes, and then Mr. Johnson proceeded to show off the new pocket knife that his wife got him for his birthday the previous week. After that, Mr. Smith went to the kitchen to stir the chili he was making for dinner. Mr. Smith proceeded to address the money-borrowing situation by saying, "Hey, guys. I completely forgot to pay you back when I saw you the other day. \$200, right? My wallet is on the coffee table if you want to grab it out of there." Mr. Williams removed two \$100 bills from Mr. Smith's wallet and said, "Thanks, man! Money is tight right now, so I appreciate it," and Mr. Johnson concurred. The two of them subsequently stated that they exited Mr. Smith's home and went to the bar.

After finding the pocket knife and the money in Mr. Johnson's and Mr. Williams's pockets, police were not sure what to believe, so they put the two men in handcuffs and took them to the station for further questioning.

Appendix C  
Defendant Pictures



Black Defendant 1



Black Defendant 2



White Defendant 1





White Defendant 2

## Appendix D



## Video Stimuli and Voice Over

## WW Condition Video

	<p>On Sunday, October 1<sup>st</sup>, Anthony Johnson and Jordan Williams were accused of robbery and assault after allegedly entering into the home of a friend and taking \$200 from him at knife point. Police arrived on the scene at 608 S. Bay Street. Around 8:00pm. The victim of the alleged attack was identified as Nick Brown.</p>
<p>Defendant Anthony Johnson</p>	<p>Mr. Brown gave a statement to the police regarding the incident. He claimed that Mr. Johnson and Mr. Williams arrived at his home at approximately 7:00pm. Mr. Brown was not expecting the men, but he opened the door and let them in anyway. Mr. Brown told police that Mr. Johnson and Mr. Williams had been angry with him because he borrowed \$100 each from them and had not yet paid the money back. The conversation quickly became heated, which led Mr. Johnson to take hold of Mr. Brown at knife point while Mr. Williams demanded to know where Mr. Brown's wallet was so he could retrieve the borrowed cash. Mr. Brown, terrified and restrained, pointed to the coffee table where his wallet was lying. Mr. Williams searched through the wallet, took the money, and the two men fled the scene. The victim did not sustain any injuries.</p>
	<p>After taking Mr. Brown's statement, police searched for Mr. Johnson and Mr. Williams. They found the two at a local pub, less than a mile away. When police arrived at the pub, Mr. Johnson and Mr. Williams were eating wings and drinking a beer while watching the football game on TV. The police told them why they were there and requested to know their side of the story.</p>
<p>Defendant Jordan Williams</p>	<p>Both Mr. Johnson and Mr. Williams claimed that Mr. Brown was dishonest about their interaction with him. They told officers that when they arrived at Mr. Brown's house, Mr. Brown greeted them and welcomed them inside. The three of them talked for a few minutes, and then Mr. Johnson proceeded to show off the new pocket knife that his wife got him for his birthday the previous week. After that, Mr. Brown went to the kitchen to stir the chili he was making for dinner. Mr. Brown proceeded to address the money-borrowing situation by saying, "Hey, guys. I completely forgot to pay you back when I saw you the other day. \$200, right? My wallet is on the coffee table if you want to grab it out of there." Mr. Williams removed two \$100 bills from Mr. Brown's wallet and said, "Thanks, man! Money is tight right now, so I appreciate it," and Mr. Johnson concurred. The two of them subsequently stated that they exited Mr. Brown's home and went to the bar.</p>
	<p>After finding the pocket knife and the money in Mr. Johnson's and Mr. Williams's pockets, police were not sure what to believe, so they put the two men in handcuffs and took them to the station for further questioning.</p>





