

VETERANS ON TRIAL: JUROR ATTITUDES AND
BEHAVIORS TOWARD VETERANS WITH
POSTTRAUMATIC STRESS DISORDER

by

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A THESIS

Submitted in partial fulfillment of the requirements
for the degree of Master of Arts
in the Department of Psychology
in the Graduate School of
The University of Alabama

TUSCALOOSA, ALABAMA

2011

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ABSTRACT

Hoge, Terhakopian, Castro, Messer, and Engel (2007) found that 16.6% of the soldiers in their study met criteria for PTSD after their return from Iraq or Afghanistan. Military servicemen and women who have the symptoms of PTSD experience much greater difficulty in readjusting to civilian life, with some committing offenses that result in arrest and criminal charges. How jurors from the community respond to this type of defendant may be depend upon attitudes and perceptions of veterans and of those who are diagnosed with PTSD. The current study examined the effect on jurors of the defendant characteristics of military status and a diagnosis of PTSD. This study also examined the moderating effects that individual juror characteristics may have on sentencing behavior and attitudes or feelings about the defendant.

Results provide support for a positive bias toward veterans with PTSD who become involved in the criminal justice system. Community jurors exhibited a modest tendency to reduce a sentence for defendants who were veterans with PTSD. Analysis of juror characteristics also demonstrated that more punitive jurors were more likely to select higher sentences for defendants, regardless of condition. Perception of defendant blame correlated positively with jurors' decisions regarding guilty verdict and increased sentence. Jurors who tended to blame defendants less were more empathic toward defendants with PTSD, had more positive attitudes toward mentally ill people, and had more liberal political views. Jurors who tended to blame to a greater degree were more socially conservative in their political views, more punitive in general, and had less positive attitudes toward the people who are mentally ill.

This research study adds to the empirical psycholegal literature on the impact of extralegal factors on juror decision-making. Although empirical studies have found juror bias related to race (Skolnick & Shaw, 1997; Sommers & Ellsworth, 2000), gender (Nelson, 2004; Williams, Demuth, & Holcomb, 2007), and other extra-legal defendant characteristics, no extant research has yet focused on potential juror bias for stress-disordered veterans or veterans in general.

DEDICATION

I dedicate this first foray into psychology and law to my late mother Renate Easley.
Always, she shared the anticipation and delight in making my dreams a reality.

LIST OF ABBREVIATIONS AND SYMBOLS

a	Cronbach's measure of reliability
ANOVA	Analysis of Variance
F	Fisher's F ratio: A ration of two variances
λ	Wilks' lambda: a multivariate test statistic
M	Mean (arithmetic average)
MANCOVA	Multivariate Analysis of Covariance
η_p^2	Measure of effect size
p	Probability
r	Pearson product-moment correlation
SD	Standard deviation
$<$	Less than
$=$	Equal to

ACKNOWLEDGMENTS

I want to take this opportunity to thank all of the wonderful people who helped me get to this point. First, I am deeply grateful to my thesis committee chairperson and mentor Stanley Brodsky for all of his gracious help, nuggets of wisdom, and cheerful advice. He has been most understanding during some of my toughest times and provided unwavering moral support through it all. I also want to thank my original thesis committee members, Steve Prentice-Dunn and Beth Dinoff, for their insight and assistance early on in the formation of my study procedures and measures. I found Steve's knowledge of research methodology extremely valuable in the early stages. Dr. Dinoff assisted greatly with her expertise in veterans' issues and posttraumatic stress disorder. I am also grateful to Mark Lanier for kindly agreeing to join my thesis committee at a later stage in the process when I needed another member.

This project would not have been possible without the approval of a few kind judges who agreed to allow a graduate student to keep their jurors for several minutes. Judge Eddie Hardaway of Greene, Sumter, and Marengo Counties, Judge Charles Malone of Tuscaloosa County, and Judge J. Scott Vowell of Jefferson County all expressed genuine interest in the research topic and made room in their busy schedules to assist me. I also want to thank the many community jurors who agreed to spend several minutes of their waiting time taking part in a research study.

Fellow members of Stan's lab have provided enormous assistance with this project and with my graduate school career as a whole. In particular, Tess Neal assisted with statistical

design and copious advice for this study. For general advice, I want to thank Tess, Rob Cramer, Desiree Adams, Caroline Titcomb, and Mitch Ziemke.

