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# The Influence of Testifier Type and Race on Jury Decision Making

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ABSTRACT

SOCIAL WORK

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B.S., GEORGIA SOUTHERN

UNIVERSITY, 2012

THE INFLUENCE OF TESTIFIER TYPE AND RACE ON JURY DECISION  
MAKING

Committee Chair: Youseung Kim, Ph.D.

Thesis dated May 2019

The current study examined the relationship of testifier type (expert, character witness) and race. Fifty-three participants were selected via convenience sampling to read four scenarios and answer a series of questions regarding the guilt or innocence of the defendant in each scenario. The scenarios included the absence or presence of racial identifiers and the presence of either a character witness or the testimony of an expert. It was hypothesized that the scenario with the presence of expert testimony will yield more guilty verdicts as well as the effectiveness of the testimony will cause a participant to yield a guiltier verdict. The research concluded that participants rendered more guilty verdicts in the absence of race. Additionally, expert testimony was found to be more effective than the testimony of a character witness even when both testifiers presented the same information.

THE INFLUENCE OF TESTIFIER TYPE AND RACE ON JURY DECISION  
MAKING

A THESIS  
SUBMITTED TO THE FACULTY OF CLARK ATLANTA UNIVERSITY  
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR  
THE DEGREE OF MASTER OF SOCIAL WORK

BY  
ZANDRIA REDDING  
DEPARTMENT OF SOCIAL WORK

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## CHAPTER I

### INTRODUCTION

In our current judicial system, a large portion of case outcomes are decided by a jury. Juries often make decisions that have major consequences. Jurors who make up a jury have the potential to influence a person's well-being, perception in society, and even if a person is given the opportunity to live or die. It is extremely important to ensure that juror's decisions are made based upon understanding of information presented to them and not just the characteristics of the person presenting the information or the demographics of the person on trial. Trials by juries can help or hinder a defendant's case. The problem with those types of testimonies is that the person testifying has to rely on memory and there is a small quantity of physical evidence (Buck & Warren, 2009). This thesis will discuss and identify if there are social factors, specifically race, regarding expert testimony that will lead a jury to result in a guilty or not guilty verdict.

#### Statement of the Problem

In recent years the incarceration rate of African Americans have significantly risen at a disproportionate rate to Caucasians (Kann, 2018). Although there has been an increase in incarceration rates among African Americans in lower socioeconomic areas, there has been a significant decrease in the amount of crimes committed by African Americans in these areas (Lofstrom & Raphael, 2016). The increased incarceration rates

and lower crime rates is one example of how important it is to look at how courts are executing cases to ensure African Americans are afforded a fair trial.

A large number of the increased incarceration rates can be attributed to poor representation for persons accused of crimes. African Americans, especially those in impoverished areas, are less likely to have quality legal representation in court cases due to the inability to afford proper counsel (Hutchins, 2018). Without proper legal counsel or expert witnesses the chance of a wrongful conviction substantially increases.

Impoverished African Americans who can afford any type of representation are often discriminated against due to their socioeconomic status. Jacobs (2001) conducted a study to determine if legal counsels rank the value of their clients. Jacobs (2001) concluded that legal advocates tend to look at poor clients as needing minimal representation. The current study examined expert testimony to determine if the same bias occurs in expert witnesses.

Ramsey and Frank (2007) examined the reasons why wrongful convictions may occur. Often wrongful convictions are discovered due to DNA evidence but, there are instances where wrongful convictions transpire due to improper legal counsel. Wrongful convictions not related to DNA evidence typically involve incompetent defense attorneys and prosecutors, expert and eyewitness testimony, angry jurors, and false confessions. Court systems are ashamed of wrongful conviction when they occur due to procedural errors. Those wrongful convictions are often underreported in surveys (Ramsey & Frank, 2007). When African Americans who are low on the socioeconomic ladder are subjected to the mercy of incompetent legal counsel and testimony, there is an increased chance of a wrongful conviction.

