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PROSECUTORIAL PERSEVERATION: A REACTION TO PUBLIC COMMITMENT?

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PROSECUTORIAL PERSERVERATION: A REACTION TO PUBLIC COMMITMENT?

by

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Abstract

The startling number of cases in which prosecutors ignore clear-cut exculpatory evidence and persist in the prosecution of an almost certainly innocent suspect may be related to the public nature of these prosecutors' commitments. Research has shown that people who make a public commitment to a decision are more likely to stick with their decision in the face of contrary evidence than people who did not make a public commitment. This study examined the effects of public commitment on undergraduate mock prosecutors' decisions to prosecute in a fictional murder case. Half of the participants rendered an initial decision which was made public and half of the participants made no initial decision about the case. Participants were then given exculpatory evidence and asked to make a second decision. It was predicted that participants whose initial decision was made publicly would be more likely to remain consistent with this decision (i.e., continue to prosecute) than participants who did not make an initial decision. However, it was found that participants who made a public commitment were significantly *less* likely to decide to prosecute in the face of exculpatory evidence than participants who made no commitment. The implications of this unexpected finding are discussed.

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Prosecutorial Perseveration: A Reaction to Public Commitment?

“We are all capable of believing things which we know to be untrue, and then, when we are finally proved wrong, impudently twisting the facts so as to show they were right. Intellectually, it is possible to carry on this process for an indefinite time: the only check on it is that sooner or later a false belief bumps up against solid reality, usually on the battlefield.”

-George Orwell, "In Front of Your Nose," 1946/1968

In the early 1600s, opponents of the sun-centered theory of the universe refused to look into Galileo’s telescope to acknowledge his evidence (Kuhn, 1957). Today, prosecutors in Macon, Mississippi are seeking to bring new charges against Kennedy Brewer. Brewer was recently released from prison after DNA evidence showed that the semen found on the three-year-old girl he was convicted of raping and murdering did not belong to him (Dewan, 2007). It appears as though the prosecutors in this case are refusing to acknowledge evidence of Brewer’s innocence, just as Galileo’s critics refused to look into his telescope.

Kennedy Brewer is not alone in having prosecutors persist in claims that he committed a crime which DNA evidence shows he could not have committed. In Durham, North Carolina, District Attorney Mike Nifong persisted in pursuing a gang rape case against members of the Duke Lacrosse team even though the alleged victim gave inconsistent accounts of the crime and DNA evidence did not link any players to her. Nifong withdrew from the case in January 2007 and was found guilty of criminal contempt and disbarred. Charges against the Duke Lacrosse players were eventually dropped (Beard, 2007).

Take also the case of Jeff Deskovic. In 1989 the 16-year-old falsely confessed to raping and murdering a classmate, believing that DNA evidence would prove his innocence. Though the DNA did not match Deskovic, the prosecutor pursued the case

against him, arguing that semen taken from the victim came from a consensual sexual partner and that Deskovic killed her in a jealous rage. The jury convicted Deskovic, whose conviction was overturned in 2006 on grounds of actual innocence when new DNA tests linked the semen to a convicted felon (Santos, 2006).

Why do these cases happen? As Galileo's opponents demonstrated in the 1600s and as George Orwell observed in 1946, people are capable of ignoring evidence that contradicts what they believe. This has also been shown in social psychology research - Lord, Ross, and Lepper (1979) found that participants were more likely to accept evidence that confirmed their view and were more critical of evidence that disconfirmed their view, even if the evidence was of equal strength. Cialdini (2001) argued that people have a need to be consistent - once a person makes a commitment he or she will act in a manner that is consistent with that commitment, especially if the commitment is made publicly. One example Cialdini cited is a study by Sherman (1980) in which researchers asked residents via a phone survey to predict what they would say if asked to spend three hours volunteering for a charity. Most people predicted they would say yes and there was a dramatic increase in the number of volunteers recruited a few days later. Stults and Messe (1985) found that participants who made a public commitment behaved more consistently with their original intention over time. Watt (1965) similarly found that participants who had committed to their decision by writing it and justifying it to another person were more resistant to changing their estimate than participants who had simply written their estimates or who had not written their estimates at all.

The current study seeks to expand upon these findings and to shed light on the phenomenon that will be referred to here as "prosecutorial perseveration," in which prosecutors continue to pursue a suspect even when the evidence of innocence

becomes quite strong. Merriam-Webster's dictionary defines perseverance as "the continuation of something usually to an exceptional degree or beyond a desired point." Clearly, prosecutors who continue to prosecute in the face of exculpatory evidence are continuing to prosecute beyond the point desired by our legal system.

In this study, participants were presented with evidence from a murder case in which the evidence against the suspected perpetrator was quite strong. Half of the participants were asked to make a public decision about whether or not the case should be prosecuted and the other half were not asked to make a decision. Because the evidence against the suspect was strong, most participants who made a decision were expected to decide to prosecute (in fact, the results of pilot testing indicated that 75% of participants decided to prosecute upon reading the case). Participants were then given either weak or strong exculpatory evidence about the suspect. The weak exculpatory evidence included an eyewitness account and one piece of physical evidence (a receipt) while the strong exculpatory evidence included an additional piece of physical evidence (DNA). This strength of exculpatory evidence manipulation is consistent with Skolnick and Shaw's (2001) finding that mock jurors find physical evidence more compelling than eyewitness evidence. It was expected that participants who made a public commitment would be less likely to prosecute (to change their opinion) than participants who made no commitment. It was also expected that participants who received strong exculpatory evidence would be less likely to prosecute than participants who received weak exculpatory evidence. Participants in the study were also administered the Pretrial Juror Attitudes Questionnaire (Lecci & Myers, 2008), which measures pre-trial bias (higher scores indicate a conviction bias) and the Self-Monitoring Questionnaire (Snyder, 1974), which measures a person's tendency to control one's behavior for social

appropriateness. A secondary prediction of the study is that participants who exhibited more conviction bias on the Pretrial Juror Attitudes Questionnaire (PJAQ) would be less likely to change their opinion (more likely to prosecute) than participants who demonstrated less bias. This is hypothesized because participants who scored higher on the PJAQ are predicted to act in accordance with the Crime Control Model (Packer, 1964), which emphasizes a belief in the importance of punishment, and participants who score lower on the PJAQ are expected to act in accordance with the Due Process Model (Packer, 1964), which emphasizes the importance on the protection of due process rights. It was also expected that participants who are high self-monitors would be more likely to prosecute than participants who demonstrate lower self-monitoring. High Self-Monitors are expected to feel a greater need to appear consistent (and thus be more likely to prosecute in the face of exculpatory evidence) than low self-monitors.