Lastly, I want to thank the friends and loved ones who tolerate me daily as I go through school. In particular, my husband Jason Wilson has been a constant source of laughter and encouragement. My biggest fan, however, my mother Renate Easley, deserves the utmost gratitude for her desire to see me succeed. At every age with every endeavor, she always cheered me on.

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1. Introduction

As revealed by recent epidemiological studies on soldiers returning from Iraq and Afghanistan, high numbers of soldiers present with symptoms of posttraumatic stress disorder (PTSD). Hoge, Terhakopian, Castro, Messer, and Engel (2007), for example, found that 16.6% of the soldiers in their study met criteria for PTSD one year after their return from Iraq or Afghanistan; in the general population, the lifetime prevalence rate has been estimated at 6.8% (Elhai, Grubaugh, Kashdan, & Frueh, 2008). Soldiers with PTSD could most likely experience persistent, distressing nightmares or intrusive imagery, an exaggerated startle reflex, angry outbursts in reaction to everyday stressors, and a sense of alienation and detachment from others that strains interpersonal relations (Wilson & Zigelbaum, 1983). Soldiers' particular spectrum of PTSD symptoms could lead to increased aggression and violence, as they may overreact to minor threats and use too much force to respond (Aprilakis, 2005; Friel, White, & Hull, 2008; Silva, Derecho, Leong, Weinstock, & Ferrari, 2001). In support of this relationship, Jakupcak et al. (2007) linked increased severity of PTSD symptoms to increased anger and hostility in troops who served in Iraq and Afghanistan. One study focusing on Vietnam veterans demonstrated a connection between severe PTSD and intimate partner violence (Orcutt, King, & King, 2003). In essence, a returning soldier experiencing the most severe and distressing symptoms of PTSD is at significant risk for committing physical assault.

Committing a physical assault will likely bring a veteran into contact with the criminal justice system. Recent news reports have documented returning soldiers diagnosed with PTSD have been arrested and charged with crimes (Sullivan, 2009). In the next several years, the

criminal courts may see an increase in the numbers of defendants who are veterans still living with the psychological effects of war. Indeed, based on a chronological timeline of the delayed effects of the Vietnam War on crime, one writer said years after the war in Iraq has ended a tsunami of such veterans will storm the criminal courts (Sullivan, 2009). How will the latest population of war veterans fare in the courts? Some veterans have already experienced a degree of sympathetic understanding in their dealings with the justice system. In 1994, one judge gave a lenient sentence for a weapons charge to an American veteran of the war in Vietnam (Goldberg, 1994). One judge in England, after giving a lenient suspended prison sentence for a charge of physical assault, said to a veteran, "I cannot overlook that you went to Iraq on behalf of your country, and it changed you" ("Iraq veteran spared," 2007, pp. 4). As Aprilakis (2005) has noted, instances of leniency are likely the direct behavioral result of unprecedented sympathy for veterans, especially those with PTSD. Slovenko (2004) noted that a defendant's claim of service-related PTSD is an appeal to patriotism that tends to evoke sympathy and can bring about lighter sentences, acquittals, and rehabilitative treatment versus incarceration.

Blame, Sympathy, and Helping Actions

Social psychology research provides a backdrop to what may occur in the courtroom. Psychologists investigating attribution theory have developed complex theories relating blame, sympathy, and helping behavior, and a few studies have included PTSD or veterans with PTSD as independent variables. In a study with American and Canadian college students, Weiner, Perry, and Magnusson (1988) investigated 10 stigmas, including "Vietnam War syndrome" (pp. 739), for effects on several variables of blameworthiness, emotion, and charity. Participants viewed service-related PTSD as highly treatable and having an uncontrollable onset and thus attributed low responsibility for the illness and low blame in general. Regardless if the veteran

was solely responsible for having disorder, the diagnosis of PTSD elicited greater liking and pity and less anger than any other mental-behavioral stigma in the study. Participants who viewed veterans with PTSD as less blameworthy also exhibited charitable attitudes and a tendency toward helping behavior with such individuals, pointing to a possible link between attitudes and behavior. As sympathy or positive affect is proposed to have a direct effect on behavior (Weiner, 1995), it is useful that one research study found direct correlations between reliable and valid measurement of attitudes and report of current behavior consistent with such attitudes (Heaven, 1985).