## Purpose of the Study

The purpose of this is to determine if expert testimony or testimony by a character witness, along with a defendant's race, can significantly impact a juror's final decision of guilt or innocence. This study focused on African Americans that do not have the means to acquire adequate legal representation, with the idea that impoverished defendants are less likely able to afford proper representation whether that is in the form of a lawyer or an expert to speak on their behalf. The study was focused in the state of Georgia where 61.6% of the prison population is African American ("The study of corrections", 2014). As of 2013, Georgia had the eighth highest incarceration rate in the United States. To assist in decreasing these incarceration rates, the current study examined court room proceedings regarding testimony and race.

## Research Questions

The current study was based on the following research questions:

1. Is the effectiveness of testimony different by the type of witness?
  - a. Witness type: expert witness (coroner, field professional), loved one of victim, friend of defendant, etc.
  - b. Will a participant's perspective verdict be influenced by the effectiveness of expert testimony?
2. Is identification of a defendant's race related to participant's change of perspective verdict?

## Hypothesis

1. It is hypothesized that the introduction of the race of the defendant will influence a participant to render a guilty verdict.

2. It is hypothesized that the effectiveness of testimony will cause a participant to render a guilty verdict.
  - a. Ex.: When the family member of a slain victims testifies in a distraught and/or hyperemotional state, jurors are more likely to relate and/or sympathize, potentially causing them to release a guilty verdict.

#### Significance of the Study

In 2010, African Americans males were six times more likely to be incarcerated than their white counterparts. The number of African American's incarcerated since 1960 has steadily increased in the United States (Drake, 2013). This study hopes to discover factors that continue to increase the incarceration gap between Caucasians and African Americans. After the discovery of factors that affect court cases that are out of the defendants control, court systems can consider alternatives of eliminating this bias in future court cases.

Klettke, Graesser and Powell (2009) conducted a study where they used participants to form a mock jury to determine what factors of a case involving expert testimony affect a juror's final decision. One of these factors included the credibility of the expert witness providing the testimony. In cases where an expert witness is called in to provide testimony, there is often very little physical evidence to convict or prove the innocence of the defendant. Prosecutors rely heavily on the testimony of an expert on the subject matter to deliver a guilty verdict. For a defendant to have an expert witness speak on their behalf they would have to absorb the cost which could be an average of \$245 per hour (Parrish, 2015). If an African American defendant is lower on the socioeconomic ladder and cannot afford an expert witness to speak on his or her behalf, he/she are left

with nothing more than eyewitness testimony and/or a character witness in their defense making their testimony inadmissible.

Connolly, Price, and Read (2006) conducted a study examining historic child abuse cases with the intention of predicting the impact of expert testimony. The purpose of the study was to determine if it was possible to predict when the presence of expert testimony would be necessary. The researcher could determine that expert testimony should mainly be used in sexual abuse cases but, they were also able to discover that many jurors had pre-conceived connotations on expert testimony. These are factors that are inevitably out of the hands of the court system without further evaluation into the jury selection process.

Kovera, Borgida, Gresham, Gray and Regan (1997) studied the impact of expert testimony and if it could be a persuasive or educational tool during trials with juries. The results showed that expert testimony interacts with witness demeanor and influences participants' decisions of guilt or innocence. Testimonies delivered by an expert witness run the risk of making a juror feel unprepared or ignorant, because they do not share the same credentials of said witness. It can also cause the eyewitness to question their own testimony after listening to the expert testimony.

The current study can contribute to future generations by assisting with finding factors that lead to wrongful convictions, specifically regarding impoverished African Americans. The admission of expert testimony can be harmful or helpful in cases involving African Americans. With the findings from this study it can be determined if expert testimony needs to be admissible, especially in cases where an eyewitness is present. In cases where a prosecutor is considering expert testimony as a requirement,

one should be appointed to a defendant that is unable to afford an expert witness in their defense. This study hopes to assist in removing court bias against African Americans to close the incarceration gap in the near future. If the hypothesis is proved to be significant it could lead to the altering of court proceedings regarding testifier type, specifically in the African American community.