Method

Participants

Three-hundred fifty-nine students from a southwestern university participated in the study for course credit. The mean age of participants was 20.27 years old ($SD = 3.75$) with a range from 17 to 45 years. Females comprised 64.5% of the sample. 79.5% of participants identified themselves as Hispanic, 3.1% as African American, 0.4% as Native American, 7.7% as Non-Hispanic White, 1.2% as Asian, and 6.2% as of another background. Demographic information is missing for four participants who received stimuli from which the demographic questionnaire was missing. An additional four participants failed to report their age and/or year of birth. One participant failed to complete the last page of her stimuli, which included four questions on the SM questionnaire and the demographic questionnaire.

Procedure

After completing a consent form (see Appendix A), participants were given a short summary of a murder case (see Appendix B) which asked them to imagine that they were the prosecuting attorney and to decide if there was enough evidence to take the case to trial. Participants were randomly assigned to one of two commitment conditions: Public Commitment or No Commitment.

Participants in the Public Commitment condition were asked to complete the First Prosecution Decision by indicating and explaining their decision on a piece of paper, which they signed and turned in to the experimenter to be publicly displayed on a bulletin board in the experimental laboratory (see Appendix C). Participants in the Public Commitment condition were required to walk past the bulletin board when they first entered the laboratory but they were not required to read the board. In fact, it was

placed at a slight distance from them, so they would not be able to easily read other participants' decisions (to avoid undue influence of other people's opinions). After the participant's experiment session was complete, their decisions were removed from the board in order to protect the subject's confidentiality. However, there were several (3-4) fake decisions posted on the board for every session.

In the No Commitment condition, participants were not asked to make a First Prosecution Decision about bringing charges in the case. Participants in both conditions were run in groups of 1 to three people.

After participants completed this stage of the experiment they worked briefly on a distracter task (a word search puzzle) before they were presented with exculpatory evidence. Participants were randomly assigned to one of two different levels of exculpatory evidence: Weak Exculpatory Evidence (see Appendix D) and Strong Exculpatory Evidence (see Appendix E). Once participants read the exculpatory evidence, they were asked to render a second decision, the Second Prosecution Decision, which indicated whether they would pursue charges against the defendant or not (see Appendix F).

Lastly, participants completed the Pretrial Juror Attitudes Questionnaire (see Appendix G), the Self-Monitoring scale, and a short demographic questionnaire (see Appendix H). After the participants completed these scales, they were debriefed (see Appendix I).

Materials

Case Summary and Exculpatory Evidence. A short summary was used which described the evidence in a murder case (see Appendix B). In this case, which was actually fictional, the police suspected an ex-boyfriend, Frank Parker, of having

murdered Marie Smith, his ex-girlfriend. No one was able to confirm Parker's alibi that he was on the other side of town running errands at the time the murder occurred. A neighbor of the victim picked Parker out of a line-up as the man who had been seen leaving the victim's apartment. Furthermore, Parker's fingerprints were found in the victim's apartment. The summary also mentioned that there were unidentified fingerprints at the crime scene and that there had been other daytime robberies in the area of the victim's apartment.

The bulk of the evidence against Frank Parker was incriminating and it was expected that, based on this evidence, nearly all participants would decide to pursue charges against him. Participants in the Public Commitment condition were asked to indicate their First Prosecution Decision on a 6-point Likert scale from 1 = I would definitely charge Frank Parker with murder to 6 = I would definitely not charge Frank Parker with murder (See Appendix C).

Once participants reviewed the case summary and made their First Prosecution Decision, they were informed that the police had uncovered new information about the case. The participants were then presented with additional weak (see Appendix D) or strong (see Appendix E) exculpatory evidence. The Weak Exculpatory Evidence tended to support Frank Parker's alibi. Specifically, this weak evidence consisted of an alibi provided by a cashier at a grocery store accompanied by a receipt. The Strong Exculpatory Evidence included the weak exculpatory evidence (i.e., the receipt and statement from the cashier at the convenience store) as well as DNA evidence which showed that skin samples found underneath the victim's fingernails (apparently there from scratching her murderer) did not match the DNA type of Frank Parker. After reading the weak or strong exculpatory evidence, participants were asked to indicate

their Second Prosecution Decision, using the same scale as the First Prosecution Decision.

The case summary and exculpatory evidence were pilot tested with 53 undergraduate students. Participants in the pilot study were given one of three versions of the case summary: the case summary, the case summary with weak exculpatory evidence, or the case summary with strong exculpatory evidence. When participants read the case summary alone, 75.0% indicted that they would prosecute. When weak exculpatory evidence was included, this number dropped to 50.0% and when strong exculpatory evidence was included, it dropped even further to 26.3%.

Pretrial Juror Attitudes Questionnaire (PJAQ). Participants completed the Pretrial Juror Attitudes Questionnaire (Lecci & Myers, 2008) which measures on six factors: conviction proneness, system confidence, cynicism towards the defense, racial bias, social justice, and innate criminality (see Appendix G). The PJAQ contains 29 statements to which participants can respond on a scale of 1 (strongly agree) to 5 (strongly disagree). Five items load on conviction proneness, six items load on system confidence, seven items load on cynicism towards the defense, and four items each load on social justice, racial bias, and innate criminality. Higher scores on all scales indicated a conviction bias. In creating this scale, the authors first conducted confirmatory factor analyses and produced a 29-item, 6 factor scale. This scale was then cross-validated in a sample of 300 participants and was found to have a high average fit index. Subscales of the PJAQ were found to have high shared variance with related scales of other measures of juror attitudes (such as the Juror Bias Scale and the Legal Attitudes Questionnaire). Five out of six scales (all but social justice) were found to correlate highly with verdict over different types of trials and evidence.