Within the criminal context specifically, jurors may hold established attitudes toward veterans with PTSD that could impact judgments of culpability and blameworthiness. Jurors may view veterans experiencing posttraumatic stress symptoms as less blameworthy for the alleged crime and less deserving of punishment. Defendants with PTSD generally may be given lighter sentences and more treatment options as a result of lowered responsibility (Marciniak, 1986; Sparr & Atkinson, 1986). A veteran's diagnosis of PTSD is not even considered necessary by some accounts; simple proof of combat and subsequent symptoms of combat stress may be enough to reduce culpability and lower sentences (Sparr, Reaves, & Atkinson, 1987). In research with community members, Robinson and Darley (1995) found that mental incapacity (as one may see in PTSD) generally lessens criminal culpability. In regard to PTSD, Heath, Stone, Darley, and Granneman (2003) examined various excuse defenses (categorized as biological, environmental, or psychological) and tested PTSD among a few different psychological defenses to criminal acts. Not surprisingly, mock jurors viewed the PTSD defense as highly excusable, with low criminal culpability and control over illness relative to other defenses. Thus, jurors

generally tend to view people with PTSD as less responsible of criminal offenses. Such beliefs, together with feelings of sympathy, could then impact jurors' verdicts and sentencing behavior.

Attitudes toward the Military

Although PTSD has been shown to alter jurors' perception of criminal culpability, positive attitudes toward the military and those who serve may also impact jurors' overall thoughts, feelings, and actions toward offenders who are military veterans. Research studies and surveys have supported a generally high level of support for the troops in recent years. Rowe (1991) speculated that the unsupportive atmosphere for veterans after the Vietnam War has become a national lesson to support the men and women of the volunteer armed forces, termed the "Vietnam Effect" (pp. 121). Demonstrating the lessons learned, one national survey in the U.S. found that 79% of participants supported the military, with support highest among conservatives, those who trusted the government, and those who tended to be more religious (Leal, 2005). A survey conducted by the Pew Research Center for the People and the Press (2007) also found a high 84% of respondents who held favorable views of the military, with "very favorable" views held largely by political conservatives. One ABC news poll, cited in Knickerbocker (2007), even demonstrated that, while 77% of Americans had a favorable general view of the military and espoused bipartisan support of veterans and veteran adjustment at home, 63% no longer supported America's mission for fighting in Iraq. Lipkin, Scurfield, and Blank (1983) proposed that the public's attitudes about war can affect legal outcomes for veteran defendants, but the nation's overall support of the troops themselves may override the political concerns of the war in general.

As observed by Slovenko (2004), jurors could exhibit a positive bias and be sympathetic when presented with a defendant who appeals to their sense of patriotism. The defendant's

characteristics of veteran status and diagnosis of PTSD operate as extra-legal factors, or information that exists outside of what is deemed legally relevant information for jury verdicts of “guilty” or “not guilty.” Legally relevant information should include level of responsibility for crime, extent of damage or injury to others, demonstration of criminal intent, and other factual information, but, in empirical studies, extra-legal factors have been shown to exhibit measurable influences on judge, jury, and juror decision-making (Hagan, 1975; Rector & Bagby, 1997; Stalans, 1993).

Conservative Political Attitudes

As demonstrated by the favorable views of the military held by those who are conservative in ideology, a consideration of right-wing beliefs is relevant to a discussion of juror bias for veterans with PTSD. In fact, some researchers have reported that jurors found to be high in authoritarianism are more likely than those low in authoritarianism to be affected by defendant characteristics like status or similarity (Boehm, 1968; Jurow, 1971). Referring to a complex, psychoanalytically-based personality construct developed by Adorno and colleagues in 1950, authoritarianism has been highly correlated to conservative political attitudes, support for military, fundamental religiosity, ethnocentricity, punitiveness, and maintenance of the status quo (Altemeyer, 1981; Eckhardt, 1991; Eysenck, 1955; Suziedelis & Lorr, 1973; Tarr & Lorr, 1991; Wilson & Patterson, 1968). Suziedelis and Lorr (1973) argued convincingly that conservatism represents the same construct as authoritarianism, and Wilson and Patterson (1968) opted to utilize the term “conservatism” in their studies to avoid the pejorative associations of the other term.