### Summary

This study sought to find significance in testifier type (expert testimony and character witness) for African Americans. The objective is to address social issues as it relates to high incarceration rates, wrongful convictions, and legal advocacy for people lower on the socioeconomic ladder. Testifier type has a large influence over the aforementioned social issues. The steadily increasing incarceration gap between African Americans and Caucasians shows there are underlying factors affecting the African American community. If a bias is discovered for African Americans in court proceedings, this study hopes to open the door to alternatives for more nondiscriminatory methods of testifying.

## CHAPTER II

### REVIEW OF LITERATURE

The Sixth Amendment guards the right of every American to have the right to a speedy and public trial where they are judged by an impartial jury in the area where the crime was committed. There are extenuating factors such as race, eyewitness testimony, or socioeconomic status of the accused that may provide an impartial bias. In 2010, the incarceration rate of African American males was over six times higher than that of White males (Kerby, 2012). While making up only 30 percent of the population of the United States, African Americans make up for over 60 percent of the prison population (Kerby, 2012). This study intends to examine race in the court room regarding eyewitness testimony and expert testimony. The following section will examine the previous research on the types of testimony and how they affect court proceeding's as well as race in cases involving a jury. It will also provide a deeper understanding of how the communal based Afrocentric Perspective alongside classical theories can assist in making changes to remove further bias in the courtroom.

#### Historical Perspective

For decades, African Americans have been noted as inferior beings not only in the society, but in the legal system as well. Policies and laws in the United States within the last 60 years made a shift to defend the ideal of superiority of Whites and the inferiority of African Americans (Bobo & Thompson, 2006). One of the outcomes of this shift was

the creation of a mass imprisonment society. “The goal is to breathe life into the old folk wisdom and perception that African Americans are treated as inferiors who stand unequal before the law” (Bobo & Thompson, 2006).

Testimony in the court room has served as an additional information from a credible source or witness to either corroborate or contradict evidence presented in the trial for centuries. Courts have often called for the expertise of individuals in several different fields to eliminate uncertainty or misunderstandings in the legal proceedings (Davis, 2017). These experts are called upon not to decide the outcome of the case but, to provide insight to judge and jurors on the evidence presented (Davis, 2017). An expert witness may be appointed to further explain evidence in a case or a defendant may hire an expert witness to counteract evidence against them (Davis, 2017).

There have been several factors that assist with the inequality in the court room; this study hopes to discover another in testifier type, specifically, eyewitness testimony versus expert testimony. Expert testimony and eyewitness testimony have often been tested side by side but not with the inclusion of race. Previous research shows that jurors often have a hard time distinguishing between expert testimony and eyewitness testimony. The complexity of expert testimony can cause a juror to be confused (Eastwood & Caldwell, 2015). If a juror cannot comprehend the testimony of the expert it is more likely for them to ignore the testimony of the expert leaving the juror to their own interpretation of what the expert is explaining (Eastwood & Caldwell, 2015).

#### Increase in Wrongful Convictions

Wrongful convictions are a major issue that result from jurors being misinformed by the testifier. Previous research questions the reliability of expert testimony in previous

trials (Ziemeke & Brodsky, 2015). Expert witnesses are available for hire and will provide testimony in a way that defends who hired them. This is known as the hired gun effect. A hired gun is characterized as an expert that will form an opinion based on his or her client's preference instead of the evidence of the case. It conveys the idea that a court case could be "bought" by the defense with the hiring of an expert. Experts for hire pose a threat to those in a lower socioeconomic status who are unable to afford opposing expert testimony (Ziemeke & Brodsky, 2015). There are also questions of the reliability of expert witnesses, there is a reluctance to examine the independence and reliability of expert testimony (Cunliffe, 2013). According to Cunliffe (2013), we must investigate how the expert witness formed their opinion and not only the credentials of the expert but the sources of the expert's opinion as well to decrease the possibility of a wrongful conviction.