Self-Monitoring Scale (SM). Participants also completed the Self-Monitoring Scale (Snyder, 1974), a 25-item instrument which assesses self-monitoring. Self-Monitoring is the extent to which a person manages their self-presentation and behavior in response to cues from a social situation (see Appendix H). This scale was found to have a test-retest reliability of .83. High scores on the SM questionnaire were correlated with high peer ratings of self-monitoring and individuals who scored high on self-monitoring were more likely to seek social comparison information than low self-monitors.

Demographic Questionnaire. Participants completed a short questionnaire about their age, gender, race, major, and dominant language (see Appendix H).

Results

The dependent variable in the present study was participants' ratings on the Second Prosecutor Decision. Between-groups ANOVAs were performed to examine the main effects of and interaction between commitment type and evidence strength on the Second Prosecutor Decision. It was predicted that there would be a main effect for commitment type, such that participants who made a public commitment would be more likely to prosecute on the Second Prosecution Decision than participants who made no commitment. It was also predicted that participants who received weak exculpatory evidence would be more likely to prosecute on the Second Prosecution Decision than participants who received strong exculpatory evidence. Lastly, it was predicted that participants who scored higher on the PJAQ or SM questionnaires would be more likely to prosecute than participants who scored lower on these scales.

The variable Second Prosecution Decision was reverse coded for these analyses so that "1" represents 'I would definitely not prosecute Frank Parker for murder' and '6' represents 'I would definitely prosecute Frank Parker for murder'. Therefore, higher scores on Second Prosecution Decision indicate that someone is more likely to prosecute and lower scores indicate that someone is less likely to prosecute.

The main effect for commitment type (public commitment vs. no commitment) was significant, $F(1, 255) = 11.36, p < .01, \eta^2 = .04$, but in the opposite direction from what had been predicted. Specifically, participants in the no commitment condition ($M = 3.26, SD = 1.21$) were *more* likely to prosecute on the Second Prosecutor Decision than participants in the public commitment condition ($M = 2.77, SD = 1.28$) on a scale from 1-6 where 1 = definitely not prosecute and 6 = definitely prosecute (see Table 1).

As predicted, the main effect for exculpatory evidence strength was also significant, $F(1, 255) = 24.50, p < .001, \eta^2 = .09$. Specifically, participants in the weak exculpatory evidence condition were significantly more likely to prosecute ($M = 3.39, SD = 1.16$) than participants in the strong exculpatory evidence condition ($M = 2.65, SD = 1.26$). The interaction between commitment type and exculpatory evidence strength was not significant, $F(1, 255) = .47, p = .49, \eta^2 < .01$.

The data were examined to determine whether participants' Second Prosecution Decision differed, based on whether participants' First Prosecution Decision was to prosecute or not to prosecute. The means of each group on the Second Prosecution Decision, broken down according to participants' First Prosecution Decision, are presented in Table 2. Because members of the no commitment condition did not record a First Prosecution Decision, their Second Prosecution Decision could not be broken down in this way. However, the means of the Second Prosecution Decision for the no commitment group are presented in Table 2 for purposes of comparison.

Visual inspection of the means in Table 2 did not reveal any unexpected patterns. That is, the pattern of means for the Second Prosecution Decision for all groups was consistent with what would be expected based on three main effects: (a) participants who decided to prosecute on the First Prosecution Decision were more likely to decide to prosecute on the Second Prosecution Decision, compared with participants who decided *not* to prosecute on the First Prosecution Decision, (b) participants in the Public Commitment condition were less likely than those in the No Commitment condition to prosecute on the Second Prosecution Decision, and (c) participants in the Strong Exculpatory Evidence condition were less likely than those in the Weak Exculpatory

Evidence condition to prosecute on the Second Prosecution Decision. No unexpected interactions of these three main effects were observed in the means of Table 2.

A hierarchical regression was next conducted with Second Prosecutor Decision as the criterion and with the demographic variables age, gender (dummy coded as Male = 0, Female = 1), and ethnicity (dummy coded as three dichotomous predictor variables - Hispanic, African American, and White Non-Hispanic) as first step predictors (see Table 3). Commitment type and Strength of Exculpatory Evidence were used as second step predictors. Scores on the Self-Monitoring questionnaire and the Pre-trial Juror Attitudes Questionnaire were centered and used as predictors in the third step. Participants lacking complete demographic information were excluded from the hierarchical regression as was one participant who indicated 'Strongly Disagree' to every item on the PJAQ.

The first step of the hierarchical regression (demographic variables) was not significant, $R^2 = 0.02$, $F(5, 245) = 0.89$, $p = .49$, $\Delta R^2 = 0.02$, $F(2, 245) = .89$, $p = .49$. However, the second step, which included commitment type and strength of exculpatory evidence was statistically significant, $R^2 = 0.14$, $F(7, 243) = 5.85$, $p < .001$, $\Delta R^2 = 0.13$, $F(2, 243) = 17.95$, $p < .001$ as was the third step which included the Self-Monitoring questionnaire and the Pre-trial Juror Attitudes Questionnaire, $R^2 = 0.17$, $F(9, 241) = 5.54$, $p < .001$, $\Delta R^2 = .03$, $F(2, 241) = 3.96$, $p = .02$.

In the third step of the hierarchical regression, when all predictors were entered simultaneously, three variables were found to significantly contribute to the regression equation: (1) Commitment, Standardized B = $-.21$, $t = -3.49$, $p = .001$, (2) Strength of Exculpatory Evidence, Standardized B = $-.29$, $t = -4.90$, $p < .001$, and (3) PJAQ total score, Standardized B = $.17$, $t = 2.81$, $p = .005$. These results indicated that participants

in the public commitment condition were less likely to prosecute than participants in the no commitment condition. Participants who received Strong Exculpatory Evidence were less likely to prosecute than participants who receive Weak Exculpatory Evidence. Lastly, participants with higher scores on the PJAQ (indicating a conviction bias) were more likely to prosecute. Table 4 shows the correlation coefficients for all the variables included in the regression analysis.