Due to the close associations, research regarding jurors’ authoritarianism and conservatism is applicable to the present juror study. High authoritarian jurors have been found

more likely to see offenders as criminally responsible, more deserving of punishment, and less likely to have sympathy for an offender (Feather, 1996), and thus such jurors tend to give more guilty verdicts and sentence more harshly (Bray & Noble, 1978; Fodor, Wick, Hartsen, & Preve, 2008; Mitchell & Byrne, 1973). Fodor and colleagues (2008) found that high authoritarian jurors reported less sympathy specifically for mentally ill offenders. Although the punitive, unsympathetic nature of a politically conservative, authoritarian juror might seem to spell a poor outcome for a criminal defendant, studies also support qualifications for those broad findings.

Similarity-Leniency Effect

Highly authoritarian and conservative jurors, under certain circumstances, exhibit a similarity-leniency effect, wherein jurors who find a defendant to be a member of their in-group may be more likely to be lenient in sentencing, especially when guilt is uncertain (Kerr, Hymes, Anderson, & Weathers, 1995; Mitchell & Byrne, 1973; van Prooijen, 2006). One study found that most military personnel tended to come from conservative, religious, and traditionally moral backgrounds (Mastroianni & Scott, 2008), leading one to believe such individuals as criminal defendants can easily be viewed as in-group members of politically conservative jurors. These military veterans may be said to benefit from a “status shield” (Skolnick & Shaw, 1994, pp. 1828) or earned “idiosyncrasy credits” for demonstrating proficiency and previously conforming to established traditions (Hollander, 1960, pp. 365). Another study found mock jurors exhibiting a “positive discrimination” (Feather & Oberdan, 2000, pp. 14) or positive bias toward in-group members, and reporting decreased blame, increased justification for the criminal offense, and increased sympathy for the defendant (Feather & Oberdan, 2000). The black sheep effect may operate in the case of severe crimes (Amato, 1979; Marques & Yzerbyt, 1988; Ryckman, Burns, & Robbins, 1986), increasing the likelihood that a highly conservative juror will be more

punitive toward the in-group, military defendant. However, the present study presented only the more common, and relatively moderate crime of physical assault. Investigators have demonstrated that highly esteemed in-group members who commit low to medium errors will be given lesser punishment than less-highly-esteemed members (Rosoff, 1989; Wiggins, Dill, & Schwartz, 1965). Perhaps veterans who experience severe combat stress would be considered as highly-esteemed in-group members.

The Present Study

The present research study adds to the empirical psycholegal literature on the impact of extralegal factors on juror decision-making and juror bias. In particular, the study examined the effect on jurors of the defendant characteristics of military status and a diagnosis of PTSD. Although many studies have examined extralegal factors, for example, of race, gender, and socioeconomic status, no prior study has examined the effects of veteran status alone or in combination with PTSD. The present study also asked community jurors to consider realistic circumstances that appear likely to occur in the next 10 to 15 years, after large numbers of troops have returned and individuals of this cohort attempt to adjust to non-combat life again. The present study also examined the moderating effects that individual juror characteristics may have on sentencing behavior and attitudes or feelings about the defendant.

Primary Hypotheses

The effect of veteran status and PTSD on sentencing.

1. I hypothesized that there would be significant main effects for both veteran status and PTSD on sentencing, in the direction of greater leniency when either variable is presented regarding the defendant. Widespread public support of veterans, as evidenced by representative polls (Knickerbocker, 2007; Leal, 2005; Pew Research Center, 2007),

indicate that leniency may be given to any veteran on trial for a low-level offense. Defendants who have PTSD will also experience sentencing leniency, as mental incapacity tends to lessen culpability (Robinson & Darley, 1995) and mock jurors have found PTSD to be highly excusable (Heath, Stone, Darley, & Granneman, 2003). As in Weiner, Perry, and Magnusson's study (1988), service-related PTSD can elicit recommendations in the direction of leniency.

The effect of veteran status and PTSD on attitudes toward the defendant.