In many cases, eyewitness testimony has been deemed unreliable and led to wrongful convictions. Approximately 75% of cases that were exonerated by DNA evidence were due to faulty eyewitness testimony ("Help Put an End to Wrongful Convictions", 2016). To assist in counteracting wrongful convictions due to eyewitness testimony court systems in Massachusetts have implemented a revision of eyewitness testimony instructions and recommend a judicial notice of all modern psychological principles for judges and lawyers (Lirieka, 2016). Domitrivich (2016) asserted that judges are gatekeepers and should be well versed on eyewitness testimony and expert testimony so they would be able to intervene in the event of faulty testimony. Corrective suggestions for testifier type do not include any explanation for how to handle implicit or explicit racial bias.

## Racial and Socioeconomic Disparities

Race and socioeconomic status play a key role in court cases but is often overlooked during trial. A study was conducted on the campus of Georgia State University to evaluate if a racially biased juror's cognitive resources were affected by the race of the defendant and the type of crime committed (Kleider, Knuycky, & Cavrak, 2012). Findings from the study suggest that if a racial bias is occurring, it is due to a mock juror actively focusing in not displaying a racial bias (Kleider, Knuycky, & Cavrak, 2012). The researchers determined that a mock juror uses a substantial amount of their cognitive resources on not presenting a bias which does not leave a focus for actual evidence presented in the trial (Klieder et al., 2012). Rachlinksi, Johnson, Wistrick, and Guthrie (2009) examined if there was an unconscious racial bias on trial judges regarding sentencing. They discovered that 25% of African American defendants had bails set higher than their White counterparts. African Americans were also administered sentences 12% longer than their White counterparts and more likely to be sentenced to death if they killed a White victim versus when they killed an African American victim (Rachlinksi et al., 2009).

Research shows that persons of lower socioeconomic status are defendants in criminal cases at a higher rate than members of any other socioeconomic group (Hashimoto, 2011). There have been several solutions offered for the overrepresentation of poor individuals in the court system but, the most common is poor individuals commit crimes out of economic need which leads to a higher conviction rate (Hashimoto, 2011). Another reason for overrepresentation in the court system is law enforcement targeting low income areas. More arrest in low income areas lead to more individuals of poverty in

the court system (Hashimoto, 2011). Regarding expert testimony, all litigants in a court case are entitled to hire an expert to consult with or testify as a witness (Durney & Fitzpatrick). It is rare for court systems to appoint an expert witness to a case, with the idea that each party hires their own witness on the same subject to compete for the jury's attention and support (Durney & Fitzpatrick, 2016). Individuals of low socioeconomic status find difficulty in retaining an expert witness to testify on their behalf simply due to the cost. Socioeconomic status of a defendant should be considered when deciding on if a court appointed expert is necessary, especially in cases where the opposing side has hired an expert (Durney & Fitzpatrick, 2016.)

#### Afrocentric Perspective

The Afrocentric Perspective is a belief based on an African tradition and culture, with the idea that the community is the foundation for the prosperity of any individual. For many African Americans, their sense of belonging, is the essence of who they are, and their right to assemble in collective familial units is judged by the color of their skin (Borum, 2007). The Afrocentric Perspective counteracts the Eurocentric Perspective of individualism. The Eurocentric Perspective also leaves room for the concept of double consciousness, which believes there is a balance between ones African American and White consciousness, this concept is negated by the Afrocentric Perspective. The literature states that African American and European American cultural experiences are irreconcilable making a multicultural identity untenable (Whaley, 2016).

Asante describes the Afrocentric Perspective as an African worldview that believes the individual only achieves identity in relation to others, only in the context of the community (Isreal, 1992). Asante goes on to say that human actions cannot be

understood apart from the emotions, attitudes, and cultural definitions of a given context. The core values of the Afrocentric Perspective affirm that all decisions are based from a cultural community context and individuals following this perspective will base their decisions as such (Isreal, 1992).

