ABSTRACT

Wrongful Conviction Documentaries: Influences of Crime Media Exposure on Mock Jurors

by

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Psychology and law researchers have urged colleagues to collaborate with the makers of the news media, podcast, such as documentary filmmakers, in efforts to educate the general public about wrongful convictions (Kassin, 2017; Wells et al., 2000). Recently, programs depicting wrongful convictions, such as Making a Murderer (Demos & Ricciardi, 2015) and When They See Us (DuVernay, 2019) and podcasts such as Serial (Koenig, 2014), have garnered substantial viewership, suggesting that the general public is highly interested in this topic (Bennett, 2019).

Research on general and case-specific pretrial publicity and the effects of crime media demonstrate that although consuming crime-related media and being exposed to information about a criminal trial can influence jurors’ attitudes (Kovera, 2002), these effects do not always translate into informed case decisions (Holmgren & Fordham, 2011; Kim, Barak, & Shelton, 2009). In other words, exposure to crime-related media about wrongful convictions may not necessarily lead to fewer guilty verdicts when the evidence is unreliable. Thus, the proposed research aims to answer the following question: does exposure to stories about a wrongful conviction resulting from unreliable evidence make viewers more discerning decision-makers when rendering judgment in another case? Specifically, does exposure commentary on the risk factors of wrongful conviction, such as eyewitness errors and false confessions, lead viewers to
become more discriminating as jurors, voting to convict when the primary evidence contains little empirical risk, while voting to acquit when that evidence contains significant empirical risk?

In an online study, I examined the effects of both naturalistic and experimental exposure to wrongful conviction-related media. People who reported having never watched at least one popular wrongful conviction show (naïve participants) were randomly assigned to watch one of three documentary-style videos. Two of these videos included descriptions of real-world cases involving either a false confession or eyewitness misidentification with research psychologists explaining the risk factors involved in each case. The third video consisted of an unrelated control documentary on manufacturing common household items. A fourth group of participants who were not naïve (i.e., those who reported having viewed or listened to at least one wrongful conviction-related media program or podcast) comprised the natural media exposure group and were not shown a video.

All participants were then presented with one of four versions of a murder case summary that varied the main type of incriminating evidence that was presented (eyewitness identification vs. confession) and the presence or absence of the risk factors that were detailed in each video (high-risk vs. low-risk). This resulted in a 4 (media exposure: naïve-false confession video, naïve-eyewitness error video, naïve-control video, natural exposure-no video) x 2 (evidence type: eyewitness identification vs. confession) x 2 (evidence reliability: high-risk vs. low-risk) between-subjects design. Participants then rendered a binary verdict (Guilty, Not Guilty) and answered a series of other questions relevant to the case they read and wrongful conviction in general.
Control viewers who had no prior exposure to wrongful conviction related media made decisions that were consistent with the evidence: conviction rates were higher when the evidence featured a low-risk eyewitness identification or confession. Although exposure to a wrongful conviction-related video did lower conviction rates compared to control viewers, they did not significantly discriminate between the high- and low-risk versions. These results indicate that viewership of wrongful conviction stories may not make viewers **discerning** jurors, but rather **skeptical** overall. These findings are consistent with research on the “**CSI effect**” and expert testimony showing that exposure to information depicting unreliable evidence does not necessarily change viewers’ mock juror decision-making. Further, after being tested twice, those experimentally exposed to a wrongful conviction related video had lower juror bias scores after at least a 24-hour delay compared to the other groups. Together, these results suggest that people who have been recently exposed to a wrongful conviction stories might not be the most impartial and discerning jurors if the case involves evidence depicted in those programs.