2. I predicted significant main effects for both veteran status and PTSD on blame for the defendant's actions, with blame lower when either characteristic is present. Veterans with PTSD in one study have been viewed as generally less blameworthy for their illness (Weiner, Perry, & Magnusson, 1988). Culpability in the criminal context could also be affected by veteran status due to widespread public support of veterans. Additionally, mental incapacity tends to lessen culpability among community members (Robinson & Darley, 1995), and mock jurors have found defendants with PTSD to be less accountable for their crimes (Heath, Stone, Darley, & Granneman, 2003).

The effect of subject variables.

3. Jurors' overall punitiveness will moderate the effects of the independent variables on sentencing leniency. Jurors who are more punitive will generally sentence defendants more harshly than less punitive jurors would.
4. Jurors' conservative political attitudes will moderate the effects of the independent variables on blame. Politically conservative jurors will find a veteran to be a member of their in-group, decreasing blame and increasing sympathy (Feather & Oberdan, 2000).

Research Questions Explored through Secondary Analyses

1. Jurors' conservative political attitudes were tentatively posited to moderate the effects of veteran status and PTSD on sentencing. Politically conservative jurors were expected to find a veteran to be a member of their in-group, and therefore deserving of leniency.
2. Jurors' overall punitiveness were expected to moderate the effects of the independent variables on blameworthiness.
3. Considering the close relationship between fundamental religiosity, conservatism, and punitive behavior (Suziedelis & Lorr, 1973), the demographic rating of a juror's religiousness will correlate with more punitive sentencing.
4. A juror's personal or familial connections to military will be related to lenient sentencing and decreased blame for a veteran.
5. As Weiner (1995) has demonstrated a potential link between positive affect and helping behavior, a juror's positive feelings about the military in general will be related to lower sentencing and blame for a veteran.
6. In relation to research by Weiner, Perry, and Magnusson (1988) and by Heath and colleagues (2003), a juror's positive feelings about or overall empathy for people diagnosed with PTSD will be related to lower sentencing and decreased blame for defendants with PTSD.

2. Method

Design

This study included a between-subjects 2 (PTSD presence vs. absence) X 2 (veteran status vs. non-veteran status) factorial design. The independent variables were presence or absence of PTSD in the criminal defendant and veteran status versus non-veteran status of the defendant. Manipulation of these defendant characteristics created four different conditions for study: veteran with PTSD, veteran without PTSD, non-veteran with PTSD, and non-veteran without PTSD (control).

Participants

Participants (139 women and 64 men) were 203 members of the community summoned for jury duty in the following counties in central and western Alabama: Tuscaloosa, Jefferson, Sumter, and Marengo. The researcher gained IRB approval and approval from each individual court to approach members of the jury pool. By law, persons who are eligible for jury duty must be residents of the county in which they are called for jury duty, able to read and speak English, at least 19 years of age, and eligible to vote (Ala. Code § 12-16-60, 2009). The age of the participants ranged from 20 to 82 years, with a mean age of 45.80 ($SD = 13.31$). Participants' ethnicity was as follows: 71.4% Caucasian, 25.1% African-American, 1% Hispanic/Latino, 1% Native American, and 1.5% other. More than 75% of the sample had attended college courses and/or obtained a college degree. About 58% of the sample had been called for jury duty before the current summons, but only 32% had already served on a jury.

To obtain a sufficient sample size and adequate power, 203 participants were recruited for the current study. Power analysis calculations through G*Power statistical software (Faul, Erdfelder, Lang, & Buchner, 2007) using a medium effect size of $r = .25$, an $\alpha = .05$ error probability, and a power of .8 for performing analysis of variance (ANOVA) with main effects and interactions indicated a total sample of at least 179 participants was needed. A medium effect size was assumed due to the lack of similar prior research. Collecting data from 203 participants raised the statistical power to .85.

Procedure

Members of the jury pool were called to an assigned courtroom in the county courthouse early in the day at the beginning of a jury week. In the morning hours, the presiding judge swears in all members of the jury pool. In most counties, there is a wait time of approximately an hour before members of the jury pool are assigned to different courtrooms for the lawyers to begin extensive questioning for the striking process (E. Gorter, personal communication, September 28, 2009). During this wait time after being sworn in, members of the jury pool were addressed as a group for possible participation in the current research study. The group was told that the study is examining jury decision-making and will take between 20 and 45 minutes to complete. Each member of the jury pool who expressed interest in participating was presented with an informed consent form (Appendix A). The informed consent document stressed the confidentiality of the information given and the voluntary nature of the participation. It also informed participants that they retain the right to decline participating if at any time they felt uncomfortable or for any other reason. Participants were asked if they had any questions about the informed consent and asked to sign if they agreed to participate in the study. Participants were given a second copy of the consent to keep for their own records. The original signed

consent forms were collected immediately and thereafter stored in a secured file cabinet in the locked research lab.