One of the benefits of the Afrocentric Perspective is that it poses the question of what the natural response of those who follow it would be without European influence. It offers a different view than the Eurocentric philosophies that are widely accepted. In relation to the current study, European influence can have an effect on the decisions of African American jurors. The Afrocentric Perspective requires one to challenge Eurocentric research criteria by introducing human behavior into the equation instead of the traditional Eurocentric research criteria of objectivity, reliability, and validity (Reviere, 2001). The Afrocentric Perspective requires one to interpret the data presented to them but to use their own relatable life experiences to formulate a conclusion or (Reveire, 2001). This concept allows for a juror to consider the community and different scenarios that may have taken place in an individual's life before making their final decision. When the Afrocentric Perspective is used in assisting a juror in making a decision it leaves little room for race to be acknowledged because the juror is not only examining the facts of the case but taking in the communal aspects that may have shaped the individual's life (Reviere, 2001).

### Theoretical Framework

Glasser's Choice Theory is based on the belief that people engage in various behaviors to meet one or more of the needs built into a person's genes. Glasser states that

humans have five basic needs that must be met: survival, love and belonging, power, freedom, and fun (Rouhollahi, 2016). There are ten axioms of Choice Theory that elaborate on what humans do to ensure these needs are met. In relation to the current study, the focus is on the tenant that states we can only satisfy our needs by satisfying the pictures in our quality world. Our quality world is the world as we perceive it to be (Rouhollahi, 2016). We observe the world through our sensory systems and filter knowledge and experiences. This information is then valued with what we consider meaningful gaining a positive value or outlook and what we do not consider valuable as being wrong or negative (Rouhollahi, 2016). Choice Theory reveals that two people can experience the same thing yet have different perceptions due to their sensory system placing altered values on the experience. In relation to the current study, a juror having a different real world experience with a testifier type could shape how the information is perceived and valued, if it is even valued at all.

Albert Bandura's Social Learning Theory also provides a simpler solution to why jurors only process information from certain testifiers. Bandura's Social Learning Theory states that one learns from the observation of the behavior of others (Ormond, 2010). This process is broken down into four components: attention, retention, motor reproduction, and motivation. Individuals tend to model the behavior of those they closely align themselves, (i.e. gender) or with those that are highly visible and competent, these are usually individuals that hold power and prestige (Ormond, 2010). If a juror has not had any experience in the courtroom they may perceive the expert providing testimony as a person holding more power and prestige and more apt to internalize the information presented. In contrast, if the eyewitness is and African American female and the juror is

African American and female, according to the literature the juror would be more likely to align their perspectives with one whom they share characteristics with.

## CHAPTER III

### METHODOLOGY

This section details the basis for which the thesis was obtained. Through relatively small convenient sample survey, data were collected in order to serve as a reference for the citations presented in the latter part of this thesis.

#### Description of the Site

The survey was distributed in several sites. The main site for administration was in room 320 in Thayer Hall at Clark Atlanta University. This site is one of the main classrooms for the Masters of Social Work students and a convenience for the researcher when administering the survey. The computer lab on the third floor of Thayer Hall at Clark Atlanta University was used as an alternative when room 320 is unavailable.

#### Sample Population

There were 53 participants selected via convenience sampling included in the study. Convenient sampling is a nonrandom sampling method where participants are identified in any way possible to help the researcher reach the number of participants needed (Emerson, 2015). These participants were students at Clark Atlanta University and staff members of Clayton Transitional Center. Participants were all over the age of 18 with majority of the participants falling in the 18-25-year-old category. Majority of the participants were African American with a small margin of other ethnicities. Majority of the participants had an education level of at least a bachelor's degree or higher. It was

expected for the participants to be familiar with or related to someone that has been involved in a court case and currently incarcerated.

### Research Design

Participants were provided with four 300-350-word scenarios that described the case of a defendant on trial for the armed robbery of a convenience store. They were provided with detailed instructions on how to complete a packet of materials including a scenario, a sheet to record their decision of guilt or innocence, confidence rating of their decision, effectiveness of the presented testimony, and a demographics form.