Lastly, in an exploratory analysis of the data, a change score was computed for each participant in the Public Commitment Condition, by subtracting First Prosecution Decision from their Second Prosecution Decision. Higher scores indicate a greater change from their first to second decision. A hierarchical regression was computed with Strength of Evidence and First Prosecution Decision as predictors in the first step, centered PJAQ total score as a predictor in the second step, and the interactions between centered PJAQ scores and Strength of Evidence and centered PJAQ scores and First Prosecution Decision as predictors in the third step. Though all three steps of the regression were significant, the change in R^2 , was not significant for the second or third step. The first step was significant, $R^2 = .31$, $F(2, 128) = 28.37$, $p < .001$. Both First Prosecution Decision (Standardized B = .39, $t = 5.22$, $p < .001$) and Strength of Exculpatory Evidence (Standardized B = .37, $t = 5.02$, $p < .001$) contributed significantly to the model. Though both the second step ($R^2 = 0.56$, $F(3, 125) = 19.18$, $p < .001$, $\Delta R^2 = .01$, $F(1, 125) = 0.86$, $p = .356$) and third step ($R^2 = 0.57$, $F(5, 123) = 11.66$, $p < .001$, $\Delta R^2 = .01$, $F(2, 123) = 0.58$, $p = .563$) of the model were significant, none of additional variables contributed significantly to the model.

Discussion

This study has three notable main findings. First, as predicted, participants who received Strong Exculpatory Evidence were less likely to prosecute than participants who received Weak Exculpatory Evidence. Second, contrary to prediction, participants in the Public Commitment condition were *less* likely to prosecute after receiving exculpatory evidence than participants in the No Commitment condition. Lastly, participants' scores on the PJAQ were a significant predictor of their Second Prosecution Decision. Each of these findings will be discussed below.

Strength of Exculpatory Evidence

Participants who reviewed strong exculpatory evidence were less likely to prosecute on the Second Prosecution Decision than participants who reviewed weak exculpatory evidence. This finding is clearly consistent with Skolnick and Shaw's (2001) findings that jurors were more influenced by physical evidence than by eyewitness evidence and that stronger evidence was more influential than weaker evidence. This suggests that mock prosecutors make their decision (at least in part) on the basis of the strength of evidence though cognitive biases and misconduct may also play a role (Burke, 2006).

Commitment

Though there was an effect for type of commitment, it was in the opposite direction hypothesized based on previous research. In this study, participants who made a public commitment were less likely to prosecute in the face of exculpatory evidence than participants who made no commitment. This finding is unexpected based on the extensive body of research on public commitment, which has consistently found that participants who make a public commitment are less likely to change their minds than

participants who have not made a public commitment (Sherman, 1980; Stults & Meese, 1985; Watt, 1965).

There are a number of possible explanations for the present unexpected findings. The first is that perhaps, instead of making a public commitment to a specific decision, participants felt they were making a public commitment to “seeking justice” or some other ideal. If this was the case, we would expect participants who made a public commitment to be less likely to prosecute in the face of exculpatory evidence.

Another possible explanation is that participants in the public commitment condition were overcorrecting for perceived bias in their original decision. The Flexible Corrections Model of Bias Correction holds that individuals will attempt to correct perceived biases even if the bias has not actually occurred (Wegener, Kerr, Fleming, & Petty, 2000). Perhaps participants in the Public Commitment condition felt that their original decision was biased (since they had not receive the exculpatory evidence). Because participants in the No Commitment condition did not make a First Prosecution Decision they could not have perceived it as biased. If participants in the public commitment condition felt that they had been duped into making a decision to prosecute, they may have been more likely to change their decision than the participants in the no commitment condition.

In light of this study’s unexpected findings concerning the effect of public commitment, another question arises whether the study’s operationalization of public commitment was adequate. Two points are relevant when considering this question. First, the operationalization of public commitment in the present study was consistent with the operationalization used in at least one previous classic study on the effects of public commitment (e.g., Watt, 1965). Second, even if it is the case that the

commitment in the present study was not “public” enough, the results are still at odds with findings which indicate that commitment affects later decisions, even when the commitment is not public. For example, Dysart, Lindsay, Hammond, and Dupuis (2001) found that participants who picked out a non-target mugshot were more likely to choose that same person in a lineup than participants who had not made an initial decision. Memon, Hope, Bartlett, and Bull (2002) ran a similar study and concluded that selection of a mugshot influenced lineup identification.

A closely related issue concerns ecological validity. How does this manipulation of public commitment in the present study compare to what prosecutors actually experience? It may be that the task in this study does not replicate what prosecutors face. One way future research can address this concern is by having participants make their decision to a video camera which they are told is being viewed by others in another room. A manipulation like this may more closely replicate a prosecutor’s experience when making a declaration to the media.

Pretrial Juror Attitude Questionnaire (PJAQ)

Consistent with prediction, participants in the present study who scored higher on the PJAQ were more likely to prosecute than participants who scored lower on the PJAQ. Higher scores on the PJAQ represent a conviction bias and it is not surprising that people who are biased towards conviction may also be biased towards prosecution. Morris and Lecci (2005) found that the PJAQ predicted evidence selection, the evaluation of evidence, and verdict tendencies. This study not only supports the predictive validity of the PJAQ but also extends previous research into the realm of prosecutor attitudes.

This is the first study (to the author's best knowledge) that has used the PJAQ to predict mock *prosecutors'* decision in a criminal case. It appears that prosecutors and jurors alike are influenced not only by strength of evidence but also by their preexisting attitudes.