After consent was given, each participant completed the entire set of stimuli and measures. Participants were randomly assigned to condition. No names, numbers or other personally identifiable data were marked on the packets to maintain confidentiality and avoid connection to the signed consent forms; however, each packet was marked with an ordinal participant number to keep pages together for later use in data entry. Packets included one of four case scenarios, a verdict and sentencing measure, the blameworthiness questionnaire in response to that particular case scenario, the Social Conservatism scale, the Punitiveness Orientation Scale, an affect-attitude questionnaire, and a demographics questionnaire. Presenting first the case scenario and the corresponding response of sentencing and blameworthiness questions reduces possible demand characteristics from the items in the punitiveness measure and conservative political attitudes measure. The researcher was present to answer any questions or concerns about questionnaire items and to note occasions of personal distress. Upon completion of the full set of measures, participants were debriefed regarding the full nature and purpose of the study and given the opportunity to retract their data or consent again to participating in the study (Debriefing/Second Consent Form; Appendix B). Participants were provided with the researcher's contact information in case they had future questions. Each individual's data was collected within a single visit.

Materials

With the exception of the Punitiveness Orientation Scale and the Social Conservatism scale, all stimuli were adapted to an eighth-grade reading level to accommodate various levels of intellectual functioning expected to be present among members of the jury pool (E. Gorter,

personal communication, September 28, 2009). The Punitiveness Orientation Scale presently reflects a ninth-grade reading level, and the Social Conservatism scale has a seventh-grade reading level.

Case scenarios. A total of four case scenarios were developed for the four different conditions in this study. Complete texts of each case scenario is given in Appendix C. Each scenario listed the details of the alleged offense, the defendant's prior criminal history, and extra-legal information about the defendant. The details of the offense, classified as a physical assault, remained constant for each condition. The defendant's lack of prior criminal history also remained the same in all conditions. Each case scenario included the victim's comment that he was ambivalent about pressing charges for the crime as well as a comment by the defendant's girlfriend, a witness to the event, that the assault was uncharacteristic of him.

The defendant's veteran status and mental health status, listed last as extra-legal information, was varied in each condition. The two PTSD conditions (veteran and non-veteran) included a description of the source of recent psychological trauma as well as a list of resulting symptoms which led to clinical assessment and diagnosis. These are representative examples of veteran and non-veteran causes for PTSD (Blanchard & Hickling, 1997; Jakupcak et al., 2007). The veteran defendant with PTSD experienced a traumatic episode wherein a bomb destroyed his vehicle, injured him, and killed a man from his unit (Jakupcak et al., 2007). The non-veteran defendant with PTSD experienced a traumatic car accident that injured him and killed his passenger (Blanchard & Hickling, 1997).

Verdict and sentencing measure. A verdict and sentencing measure (presented in Appendix D) was designed by the researcher. The measure stated that the details of the offense correspond to a specific criminal charge of low-level felony assault (Ala. Code § 13A-6-21,

2009). In addition, it presented the range of sentence length suggested by the state sentencing guidelines (Alabama Sentencing Commission, 2006). Participants were asked to recommend a verdict and sentence for the defendant from the following nine options: *not guilty*, *guilty/probation for six months*, *guilty/probation for one year*, *guilty/probation for two years*, *guilty/probation for three years*, *guilty/jail for six months*, *guilty/jail for one year*, *guilty/jail for two years*, and *guilty/jail for three years*. One point was given for *not guilty*, two points for *guilty/probation for six months*, and so on, where the higher the number, the more severe the verdict and sentence given. This combined verdict and sentence option has been successfully used in previous studies on sentencing (Robinson & Darley, 1995; Wild, Graham, & Rehm, 1998), and it creates a suitable continuous variable for data analysis.