## WB Condition Video

 <p data-bbox="224 493 500 520">Defendant Anthony Johnson</p>	<p data-bbox="548 235 1421 304">On Sunday, October 1<sup>st</sup>, Anthony Johnson and Jordan Williams were accused of robbery and assault after allegedly entering into the home of a friend and taking \$200 from him at knifepoint. Police arrived on the scene at 608 S. Bay Street. Around 8:00pm. The victim of the alleged attack was identified as Nick Brown.</p> <p data-bbox="548 325 1421 504">Mr. Brown gave a statement to the police regarding the incident. He claimed that Mr. Johnson and Mr. Williams arrived at his home at approximately 7:00pm. Mr. Brown was not expecting the men, but he opened the door and let them in anyway. Mr. Brown told police that Mr. Johnson and Mr. Williams had been angry with him because he borrowed \$100 each from them and had not yet paid the money back. The conversation quickly became heated, which lead Mr. Johnson to take hold of Mr. Brown at knife point while Mr. Williams demanded to know where Mr. Brown's wallet was so he could retrieve the borrowed cash. Mr. Brown, terrified and restrained, pointed to the coffee table where his wallet was lying. Mr. Williams searched through the wallet, took the money, and the two men fled the scene. The victim did not sustain any injuries.</p> <p data-bbox="548 525 1421 619">After taking Mr. Brown's statement, police searched for Mr. Johnson and Mr. Williams. They found the two at a local pub, less than a mile away. When police arrived at the pub, Mr. Johnson and Mr. Williams were eating wings and drinking a beer while watching the football game on TV. The police told them why they were there and requested to know their side of the story.</p>
 <p data-bbox="224 829 500 856">Defendant Jordan Williams</p>	<p data-bbox="548 640 1421 840">Both Mr. Johnson and Mr. Williams claimed that Mr. Brown was dishonest about their interaction with him. They told officers that when they arrived at Mr. Brown's house, Mr. Brown greeted them and welcomed them inside. The three of them talked for a few minutes, and then Mr. Johnson proceeded to show off the new pocket knife that his wife got him for his birthday the previous week. After that, Mr. Brown went to the kitchen to stir the chili he was making for dinner. Mr. Brown proceeded to address the money-borrowing situation by saying, "Hey, guys. I completely forgot to pay you back when I saw you the other day. \$200, right? My wallet is on the coffee table if you want to grab it out of there." Mr. Williams removed two \$100 bills from Mr. Brown's wallet and said, "Thanks, man! Money is tight right now, so I appreciate it," and Mr. Johnson concurred. The two of them subsequently stated that they exited Mr. Brown's home and went to the bar.</p> <p data-bbox="548 861 1421 913">After finding the pocket knife and the money in Mr. Johnson's and Mr. Williams's pockets, police were not sure what to believe, so they put the two men in handcuffs and took them to the station for further questioning.</p>



## Appendix D cont.

## Video Stimuli and Voice Over

## BW Condition Video

	<p>On Sunday, October 1<sup>st</sup>, Anthony Johnson and Jordan Williams were accused of robbery and assault after allegedly entering into the home of a friend and taking \$200 from him at knifepoint. Police arrived on the scene at 608 S. Bay Street. Around 8:00pm. The victim of the alleged attack was identified as Nick Brown.</p>
<p>Defendant Anthony Johnson</p>	<p>Mr. Brown gave a statement to the police regarding the incident. He claimed that Mr. Johnson and Mr. Williams arrived at his home at approximately 7:00pm. Mr. Brown was not expecting the men, but he opened the door and let them in anyway. Mr. Brown told police that Mr. Johnson and Mr. Williams had been angry with him because he borrowed \$100 each from them and had not yet paid the money back. The conversation quickly became heated, which lead Mr. Johnson to take hold of Mr. Brown at knife point while Mr. Williams demanded to know where Mr. Brown's wallet was so he could retrieve the borrowed cash. Mr. Brown, terrified and restrained, pointed to the coffee table where his wallet was lying. Mr. Williams searched through the wallet, took the money, and the two men fled the scene. The victim did not sustain any injuries.</p>
	<p>After taking Mr. Brown's statement, police searched for Mr. Johnson and Mr. Williams. They found the two at a local pub, less than a mile away. When police arrived at the pub, Mr. Johnson and Mr. Williams were eating wings and drinking a beer while watching the football game on TV. The police told them why they were there and requested to know their side of the story.</p>
<p>Defendant Jordan Williams</p>	<p>Both Mr. Johnson and Mr. Williams claimed that Mr. Brown was dishonest about their interaction with him. They told officers that when they arrived at Mr. Brown's house, Mr. Brown greeted them and welcomed them inside. The three of them talked for a few minutes, and then Mr. Johnson proceeded to show off the new pocket knife that his wife got him for his birthday the previous week. After that, Mr. Brown went to the kitchen to stir the chili he was making for dinner. Mr. Brown proceeded to address the money-borrowing situation by saying, "Hey, guys. I completely forgot to pay you back when I saw you the other day. \$200, right? My wallet is on the coffee table if you want to grab it out of there." Mr. Williams removed two \$100 bills from Mr. Brown's wallet and said, "Thanks, man! Money is tight right now, so I appreciate it," and Mr. Johnson concurred. The two of them subsequently stated that they exited Mr. Brown's home and went to the bar.</p>
	<p>After finding the pocket knife and the money in Mr. Johnson's and Mr. Williams's pockets, police were not sure what to believe, so they put the two men in handcuffs and took them to the station for further questioning.</p>