Participants also completed a questionnaire to determine their stance on the trial. Items included a dichotomous rating of whether they believed the defendant was guilty or not alongside a continuous rating of guilt or innocence. The dichotomous scale of guilt or innocence ranged from 0 to 4 with 0 being not guilty and 4 being guilty. There was a dichotomous scale of how confident the participant was in their decision that ranged from 0 to 4 with 0 being not confident and 4 being very confident. Lastly, participants rated how effective they found the testimony on a dichotomous scale ranging from 0 to 4 with 0 being ineffective and 4 being effective. Participants also completed a demographics questionnaire. Participants were first given their informed consent form and asked to read and sign it. A statement was given explaining to participants that they are mock jurors in an armed robbery trial. As the mock jury, they are required to decide if they think the defendant is guilty or innocent based upon testimonies included in the packet. The packets were distributed to the participants and the participants were given the verbal instructions to follow all directions, complete each portion of the packet, and upon completion to turn over their packet and place their writing utensil upon the top of the

packet to show they are finished. After the packets were collected the participants were told they were in an experiment examining if who delivers a testimony alongside race affects a juror's final decision.

#### Instrumentation

Participants were given a questionnaire with four questions that were answered on a dichotomous Likert Scale. The questionnaire served as an instrument to collect data from participants. Questionnaires with Likert scales involve a participant indicating different degrees of agreement or disagreement with a series of statements. These statements are usually categorized by five responses: strongly agree, agree, neutral/uncertain, disagree, and strongly disagree (McDonald, 2016). The participants were also given a demographics sheet inquiring the participant's age, sex, ethnicity, and level of education.

#### Treatment of Data

The data collected from the questionnaire was coded and analyzed using the Statistical Package for the Social Sciences (SPSS). The measures of central tendency, frequency distribution, Chi Square, and correlation tabulations were run to establish if there is any significance or correlation between the variables. The measures of central tendency included analyzing the mean, median, mode, and range of the data. The frequency distribution of the data will determined how often a particular number in the data set occurred. The Chi Square test was administered to reject the null hypothesis.

## Limitations of the Study

There are several limitations to the current study. One major limitation is the limited sample size and population. There is a small sample size of the population that is being collected via convenience sampling. Convenience sampling has a low probability of finding significance due to the method of finding participants (Emerson, 2015). Although participants are gathered with ease they all tend to come from the same geographical area, have similar socioeconomic backgrounds, and similar ethnicities (Emerson, 2015). These similarities among participants can cause skewed results.

Another limitation in the current study will be the possibility of coercion. Selecting the participants via convenience sampling allowed for a greater chance of them knowing, both, each other and the researcher. To reduce coercion the researcher ensured that participants knew they could decline to participate in the study at any time without retaliation. The participants were also made aware that there would be no-to-minimal risk in participating.

Guidelines set by the Institutional Review Board decreased the possibility of major ethical concerns. The regulation of special handling of participant information for protection and anonymity, coupled with the low-risk nature of the study prevented the possibility of strong ethical issues.

## CHAPTER IV

### PRESENTATION OF FINDINGS

This section provides a demographic breakdown of survey participants, as well as how they are represented in each question on the survey. This section is important because it seeks to support the idea that race, age, and socioeconomic status effect the trial outcome of defendants.

Expert testimony can be used to sway or educate a jury pool in court proceedings. The variables in the current study look to examine if any additional factors alongside expert testimony provide any additional bias. The data was collected over a three-week period and coded via SPSS. After being coded, the frequencies of the collected data were input into tables and compared to answer research questions and prove the hypothesis.

#### Demographics

The participants were about 57% female and 44% percent male. The ages ranged from 18 – 25 years of age (41.5%), 26 – 30 years of age (39.6%), and over the age of 30 (18.9%) (Table 1). The highest level of education completed included High School Diploma/GED (3.8%), Some college (34.0%) Associates degree (9.4%), Bachelor's degree (49.1%), Master's degree (1.9%) and Doctorate (1.9%) (Table 1). The ethnicities of participants were majority African-American (75.5%), European American (18.9%) and Hispanic American (5.7%) (Table 1).