Blameworthiness questionnaire. A 10-item measure (see Appendix E) was designed by the researcher to measure blame of the defendant presented in the case scenarios. On a 10-point Likert scale, ranging from 1 (*not at all*) to 10 (*a great deal*), participants were asked to rate how much they blame the defendant. Some items were reverse-scored to counteract response bias. Ratings on all 10 items were then added together to create a total score, where higher scores reflected greater blame for the defendant. Reliability analyses were performed to assess how well the questions cluster on the concept of blame. The researcher decided to omit one of the ten items due to poor correlation with the others (item number nine). The resulting nine-item measure has good internal consistency with a Cronbach alpha coefficient of .79. Mean inter-item correlations were calculated at .30.

Social conservatism (Henningham, 1996). This 12-item measure of conservative political attitudes (in Appendix F) is based on the “catchphrase approach” of measuring political attitudes utilized with much success by Wilson and Patterson (1968). The catchphrase approach

eliminates problems with understanding complicated and often double-barreled questions (Wilson, 1985). Participants simply indicate whether they support highly politicized current issues by providing a *yes*, *?* or *no* answer. A *yes* response is given three points, a *no* response is given one point, and a *?* or other indeterminate responses are scored as two points. High total scores indicate conservative political attitudes, and low scores indicate liberal political attitudes. One item phrased “Asian immigration” was adapted to “foreign immigration.”

Henningham (1996) identified three factors on which the 12 items loaded most heavily: conventional morality, intolerance, and punitiveness. Conventional morality is represented by stances on such issues as legalized abortion, church authority, and gay rights. A political attitude of intolerance would be represented by low scores on multiculturalism and foreign immigration. The factor of punitiveness is represented by support for the death penalty and stiffer jail terms. Issues that represent liberal political attitudes as opposed to conservative ones were reverse-scored and included gay rights, legalized abortion, and multiculturalism.

Cronbach’s alpha from Henningham’s 1996 study was calculated at .74 using a sample of Australian adults. In 1999, use with a United Kingdom student sample generated a Cronbach’s alpha of $\alpha = .84$ (Maltby & Price, 1999). More recently, reliability has been calculated at .72 in a sample using American college students (Dollinger, 2007). In the present study, reliability of the scale was calculated at .66. Construct validity of the scale as a measure of political ideology was established by a positive correlation of 0.22 on a self-report measure of political leaning. Those who referred to themselves as politically conservative were significantly more likely to score higher on the scale (Henningham, 1996). In the present study, social conservatism, as measured by Henningham’s scale, correlated positively with punitiveness ($r = .49$), religiousness ($r = .46$),

positive attitudes toward the military ($r = .20$), and positive feelings about people who serve in the military ($r = .22$).

Punitiveness orientation scale (PUN: Capps, 2002; Smith & Capps, 2000). This measure (in Appendix G) contains 15 items that are answered with a 9-point Likert scale (-4 *strongly disagree* to +4 *strongly agree*). Resulting scores range from 15 to 135, where low scores indicate low level of overall punitiveness and high scores indicate high levels of punitiveness. Items include statements such as “Punishment simply for the purpose of getting revenge is unacceptable.” Some items were reverse-scored to prevent acquiescence bias in responding.

Capps (2002) reported reliability of the scale as a Cronbach’s alpha of .70, and mean inter-item r was listed as .13. In the present study, the Cronbach alpha coefficient was .69, and the averaged inter-item correlation was .13, roughly consistent with prior calculations. Capps (2002) assessed construct validity of the scale’s punitive statements through high correlations with right-wing authoritarian statements. As noted by Capps, several studies have reported strong positive correlations between right-wing authoritarianism and punitive sentencing behavior (Altemeyer, 1981; Bray & Noble, 1978; Ryckman, Burns, & Robbins, 1986). As reported above, punitiveness measured by the PUN correlated positively with social conservatism ($r = .49$). Punitiveness in the present study also correlated significantly with positive attitudes toward the military ($r = .17$) and blame for defendants ($r = .19$).

Affect/attitudes questionnaire. Participants were also asked four questions rated on a 10-point Likert-scale about attitudes and empathy (Appendix H). The four questions assessed positive feelings toward the military and people who serve in the military as well as empathy for people diagnosed with PTSD and for people diagnosed with mental illness.