## BB Condition Video

	<p>On Sunday, October 1<sup>st</sup>, Anthony Johnson and Jordan Williams were accused of robbery and assault after allegedly entering into the home of a friend and taking \$200 from him at knifepoint. Police arrived on the scene at 608 S. Bay Street. Around 8:00pm. The victim of the alleged attack was identified as Nick Brown.</p>
<p>Defendant Anthony Johnson</p>	<p>Mr. Brown gave a statement to the police regarding the incident. He claimed that Mr. Johnson and Mr. Williams arrived at his home at approximately 7:00pm. Mr. Brown was not expecting the men, but he opened the door and let them in anyway. Mr. Brown told police that Mr. Johnson and Mr. Williams had been angry with him because he borrowed \$100 each from them and had not yet paid the money back. The conversation quickly became heated, which lead Mr. Johnson to take hold of Mr. Brown at knife point while Mr. Williams demanded to know where Mr. Brown's wallet was so he could retrieve the borrowed cash. Mr. Brown, terrified and restrained, pointed to the coffee table where his wallet was lying. Mr. Williams searched through the wallet, took the money, and the two men fled the scene. The victim did not sustain any injuries.</p>
	<p>After taking Mr. Brown's statement, police searched for Mr. Johnson and Mr. Williams. They found the two at a local pub, less than a mile away. When police arrived at the pub, Mr. Johnson and Mr. Williams were eating wings and drinking a beer while watching the football game on TV. The police told them why they were there and requested to know their side of the story.</p>
<p>Defendant Jordan Williams</p>	<p>Both Mr. Johnson and Mr. Williams claimed that Mr. Brown was dishonest about their interaction with him. They told officers that when they arrived at Mr. Brown's house, Mr. Brown greeted them and welcomed them inside. The three of them talked for a few minutes, and then Mr. Johnson proceeded to show off the new pocket knife that his wife got him for his birthday the previous week. After that, Mr. Brown went to the kitchen to stir the chili he was making for dinner. Mr. Brown proceeded to address the money-borrowing situation by saying, "Hey, guys. I completely forgot to pay you back when I saw you the other day. \$200, right? My wallet is on the coffee table if you want to grab it out of there." Mr. Williams removed two \$100 bills from Mr. Brown's wallet and said, "Thanks, man! Money is tight right now, so I appreciate it," and Mr. Johnson concurred. The two of them subsequently stated that they exited Mr. Brown's home and went to the bar.</p>
	<p>After finding the pocket knife and the money in Mr. Johnson's and Mr. Williams's pockets, police were not sure what to believe, so they put the two men in handcuffs and took them to the station for further questioning.</p>

## Appendix D cont.

## Video Stimuli and Voice Over

## NV Condition Video

On Sunday, October 1<sup>st</sup>, Anthony Johnson and Jordan Williams were accused of robbery and assault after allegedly entering into the home of a friend and taking \$200 from him at knifepoint. Police arrived on the scene at 608 S. Bay Street. Around 8:00pm. The victim of the alleged attack was identified as Nick Brown.

Mr. Brown gave a statement to the police regarding the incident. He claimed that Mr. Johnson and Mr. Williams arrived at his home at approximately 7:00pm. Mr. Brown was not expecting the men, but he opened the door and let them in anyway. Mr. Brown told police that Mr. Johnson and Mr. Williams had been angry with him because he borrowed \$100 each from them and had not yet paid the money back. The conversation quickly became heated, which lead Mr. Johnson to take hold of Mr. Brown at knife point while Mr. Williams demanded to know where Mr. Brown's wallet was so he could retrieve the borrowed cash. Mr. Brown, terrified and restrained, pointed to the coffee table where his wallet was lying. Mr. Williams searched through the wallet, took the money, and the two men fled the scene. The victim did not sustain any injuries.

After taking Mr. Brown's statement, police searched for Mr. Johnson and Mr. Williams. They found the two at a local pub, less than a mile away. When police arrived at the pub, Mr. Johnson and Mr. Williams were eating wings and drinking a beer while watching the football game on TV. The police told them why they were there and requested to know their side of the story.