Self-Monitoring Questionnaire

Scores on the Self-Monitoring Questionnaire were not related to Second Prosecution Decision. It was expected that participants who were high self-monitors would be more likely to prosecute on the Second Prosecution Decision (i.e., they would be more likely to remain consistent). Scores on self-monitoring were in no way related to Second Prosecution Decision, suggesting, perhaps, that participants were not concerned with how others would view their decision. This finding is not too surprising in light of the finding that public commitment did not have the hypothesized effect. The need to appear consistent with one's original decision did not have an effect on Second Prosecutorial Decision; because there was no need to appear consistent, self-monitoring scores could not help differentiate the people who were consistent from those who were not consistent.

An alternative hypothesis for the relation between self-monitoring and prosecution decisions deserves note. Research suggests that participants who are low self-monitors exhibit more consistency between their attitudes and their actions than participants who are high-self monitors (Snyder, 1979). The alternative hypothesis would therefore be that low self-monitors would be more likely to prosecute after receiving exculpatory evidence than high-self monitors. This would only be true if the consistency in their behavior reflected their true inner beliefs (Snyder, 1979).

In the present study, participants were expected to act in a way that made them *appear* consistent, by continuing to prosecute in the face of exculpatory evidence. Low self-monitors would be expected to act in accordance with their beliefs, not social pressures to appear consistent. Therefore, if low self-monitors found the exculpatory evidence persuasive, they would be expected to act according to their new beliefs.

Practical Implications

If these findings are replicated, it would appear that public commitment does not affect mock prosecutors' decisions. If this finding can be generalized to real prosecutors, the present findings suggest that prosecutors should be encouraged to discuss their cases with colleagues, especially since participants who made no public commitment were more likely to prosecute in the face of exculpatory evidence.

However, much more research needs to be conducted before any policy recommendations can be made. Public commitment, as operationalized in this study, may not be the same as a public commitment made to a colleague or to the public through the media, such as on the news or in a newspaper and therefore may lack external validity.

Limitations of the Present Study

There are several limitations to the current study. The first is that this study used undergraduates as mock prosecutors. Clearly, there could be a problem with external validity because there could be a difference in the legal decision making of undergraduates versus practicing lawyers. Another limitation is the lack of a Private Commitment Condition, in which participants are asked to make a decision but to keep it to themselves. Similarly, the Public Commitment manipulation in this study may not replicate the types of public commitment prosecutors may have to make (such as

commitments in front of their co-workers or the media). Another potential limitation of this study is that all participants were exposed to the same case; these findings may not generalize over different types of crime.

Another concern with external validity is that in real life prosecutors may have to make a dichotomous choice, either to prosecute or not prosecute. Thus the use of a six point Likert scale, as in the present study, may not reflect the same choices that would be made in a yes/no dichotomy. Future research could address this concern by having participants complete both a yes/no and a Likert choice. A related concern is that prosecutor's might have the option of not deciding about a case until they receive more evidence. Perhaps future research should also include the option to not decide.

The delay between First Prosecution Decision and receiving exculpatory evidence was short. This may not have allowed participant's decisions to 'sink in'. Future research may increase the time between making the First Prosecution Decision and receiving exculpatory evidence.

The manipulation of public commitment used in the present study may not have required participants to "own" their decision. That is, they may not have felt that other people would see their decision and thus did not feel strongly connected to it. Future research should manipulate the public commitment in a way that results in the participants feeling strongly attached to their original decision. This could be done by posting decisions on-line, videotaping responses, or telling participants the video of their response is being fed to another room in which it is being observed and critiqued.

Future Directions

Future research should manipulate public commitment in a way which is more ecologically similar to what prosecutors do. One way to do this would be to have

participants make their decision to a video camera which they are told is being viewed by others in another room.

Cialdini (2001) also points out that these choices must be made freely. In this study, participants were forced to make a prosecution decision which was then posted publicly. Perhaps future research could examine the effects of giving participants the opportunity to not decide (such as an 'I don't know' response option) and the effect of allowing participants to make a voluntary public commitment.

Because the findings of the present study regarding the effects of commitment were unexpected and are limited to a case involving murder charges, a follow-up study is being implemented which will seek to replicate these findings using both the same case and a rape case. This study will also examine the effects of an additional manipulation of public commitment and the correlation between Need for Cognition (NC) and Second Prosecution Decision. Research has shown that people with high NC are more likely to try to correct their bias than people with low NC (DeSteno, Petty, Wegener, & Rucker, 2000). There were participants in both conditions who indicated they would prosecute, even in the face of exculpatory evidence. The next question to try to answer is what sets these people apart? The Need for Cognition is one of many potential variables that might help discriminate between people who ignore exculpatory evidence and people who integrate it into their new decision.

Another direction for future research is to examine the impact of cognitive dissonance on prosecutorial decision making. Cognitive dissonance occurs when there is conflict between a person's cognitions, or between the person's actions and cognitions. Harmon-Jones and Mills (1999) suggest that resistance to changing a cognition is related to the amount of pain or losses that must be endured if change

occurs. It is possible that the participants in the present study did not face great enough consequences for appearing inconsistent. Future research may try to increase the consequences of inconsistency in an ecologically valid manner.

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Table 1

Mean Second Prosecutorial Decision Score as a Function of Commitment Type and Strength of Exculpatory Evidence (N = 259)

Commitment Type	Exculpatory Evidence		
	Weak	Strong	Combined
Public Commitment	3.17 (<i>sd</i> = 1.18) n = 64	2.35 (<i>sd</i> = 1.24) n = 65	2.77 (<i>sd</i> = 1.28) n = 129
No Commitment	3.58 (<i>sd</i> = 1.12) n = 65	2.95 (<i>sd</i> = 1.22) n = 65	3.24 (<i>sd</i> = 1.21) n = 130
Combined	3.39 (<i>sd</i> = 1.16) n = 129	2.65 (<i>sd</i> = 1.26) n = 130	

Table 2

Mean Score on First and Second Prosecutorial Decision by First Prosecution Decision Type and Evidence Strength

Mean on First Prosecution Decision

	<u>Exculpatory Evidence Strength</u>	
	Weak	Strong
<u>First Prosecution Decision Type</u>		
Prosecute	4.68 (<i>n</i> = 50)	4.64 (<i>n</i> = 55)
Not Prosecute	2.29 (<i>n</i> = 14)	2.60 (<i>n</i> = 10)
No Commitment	n/a (<i>n</i> = 65)	n/a (<i>n</i> = 65)

