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The Psychology of Judicial Decision-Making: Ingroup/Outgroup Biases in Juror Verdicts and Sentences

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This paper explores a juror-plaintiff relationship to show that biases pertaining to the plaintiff's group status (ingroup vs. outgroup) can affect sentencing decisions with regards to the defendant. We also demonstrate that this bias can be mitigated, or even reversed, by increasing the perceived credibility of the plaintiff.

[to cite]:

Geetanjali Saluja and Rod Duclos (2015) , "The Psychology of Judicial Decision-Making: Ingroup/Outgroup Biases in Juror Verdicts and Sentences", in AP - Asia-Pacific Advances in Consumer Research Volume 11, eds. Echo Wen Wan and Meng Zhang, Duluth, MN : Association for Consumer Research, Pages: 229-230.

[url]:

<http://www.acrwebsite.org/volumes/1018818/volumes/ap11/AP-11>

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EXTENDED ABSTRACT

Research pertaining to judicial decision-making has largely shown that despite the serious nature and need for making accurate decisions; decision-making in this domain has often been plagued by biases, particularly in the form of racial and ingroup biases. Surprisingly, most of the research until now has largely looked at biases affecting the juror-defendant relationship, but not much that looks at how a juror-plaintiff relationship could affect the sentence. Given this background, we examine how ingroup biases pertaining to a plaintiff's group status can affect judgments and how they may be mitigated. First, we demonstrate that jurors' sentence for the defendant is higher when the plaintiff is ingroup, compared to outgroup. Then we explore circumstances under which an outgroup plaintiff could elicit harsher (rather than milder) sentences from jurors. Finally we show that when the outgroup plaintiff's credibility is enhanced either through religiosity or in the form of being a benevolent member of society, the ingroup bias can be eliminated to actually favor the outgroup plaintiff.

We conducted four experiments to test our predictions. In experiment 1, 316 caucasian subjects (using m-turk) were randomly assigned to a single factor design: Plaintiff's group status: Ingroup (Caucasian) vs. Outgroup 1 (African-American) vs. Outgroup 2 (Arab). Participants were presented with details of a fictitious court trial, in which the plaintiff, a woman, was sexually attacked by the defendant. Participants were also told that the judgment was basically resting on the credibility of the plaintiff relative to that of the defendant. Perception of the plaintiff's group status was manipulated by altering the name of the plaintiff to either be ingroup (Amy) or outgroup (Lakeesha & Samirah). The dependent variable was a measure asking participants to indicate the amount of jail time they would impose on the defendant. The results showed a significant main effect of plaintiff's group status. Specifically, participants were likely to impose higher jail time when the plaintiff was Amy ($M=3.07$) as compared to when she was Lakeesha ($M=2.29$) or Samirah ($M=2.23$) ($F(1, 313)=2.916, p=0.056$). This result confirmed our expectations that jurors would grant harsher punishment to the defendant when the plaintiff was an ingroup member rather than when she was an outgroup member.

In experiment 2, we introduced a baseline condition to the above design where the plaintiff's name was not released. An ANOVA revealed a main effect of plaintiff group-status on jurors' likelihood to convict ($F(2,282)=2.816, p=.062$). Whereas juror proclivities did not differ for ingroup ($M_{Amy}=4.54, SD=1.47$) and baseline plaintiffs ($M_{Baseline}=4.39, SD=1.39; F(1,282)=.561, p=.454, NS$), jurors appeared less likely to convict the defendant when the accuser was an outgroup member (i.e., $M_{LaKeesha}=4.02, SD=1.66$; contrast $_{Amy \text{ vs. LaKeesha}}: F(1,282)=2.244, p=.13$; contrast $_{Baseline \text{ vs. LaKeesha}}: F(1,282)=2.644, p=.11$).

Experiment 3 sought to mitigate the above effect. 206 Caucasian m-turk subjects were randomly assigned to a single factor design; Plaintiff's group status: Ingroup (No veil covering hair) vs. Outgroup (with veil covering the hair). Participants were presented with the same court trial scenario from study 1 this time with pictures of the plaintiff, except that in the ingroup condition, the plaintiff's hair was uncovered, while in the outgroup condition, the same woman was photoshopped to have a veil covering her hair. For the depen-

dent variable, in addition to jail time, we also measured likelihood of conviction, imposed fine and imposed community work (.806). These were averaged to form a single dependent variable measuring punishment to the defendant. Finally, we also measured perceived honesty and trustworthiness of the plaintiff (.842). These were also averaged to form a single measure of credibility. The results showed that participants were likely to impose harsher punishment when the plaintiff was an outgroup member wearing a veil ($M=.164$) as compared to when she was an ingroup member wearing no veil ($M=.156$) ($F(1, 205)=4.997, p=0.026$). Also, participants reported higher ratings of the plaintiff's trustworthiness and honesty, when the plaintiff was an outgroup member wearing a veil ($M=4.60$) than when the plaintiff was an ingroup member not wearing a veil ($M=4.00$) ($F(1, 205)=14.641, p=0.000$). Bootstrapping analysis confirmed the mediating role of the plaintiff's trustworthiness and honesty, when it came to the effect of veil on judgments of punishment. We constructed a 95% confidence interval (CI) and zero fell outside this interval (95% CI: [.0696, .3011]), which indicates that the indirect effect of trustworthiness and honesty was significant.

Finally in experiment 4, 396 Caucasian m-turk subjects were randomly assigned to a 2 (Plaintiff's group-status: Ingroup (Amy) vs. Outgroup (Lakeesha)) x 2 (Plaintiff's credibility: Control vs. Boosted (volunteer)) between-subjects factorial design. Procedure was same as study 1, and names were manipulated to indicate plaintiff's group status. To boost the plaintiff's credibility, the plaintiff was simply presented to be an active volunteer for local organizations in her community. In the control condition, there was no such mention. The dependent variable measured likelihood to convict the defendant. A 2 (Plaintiff's group status) x 2 (Plaintiff's credibility) ANOVA on likelihood to punish the defendant yielded a significant interaction ($F(1, 392)=3.581, p=0.059$). Contrast analysis showed that in the control condition, likelihood of punishment was higher when plaintiff was Amy ($M_{Amy}=4.45$) but not with Lakeesha ($M_{Lakeesha}=4.11$) ($F(1, 392)=3.225, p=0.073$). In the volunteer (i.e. boosted credibility) condition however, this contrast was not significant ($M_{Amy}=4.23$) vs. ($M_{Lakeesha}=4.40$) ($F(1, 392)=.796, p=ns$). Thus, we successfully mitigated the ingroup bias by boosting the perceived credibility of the outgroup member.

First and sadly, the present findings imply that the burden of proof seems a lot higher for the outgroup, with jurors appearing more inclined to believe a fellow ingroup plaintiff whereas an outgroup plaintiff needs to overcome a credibility hurdle. Secondly, we also show that extraneous factors, such as the plaintiff's name, items of clothing, and hobby can signal trust thereby impacting the sentencing decision for the defendant.

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