Table 1

*Demographic Characteristics (% or Mean, N=53)*

Age	18 – 25	41.5
	26 – 30	39.6
	Over 30	18.9
Gender	Female	56.6
	Male	43.4
Education	HS Diploma/GED	3.8
	Some College	34.0
	Associate Degree	9.4
	Bachelor's Degree	49.1
	Master's Degree	1.9
	Doctorate	1.9
Ethnicity	African American	75.5
	European American	18.9
	Hispanic American	5.7

Research question 1 asks if the type of witness skewed the effectiveness of testimony on jurors. It also seeks to examine if a participant's verdict will be influenced by the effectiveness of expert testimony. It is hypothesized that the participant will find the scenario with expert testimony to be more effective leading to a participant being more likely to render a guilty verdict. Table 2 displays the effectiveness of testimony for each scenario read by the participant. Scenario one included expert testimony and race, scenario two included the testimony of a character witness and race, scenario three included the presence of expert testimony without any racially identifying factors, and scenario four included the testimony of a character witness without any racially identifying factors. Majority of the participants that read scenario 1 were not sure how

effective they found the testimony (37.7%). The remaining of the participants found the scenario to be either somewhat effective (34.0%), somewhat ineffective (13.2%), ineffective (9.4%), or effective (5.7%). In scenario two majority of the participants found the testimony to be somewhat ineffective (30.2%). The remaining participants were not sure about the effectiveness of the testimony (28.3%) and an equal amount found the testimony somewhat effective (20.8%) and somewhat ineffective (20.8%). None of the participants found the testimony in scenario two to be effective (0.0%). Majority of the participants in scenario three found the testimony to be somewhat effective (39.6%). The remaining participants found the testimony either somewhat effective (26.4%), not sure of the effectiveness of the testimony (24.5%), effective (5.7%), or ineffective (3.8%). In scenario four majority of the participants were not sure about how effective they found the testimony (34.0%). The remaining participants found the testimony to be somewhat ineffective (28.3%), ineffective (20.8%), somewhat effective (11.3%), and effective (5.7%). Of all the scenarios, scenario three that included expert testimony without racial identifiers had the most effective testimony. Scenario two that included the character witness and the inclusion of race had the least effective testimony.

Table 2

*Effectiveness of Testimony* (% of guilty verdicts)

	AA Expert	AA Character	NR Expert	NR Character
Ineffective	9.4	20.8	3.8	20.8
Somewhat Ineffective	13.2	30.2	26.4	28.3
Not Sure	37.7	28.3	24.5	34.0
Somewhat Effective	34.0	20.8	39.6	11.3
Effective	5.7	0.0	5.7	5.7

Question 2 examines if there is a relationship between the race of the defendant and a change of verdict with the participant. It is hypothesized that the introduction of the race of the defendant will influence a participant render a guilty verdict. Table 2 displays the percentages of the guilty verdicts of the participants with and without racial identity alongside the type of testifier. In scenario one the defendant's race was identified as African American and there was a presence of expert testimony (Dr. Saunders). In scenario one, 30.2% of participants found the defendant to be guilty. In scenario two participants were presented with the testimony of a character witness (Ms. Sullivan) alongside the race of the defendant. In scenario two 32.1% of participants found the defendant to be guilty. In scenario three there were no racially identifying factors for the defendant and the presence of expert testimony. In scenario three 52.8% of participants found the defendant to be guilty. In scenario four there were no racially identifying factors and the presence of a character witness. In scenario four 60.4% of participants

found the defendant to be guilty. Table 3 suggests that the lack of racially identifiers and presence of a character witness would cause participants to be more likely to render a guilty verdict.

Table 3

<i>Guilty Percentage</i>		
	Expert (Dr. Saunders)	Character witness (Ms. Sullivan)
African American	30.2	32.1
No racial identity	52.8	60.4

A Spearman's Correlation test was used to examine the relationship between effectiveness of testimony and a participant's guilty verdict. When scenario one (Expert Testimony/Presence of Race) was examined there was not a strong correlation between effectiveness and testifier type showing that scenario one was not statistically significant  $r_s = .188, p > .05$ . When scenario two (Character Witness/Presence of Race) was examined there was not a strong correlation between effectiveness and testifier type. The results show that the correlation between effectiveness and testifier type is not significantly significant  $r_s = .142, p > .05$ . Scenario three (Expert Witness/No Racial Identifiers) was also proven to be not statistically significant according to Spearman's Rho  $r_s = .082, p > .05$ . The examination of scenario four (Character Witness/No Racial Identifiers) also proved to not be statistically significant  $r_s = .215, p > .05$ .