Both Mr. Johnson and Mr. Williams claimed that Mr. Brown was dishonest about their interaction with him. They told officers that when they arrived at Mr. Brown's house, Mr. Brown greeted them and welcomed them inside. The three of them talked for a few minutes, and then Mr. Johnson proceeded to show off the new pocket knife that his wife got him for his birthday the previous week. After that, Mr. Brown went to the kitchen to stir the chili he was making for dinner. Mr. Brown proceeded to address the money-borrowing situation by saying, "Hey, guys. I completely forgot to pay you back when I saw you the other day. \$200, right? My wallet is on the coffee table if you want to grab it out of there." Mr. Williams removed two \$100 bills from Mr. Brown's wallet and said, "Thanks, man! Money is tight right now, so I appreciate it," and Mr. Johnson concurred. The two of them subsequently stated that they exited Mr. Brown's home and went to the bar.

After finding the pocket knife and the money in Mr. Johnson's and Mr. Williams's pockets, police were not sure what to believe, so they put the two men in handcuffs and took them to the station for further questioning.

## Appendix E

### Survey

#### Statement of Informed Consent

##### Introduction

The researcher conducting this study is an undergraduate student at Lindenwood University who is enrolled in the PSY48500: Senior Thesis course. The primary purpose of this study is to understand how jurors make conviction decisions in criminal trials. The findings of this study may be published or presented at a future research conference.

##### Procedures

This online study asks you to watch and listen to video about an alleged crime. After the video, you will be asked to answer a series of questions regarding your thoughts on the case. You will then be asked to respond to a few demographic items. In total, the study should take no more than 10-15 minutes of your time.

##### Risks/Discomforts

There are no known risks associated with this study. If you do not feel comfortable completing any part of this survey, you are free to skip any questions or withdraw without penalty.

##### Compensation and Benefits

By taking part in this study, Lindenwood Participant (LPP) members will be compensated in the form of extra credit toward a participating course. Other participants will be given the opportunity to enter into a drawing for a \$25 gift card for participating; the winner of the drawing will be random and will be announced at the conclusion of the study.

##### Confidentiality

No personally identifying information will be collected, including your IP Address. All data obtained from participants will be kept confidential and will only be reported in an aggregate format (by reporting only combined results and never individual ones). All questionnaires will be concealed, and no one other than the researcher and her course professor, Dr. Michiko Nohara-LeClair, will have access to them. The data collected will be stored in the HIPPA-compliant, Qualtrics-secure database until it has been deleted by the primary investigator.

##### Questions about the Research

If you have questions regarding this study, you may contact Krystia Grembocki at [klg997@lindenwood.edu](mailto:klg997@lindenwood.edu) or direct your inquiries to the course professor, Dr. Michiko Nohara-LeClair at [mnhoara-leclair@lindenwood.edu](mailto:mnhoara-leclair@lindenwood.edu) or (636)949-4371.

I have read, understood, and printed a copy of the above consent form and desire of my own free will to participate in this study.

- Agree
- Disagree

I am at least 18 years of age.

- Agree
- Disagree

I have a signed parental consent form filed with the LPP Office.

- Agree
- Disagree
- I don't know.

## Appendix E cont.

## Survey

**CASE QUESTIONS**

1. Based on the evidence presented in the case, do you believe Mr. Johnson (pictured above) is guilty or not guilty of the alleged charges?
  - Guilty
  - Not guilty
  
2. Please rate how confident you are in your verdict for Mr. Johnson. (*0% = I am not confident at all in this verdict; 100% = I am extremely confident in this verdict*) \_\_\_\_\_
  
3. Please explain why you believe Mr. Johnson is guilty/not guilty. \_\_\_\_\_
  
4. Please rate how trustworthy you think Mr. Johnson is.
  - Extremely untrustworthy
  - Untrustworthy
  - Somewhat untrustworthy
  - Neither untrustworthy nor trustworthy
  - Somewhat trustworthy
  - Trustworthy
  - Extremely trustworthy
  
5. Please rate how likely you think it is that Mr. Johnson has committed a similar crime in the past.
  - Extremely unlikely
  - Unlikely
  - Somewhat unlikely
  - Neither unlikely nor likely
  - Somewhat likely
  - Likely
  - Extremely likely
  
6. Please rate how likely you think it is that Mr. Johnson will commit a similar crime in the future.
  - Extremely unlikely
  - Unlikely
  - Somewhat unlikely
  - Neither unlikely nor likely
  - Somewhat likely
  - Likely
  - Extremely likely
  
7. Based on the evidence presented in the case, do you believe Mr. Williams (pictured above) is guilty or not guilty of the alleged charges?
  - Guilty
  - Not guilty