Mean on Second Prosecution Decision

	<u>Exculpatory Evidence Strength</u>	
	Weak	Strong
<u>First Prosecution Decision Type</u>		
Prosecute	3.50	2.44
Not Prosecute	2.07	1.90
No Commitment	3.58	2.95

Table 3

Hierarchical Regression of Age, Gender, Ethnicity, Commitment, Evidence Strength, PJAQ Score, and SM Score on Second Prosecutorial Decision (N = 250)

Variable	Unstdzd <i>B</i>	<i>SE B</i>	Stdzd <i>B</i>	<i>t</i>	<i>p</i>
Step 1 ($R^2 = 0.02$, $F(5, 245) = 0.89$, $p = .49$)					
Age	0.01	0.02	0.03	0.49	0.623
Gender (Female)	0.17	0.17	0.07	1.02	0.309
Hispanic	-0.11	0.31	-0.03	-0.36	0.722
African American	-0.95	0.54	-0.13	-1.77	0.078
White (Non-Hispanic)	-0.248	0.41	-0.05	-0.61	0.546
Step 2 ($R^2 = 0.14$, $F(7, 243) = 5.85$, $p < .001$, $\Delta R^2 = 0.13$, $F(2, 243) = 17.95$, $p < .001$)					
Age	0.01	0.02	0.04	0.66	0.511
Gender (Female)	0.10	0.16	-0.04	0.61	0.546
Hispanic	-0.11	0.29	-0.03	-0.38	0.707
African American	-0.75	0.50	-0.11	-1.50	0.135
White (Non-Hispanic)	-0.19	0.39	-0.04	-0.49	0.626
Commitment	-0.53	0.15	-0.21	-3.55	<.001
Evidence	-0.72	0.15	-0.29	-4.80	<.001
Step 3 ($R^2 = 0.17$, $F(9, 241) = 5.54$, $p < .001$, $\Delta R^2 = .03$, $F(2, 241) = 3.96$, $p = .02$)					
Age	0.10	0.02	0.04	0.65	0.517
Gender (Female)	0.06	0.16	0.02	0.36	0.721
Hispanic	-0.11	0.29	-0.03	-0.38	0.701
African American	-0.73	0.50	-0.10	-1.45	0.148
White (Non-Hispanic)	-0.18	0.39	-0.04	-0.46	0.646
Commitment	-0.51	0.15	-0.21	-3.49	0.001
Evidence	-0.73	0.15	-0.29	-5.00	<.001
PJAQ Total	0.02	0.01	0.17	2.81	0.005
SM Total	-0.003	0.02	-0.01	-0.12	0.903

Table 4

Correlation between Regression Variables (N=252)

Variable	1	2	3	4	5	6	7	8	9	10
1. Hispanic	1.00									
2. African American	-.38**	1.00								
3. White	-.62**	-.05	1.00							
4. Female	.03	.13*	-.04	1.00						
5. Age	-.10	.02	.10	-.11	1.00					
6. Commitment	.00	.05	-.03	.06	.07	1.00				
7. Evidence	-.06	.05	.06	-.13*	-.01	.00	1.00			
8. SM Score	-.09	.13*	.12	-.15**	-.15*	-.01	.14*	1.00		
9. PJAQ Score	.05	.00	-.07	.10	-.03	-.05	.03	.01	1.00	
10. Second Prosecution Decision	.05	.11	-.02	.05	.02	-.21**	-.30**	-.07	.16*	1.00

* $\leq .05$, ** $\leq .01$

Appendix A: Informed Consent

Informed Consent Form

IRB # 78084-1

1. Study Title: Prosecutorial Decision Making

2. Purpose of the Study: To investigate prosecutorial decision making. You are invited to participate in this research because you are presently enrolled in a psychology course at the University of Texas, El Paso. You must be at least 18 years old to participate.

3. Study Procedures: You will read a case summary about a murder and/or sexual assault investigation. You will be asked to imagine you are a prosecutor in the case and to assess merits of the evidence. The study will take place in an assigned room in the Psychology Building or Vowell Hall, and will last approximately 20-30 minutes.

4. Risks: The major risk to participating in this study is that you might become upset when you read about the alleged murder and/or sexual assault-especially if you or someone you know has been victimized in a similar manner or situation. These risks are unlikely, but if you are concerned about them you may withdraw from the study now with no penalty. Withdrawal will in no way jeopardize your relationship with your course instructor or with the University of Texas, El Paso. Instead of participating in this study, you may obtain extra credit by participating in other studies. If you choose to participate and do develop problems, you may discuss them with the experimenter, or contact the UTEP University Counseling Center, 747-5302.

5. Benefits: This study is not designed to help you personally, and there are no direct benefits. However, you will learn a little bit about how psychological research is conducted in this domain. If you would like to learn more about the study (including final results) you may ask the experimenter or contact Dr. Jim Wood (747-6570, jawood@utep.edu).

6. Privacy: All data collected in this study are anonymous. We will not be able to identify you from your responses. The data will be stored in a locked cabinet in the investigator's office, for 5 years after the publication of results from the study. Any publications will present only summary results of our findings-no individuals will be identified.

7. Compensation: You will receive one-half hour of research credit for your participation.

8. Questions: You may ask questions of the experimenter and have those questions answered, before agreeing to participate or during the research. If you have additional questions, you may call the researcher at the number below-please do not use the Psychology Dept office phone number. If you have any questions about your rights as a research participant that have not been answered by the investigator or to report any concerns about the study, you may contact the University of Texas, El Paso Office of Research and Sponsored Projects, telephone (917) 747-7939 or irb.orsp@utep.edu.

9. Signature: You are free to decide not to participate in this study or to withdraw at any time without penalty. Your decision will not affect your relationship with the researchers or UTEP, and it will not result in any loss of benefits to which you are otherwise entitled. You are voluntarily making a decision whether or not to participate in this study. Your signature below certifies that you have voluntarily decided to participate, and have read and understood the information presented. You may have a copy of this consent form to keep.