## CHAPTER V

### SUMMARY AND DISCUSSION

The following sections summarize the research in this thesis. The sections restate the hypothesis, how that hypothesis was tested, and ultimately the conclusion drawn from the research. The implications for social work will also be addressed. The purpose of the study was to determine if expert testimony, or testimony by a character witness, along with a defendant's race, can significantly impact a juror's final decision of guilt or innocence. This study focused on African Americans that do not have the means to acquire adequate legal representation.

The current research examines the effect of testifier type and race with the hopes of validating the current hypotheses stating that the introduction of race will influence a participant to render a guilty verdict as well as if the effectiveness of a testimony will cause a participant to render a guilty verdict. These hypotheses were derived from research questions asking if identification of a defendant's race will cause a participant's perspective verdict to change. The research questions also ask if the effectiveness of a testimony varies based on the testifier, specifically expert testimony.

Research questions are as follows:

1. Is the effectiveness of testimony different by the type of witness?
  - a. Witness type: expert witness (coroner, field professional), loved one of victim, friend of defendant, etc.

- b. Will a participant's perspective verdict be influenced by the effectiveness of expert testimony?
2. Is identification of a defendant's race related to participants change of perspective verdict?

The initial hypothesis stating that the introduction of race will influence a participant to more likely render a guilty verdict was disproven by the results. The results provided the exact opposite of what was predicted. Participants were more likely to render a guilty verdict when there were no racially identifying factors instead of when the defendant was identified as African American. This aligns with previous research stating that when mock jurors are presented with race in court testimony they often focus on not trying to display a racial bias, so much so it can cause a subconscious racial bias (Kleider, Knuycky, & Cavrak, 2012). The lack of racial identifiers allows the participants to focus solely on the evidence and testimony of the scenario instead of working to counteract a racial bias. While this works in studies, with mock jurors reading there is the likelihood of a bias from the participants in the current research study which is to be expected from convenience sampling. Majority of the participants were from the same racial background as the accused in the scenario. Previous research states that defendants are more likely to have a favorable outcome in scenarios where the jury is made up of peers of the same race (Devine, Clayton, Dunford, Seying, & Price, 2001). A lack of diversity amongst participants in the current study is a major limitation that can be altered in future studies.

The second hypothesis states that the effectiveness of the testimony will cause a participant to render a guilty verdict. The results of the current study show that the

presence of an expert was somewhat more effective than the presence of a character witness providing testimony. When there was an expert presenting the same information as a character witness there was an increase in guilty verdicts. Although scenario three did not account for the highest percentage of guilty verdicts between the four scenarios it did have a substantial number of participants that found the testimony to be somewhat effective. This answers the research question that ask if the effectiveness of testimony has any influence of a participant's final verdict. The increase of effectiveness has seemed to have a positive effect on a participant rendering a guilty verdict. The results also show that the presence of expert testimony did cause participants to have a higher percentage of effectiveness. This concludes that despite the same information being presented the credentials of the testifier does have an influence on a participant's final decision.

#### Implications for Social Work

The current study suggests that a change in the policy of court proceedings must take place to ensure all defendants are being offered a fair trial. By changing court proceeding policy to provide defendants with the option of expert opinion for those who may not be able to afford it. Similar to current law, a lawyer is appointed to defendants who are unable to find their own. On a smaller scale, social workers can begin lobbying their local congress members about potentially changing the current policies regarding expert testimony in court proceedings. It is also important for social workers to be able to advocate for those in areas of lower socioeconomic status that may be unable to afford an

expert to speak on their behalf. Social workers should be able to provide resources to the client of affordable experts or those who would be willing to take on their case pro bono.

It should become best practice is provide a defendant with every option that his or her wealthier counterparts have available to them. Things as simple as a character witness, or a social worker who can expertly discuss the implications of poverty could make the difference between a harsh punishment and a reasonable one.

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