## Appendix E cont.

## Survey

8. Please rate how confident you are in your verdict for Mr. Williams. (*0% = I am not confident at all in this verdict; 100% = I am extremely confident in this verdict*) \_\_\_\_\_
9. Please explain why you believe Mr. Williams is guilty/not guilty. \_\_\_\_\_
10. Please rate how trustworthy you think Mr. Williams is.
- Extremely untrustworthy
  - Untrustworthy
  - Somewhat untrustworthy
  - Neither untrustworthy nor trustworthy
  - Somewhat trustworthy
  - Trustworthy
  - Extremely trustworthy
11. Please rate how likely you think it is that Mr. Williams has committed a similar crime in the past.
- Extremely unlikely
  - Unlikely
  - Somewhat unlikely
  - Neither unlikely nor likely
  - Somewhat likely
  - Likely
  - Extremely likely
12. Please rate how likely you think it is that Mr. Williams will commit a similar crime in the future.
- Extremely unlikely
  - Unlikely
  - Somewhat unlikely
  - Neither unlikely nor likely
  - Somewhat likely
  - Likely
  - Extremely likely
13. Whose idea do you think it was to commit this crime?
- Mr. Johnson
  - Mr. Williams
14. Why do you think it was Mr. Johnson's/Mr. Williams's idea to commit this crime? \_\_\_\_\_

Appendix E cont.

Survey

**DEMOGRAPHIC QUESTIONS**

1. Your gender:
  - Male
  - Female
  - Other, please specify: \_\_\_\_\_
  
2. Your age: \_\_\_\_\_
  
3. Your racial identity:  
*Please select all that apply.*
  - Black/African American
  - White/Caucasian American
  - Hispanic American
  - American Indian or Alaskan Native
  - Asian American
  - Other, please specify: \_\_\_\_\_
  
4. Your marital status:
  - Single (never married)
  - Dating
  - Married
  - Separated
  - Divorced
  - Widowed
  
5. The highest level of education you have completed:
  - Less than a high school diploma
  - High school degree or equivalent (e.g. GED)
  - Some college, no degree
  - Associate degree (e.g. AA, AS)
  - Bachelor's degree (e.g. BA, BS)
  - Master's degree (e.g. MA, MS, MEd)
  - Professional degree (e.g. MD, DDS, DVM)
  - Doctorate (e.g. PhD, EdD)
  
6. Your current employment status:  
*Please select all that apply.*
  - Employed full time (40 or more hours per week)
  - Employed part time (up to 39 hours per week)
  - Unemployed and currently looking for work
  - Unemployed and not currently looking for work
  - Student
  - Retired
  - Homemaker
  - Self-employed



- Unable to work
7. Your annual income:
- Less than \$20,000
  - \$20,000 to \$34,999
  - \$35,000 to \$49,999
  - \$50,000 to \$74,999
  - \$75,000 to \$99,000
  - Over \$100,000
8. Have you ever served on a jury trial?
- Yes
  - No
9. Please specify the calendar year in which you last served on a jury during a trial (e.g. 2005, 2016, etc.): \_\_\_\_\_
10. Please specify the city in which you last served on a jury during a trial (e.g. St. Louis, Kansas City, etc.): \_\_\_\_\_

## Appendix E cont.

## Survey

**Debriefing Statement**

Thank you for your participation! The present study was conducted in order to determine whether jurors' (participants') access to visual information about defendants (e.g. race) impacts conviction decisions in criminal trials. Participants were randomly assigned to one of five groups. Group 1 was shown pictures of two white defendants, Group 2 was shown pictures of two black defendants, Group 3 was shown pictures of one white defendant and one black defendant, Group 4 was shown pictures of one white defendant and one black defendant, and Group 5 was shown no pictures of the defendants. All groups read and listened to the same fictitious crime scenario, and all participants answered the same response questions following the video.

It was hypothesized that participants who were shown pictures of the defendants (Groups 1-4) would find them guilty more often than participants who were not shown pictures of the defendants (Group 5). It was also predicted that a black defendant would be more likely to be found guilty when paired with another black defendant or with a white defendant.

Please note that the purpose of this study was not to obtain or evaluate your individual results; rather, we are only interested in the overall findings based on aggregate data. No identifying information about you will be associated with any of the findings, nor will it be possible for us to trace your responses on an individual basis.

If you are interested in obtaining the final results of this study, or if you have any questions or concerns regarding any portion of this study, please do not hesitate to let the researcher know now or in the future. Contact information can be found at the bottom of this letter.

Thank you again for your valuable contribution to this study.

Sincerely,

Krystia Grembocki & Dr. Michiko Nohara-LeClair  
Principle InvestigatorSupervising Faculty Member  
(636) 675-5117(636) 949-4371  
klg997@lindenwood.edumnohara-leclair@lindenwood.edu