Participant Signature

Date

Name and Contact Information of Principal Investigator:
Elizabeth Uhl 747-8802 eruhl@miners.utep.edu

Name and Contact Information of Supervisor:
James Wood, Ph.D. jawood@utep.edu

Appendix B: Case Summary

Imagine you are a prosecuting attorney for the District Attorney's office for the County of El Paso. It is your job to decide which cases should be brought to trial and which charges should be dropped. You are being asked to review a murder case and decide if the suspect should be prosecuted or not. In order to prosecute someone, you must have probable cause that they committed the crime. Probable cause is a reasonable belief that a crime has been committed and that the suspect committed the crime. As a prosecutor, it is not your job to decide if the defendant is guilty or not, that decision will be left up to the jury or the judge. As a prosecutor, you only have to decide if there is a reasonable belief that the suspect committed the crime.

In the state of Texas, a person commits murder if he meets any one of the following three criteria:

- (1) intentionally or knowingly causes the death of an individual;
- (2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or
- (3) commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

Please read the following murder case summary from the perspective of a prosecutor.

Case # 29BL71022

Police answered an emergency call from 911 on August 16, 2007 at 10:30 in the morning. A neighbor of Marie Smith called the police because he heard loud yelling coming from her apartment. When the police arrived, they found the victim dead in her kitchen. The victim's jewelry and money were missing. There had been two other day time break-ins in the El Paso area in the last month. In both cases, money and other valuables had been taken but no one was injured. In this case, the victim was stabbed three times and bled to death. The knife used to kill her was left at the scene and wiped clean of fingerprints, it is unclear if the knife belonged to the victim or was brought to the scene by the perpetrator. The neighbor told police that he saw the man leaving the victim's apartment shortly after he had called the police.

The victim's best friend told police that the victim had recently broken up with Frank Parker. Parker had been dating the victim for several months. When the police talked to Parker, he told them he was on the other side of town running errands. No one has been able to back up Parker's story. The police thought that Parker fit the description the victim's neighbor gave of the man he saw leaving the victim's apartment after he called the police on the day she was murdered. The police conducted a lineup with Parker. The neighbor picked Frank Parker out as the man he saw leaving the victim's apartment.

The police found several fingerprints that matched Frank Parker. Mr. Parker claims that his prints were in the apartment from when he and the victim were dating. Mr. Parker also said that he had not been in the victim's apartment in the two weeks since they had broken up but phone records indicate that Mr. Parker has been calling the victim several times a day over the past two weeks and the victim had filed a restraining order against him.

Appendix C: First Prosecution Decision

Please indicate on the following scale your decision as Prosecutor in the case against Frank Parker. When making this decision, please keep in mind that the standard for your decision should be probable cause, or reasonable belief, that the crime was committed and that the suspect committed the crime.

- _____ 1. I would definitely charge Frank Parker with murder.
- _____ 2. I would probably charge Frank Parker with murder.
- _____ 3. I am somewhat inclined to charge Frank Parker with murder.
- _____ 4. I am somewhat inclined not to charge Frank Parker with murder.
- _____ 5. I would probably not charge Frank Parker with murder.
- _____ 6. I would definitely not charge Frank Parker with murder.

Please explain the reasoning for your decision.

Please sign to indicate that this represents your opinion.

X_____

Appendix D: Weak Exculpatory Evidence

The police have uncovered additional information about this case. Mr. Parker gave the police a cash register receipt from the day of the murder for a grocery store on the other side of town. The receipt indicates that groceries were purchased at 10:40 a.m. and the cashier remembered seeing Mr. Parker on the day in question.

Appendix E: Strong Exculpatory Evidence

The police have uncovered additional information about this case. Mr. Parker gave the police a cash register receipt from the day of the murder for a grocery store on the other side of town. The receipt indicates that groceries were purchased at 10:40 a.m. and the cashier remembered seeing Mr. Parker on the day in question. Additionally, DNA evidence from under the victim's fingernails and blood found at the crime scene do not match Frank Parker.

Appendix F: Second Prosecution Decision

Please indicate on the following scale your decision as Prosecutor in the case against Frank Parker. When making this decision, please keep in mind that the standard for your decision should be probable cause, or reasonable belief, that the crime was committed and that the suspect committed the crime.

- _____ 1. I would definitely charge Frank Parker with murder.
- _____ 2. I would probably charge Frank Parker with murder.
- _____ 3. I am somewhat inclined to charge Frank Parker with murder.
- _____ 4. I am somewhat inclined not to charge Frank Parker with murder.
- _____ 5. I would probably not charge Frank Parker with murder.
- _____ 6. I would definitely not charge Frank Parker with murder.

Please explain the reasoning for your decision.

Appendix G: Pretrial Juror Attitudes Questionnaire

Directions: Please rate your agreement with the following items according to the 5-point scale below. Please try to make a clear choice for each item (that is, only pick the middle option if you have absolutely no opinion one way or the other). Pick only one option for each item. Please read each item carefully and be as honest as possible.

- 1= strongly disagree
- 2=disagree
- 3=neither agree nor disagree
- 4=agree
- 5=strongly agree

1. If a suspect runs from police, then he probably committed the crime.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

2. A defendant should be found guilty if 11 out of 12 jurors vote guilty.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

3. Too often jurors hesitate to convict someone who is guilty out of pure sympathy.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

4. In most cases where the accused presents a strong defense, it is only because of a good lawyer.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

5. Out of every 100 people brought to trial, at least 75 are guilty of the crime with which they are charged.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

6. For serious crimes like murder, a defendant should be found guilty so long as there is a 90% chance that he committed the crime.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

7. Defense lawyers don't really care about guilt or innocence, they are just in business to make money.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

8. Generally, the police make an arrest only when they are sure about who committed the crime.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

9. Many accident claims filed against insurance companies are phony.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

10. The defendant is often a victim of his own bad reputation.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

11. Extenuating circumstances should not be considered; if a person commits a crime, then that person should be punished.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

12. If the defendant committed a victimless crime like gambling or possession of marijuana, he should never be convicted.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

13. Defense lawyers are too willing to defend individuals they know are guilty.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

14. Police routinely lie to protect other police officers.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

15. Once a criminal, always a criminal.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

16. Lawyers will do whatever it takes, even lie, to win a case.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

17. Criminals should be caught and convicted by "any means necessary."

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

18. A prior record of conviction is the best indicator of a person's guilt in the present case.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

19. Rich individuals are almost never convicted of their crimes.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

20. If a defendant is a member of a gang, he/she is definitely guilty of the crime.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

21. Minorities use the “race issue” only when they are guilty.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

22. When it is the suspect’s word against the police officer’s, I believe the police.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

23. Men are more likely to be guilty of crimes than women.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

24. The large number of African-Americans currently in prison is an example of the innate criminality of that subgroup.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

25. A black man on trial with a predominantly white jury will always be found guilty.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

26. Minority suspects are likely to be guilty, more often than not.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

27. If a witness refuses to take a lie detector test, it is because he/she is hiding something.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

28. Defendants who change their story are almost always guilty.

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

29. Famous people are often considered to be "above the law."

1	2	3	4	5
Strongly Disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree

Appendix H: Self-Monitoring Questionnaire and Demographic Questionnaire

1. I find it hard to imitate the behavior of other people.
TRUE FALSE
2. My behavior is usually an expression of my true inner feelings, attitudes, and beliefs.
TRUE FALSE
3. At parties and social gatherings, I do no attempt to do or say things that others will like.
TRUE FALSE
4. I can only argue for ideas which I already believe.
TRUE FALSE
5. I can make impromptu speeches even on topics about which I have almost no information.
TRUE FALSE
6. I guess I put on a show to impress or entertain people.
TRUE FALSE
7. When I am uncertain how to act in a social situation, I look to the behavior of others for cues.
TRUE FALSE
8. I would probably make a good actor.
TRUE FALSE
9. I rarely need the advice of my friends to choose movies, books, or music.
TRUE FALSE
10. I sometimes appear to others to experience deeper emotions than I actually am.

TRUE FALSE

11. I laugh more when I watch a comedy with others than when alone.

TRUE FALSE

12. In a group of people I am rarely the center of attention.

TRUE FALSE

13. In different situations with different people, I often act like very different persons.

TRUE FALSE

14. I am not particularly good at making other people like me.

TRUE FALSE

15. Even if I am not enjoying myself, I often pretend to be having a good time.

TRUE FALSE

16. I'm not always the person I appear to be.

TRUE FALSE

17. I would not change my opinions (or the way I do things) in order to please someone else or with their favor.

TRUE FALSE

18. I have considered being an entertainer.

TRUE FALSE

19. In order to get along and be liked, I tend to be what people expect me to be rather than anything else.

TRUE FALSE

20. I have never been good at games like charades or improvisational acting.

TRUE FALSE

21. I have trouble changing my behavior to suit different people and different situations.

TRUE FALSE

22. At a party I let others keep the jokes and stories going.

TRUE FALSE

23. I feel a bit awkward in company and do not show up quite so well as I should.

TRUE FALSE

24. I can look anyone in the eye and tell a lie with a straight face (if for a right end).

TRUE FALSE

25. I may deceive people by being friendly when I really dislike them.

TRUE FALSE

Demographic Questionnaire

What is your date of birth? _____

What is your gender? Male Female

What is your ethnicity? Hispanic African-American
 Native-American Non-Hispanic White
 Asian Other _____

What is your major? _____

What is your first language? English Spanish Other _____

Appendix I: Debriefing Form

Prosecutorial Decision Making

IRB#

In the past ten years DNA testing has resulted in the release of many prisoners who were in prison for crimes they did not commit. However, many prosecutors have strongly resisted these prisoners' release. Instead, the prosecutors have said that the DNA must be wrong and the prisoners must be guilty.

Why do these prosecutors refuse to change their minds? Studies by social psychologists may provide an answer. According to these studies, decisions are hard to change once they have been made public. For instance, imagine two men, José and Pablo. Imagine that José makes a decision and tells his friends about it. Pablo also makes the same decision but does not tell his friends about it. According to the research, José will be less likely than Pablo to change his mind later, even if there is strong evidence he was wrong. This example may help to explain why some prosecutors do not change their minds. When prosecutors decide to prosecute a suspect, they have to defend their decision publicly in court. It may be hard for them to change their mind later, even when DNA testing shows they were wrong.

In this study, we are testing this idea. Half of the students in the study were asked to make a decision about how they would act as prosecutor in a murder case. These students were informed that their decision would be posted publicly. The other half of students were given the same case to read, but were not asked to make a public decision about it. All students were then given evidence that the suspect may not have committed the crime. Everyone was then asked to make a decision about how they would act as prosecutor in the case.

We expect that students whose decisions were made public will have trouble changing their minds, even when given strong evidence that the suspect was innocent.

If issues are presented by participating in this research study, there is psychological treatment available at the University Counseling Center, telephone 747-5302. If you have any questions or concerns about the research, you can contact the primary investigator, Elizabeth Uhl at 747 - 8802, or the Faculty adviser, Dr. Jim Wood at 747 -6570.

Curriculum Vita

Elizabeth Uhl was born in Harvey, Illinois. She graduated from Marian Catholic High School in May of 2001. Elizabeth began school at Bradley University in Peoria, Illinois the following fall where she pursued a bachelor's of science degree in psychology, administration of criminal justice, and sociology. While at Bradley she had the opportunity to intern at the Center for Prevention of Abuse and the Peoria County Clerk's Office. During her time at Bradley, she also had the opportunity to study for a semester at American University in Washington D.C., where she studied criminal justice, and for a year at the University of Nebraska - Lincoln, where she studied legal psychology. While in D.C. she interned at the National Center for Missing and Exploited Children. Elizabeth graduated from Bradley University in May of 2006. That fall she entered the Graduate School at The University of Texas at El Paso.

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