Demographic questionnaire. The study also included a basic demographic questionnaire (Appendix I) that inquired about the participant's age, sex, race/ethnicity, education, occupation, religious affiliation, and a 10-point Likert-scale rating of religiousness. Religiosity should correlate with punitiveness and conservatism (Suziedelis & Lorr, 1973), and other demographics allow the researcher to examine the general characteristics of the sample. Participants were also asked if they have ever been summoned for jury duty and if they ever served on a jury before (and resulting verdict if answered affirmatively). Lastly, participants were asked if they ever served in the military or if any family members or close friends ever served in the military, because direct experience with the military could impact the dependent variables.

3. Results

For the analyses, assumption of equal variance, univariate normal distribution, and independence were checked, and no significant violations were discovered. The dependent variables of blame and verdict/sentence, along with all covariates, were entered into a multivariate analysis of covariance (MANCOVA). The following sections elaborate on the results of the MANCOVA.

Veteran Status and PTSD

Table 1 provides the means and standard deviations on both dependent variables from the experimental manipulation. The overall omnibus test was significant for PTSD status, Wilks' $\lambda = .92$, $F(2, 185) = 7.81$, $p = .001$, $\eta_p^2 = .08$, but not for veteran status, Wilks' $\lambda = .99$, $F(2, 185) = 0.65$, $p = .52$, $\eta_p^2 = .01$. The interaction between veteran status and PTSD status also was not significant, Wilks' $\lambda = .98$, $F(2, 185) = 1.79$, $p = .17$, $\eta_p^2 = .02$.

The univariate analysis of variance was examined for the main effect of PTSD and interaction of a defendant's veteran status and potential diagnosis of PTSD on a continuous measure of jurors' verdict and sentencing decisions. A defendant's PTSD did not significantly effect juror decision making on this measure, $F(1, 186) = 0.05$, $p = .82$, $\eta_p^2 = .00$. The interaction of PTSD and veteran status in the univariate ANOVA for verdict and sentencing was not statistically significant. However, the analysis did reveal a trend for the interaction of PTSD and veteran status to affect juror verdict and sentencing, $F(1, 186) = 2.84$, $p = .09$, $\eta_p^2 = 0.02$. The interaction may be seen in Figure 1. Veterans with PTSD were given the lightest sentences

and non-veterans with PTSD were given the most severe sentences. Veterans without PTSD and non-veterans without PTSD were given very similar sentences.

The univariate tests were also analyzed for the main effect of PTSD diagnosis on jurors' ratings of blame for the defendant. Defendants' PTSD played a significant role in how much blame was attributed to them by jurors, $F(1, 186) = 12.19, p < .01, \eta_p^2 = 0.06$. Thus, a main effect for PTSD was observed in which defendants with PTSD were blamed less ($M = 50.20, SD = 16.25$) than defendants who did not have PTSD ($M = 62.17, SD = 12.71$). The interactive effect of PTSD and veteran status on the ANOVA for blame was not statistically significant, $F(1, 186) = 2.24, p = .14, \eta_p^2 = 0.01$.

Punitiveness and Social Conservatism

The multivariate analysis of covariance included the covarying effect of individual juror characteristics of punitiveness and social conservatism. The overall omnibus test was significant for punitiveness, Wilks' $\lambda = .94, F(2, 185) = 5.70, p < .01, \eta_p^2 = .06$, as well as for social conservatism, Wilks' $\lambda = .95, F(2, 185) = 5.14, p < .01, \eta_p^2 = .05$.

A juror's punitiveness exerted significant influence over his or her verdict and sentencing decisions, $F(1, 186) = 11.44, p < .01, \eta_p^2 = 0.06$. Analysis with Pearson product moment correlations demonstrated that punitiveness correlated positively with severity of sentencing, $r = .23, n = 203, p < .01$. A juror's tendency toward being punitive had no independent effect on the level of juror blame for the defendant, $F(1, 186) = 1.66, p = .20, \eta_p^2 = 0.01$.

A juror's socially conservative values did not significantly affect verdict and sentencing for the defendant, $F(1, 186) = 2.08, p = .15, \eta_p^2 = 0.01$. Politically conservative juror attitudes significantly impacted, however, the level of blame for a defendant, $F(1, 186) = 3.98, p = .05, \eta_p^2 = 0.02$. Examination of the corresponding Pearson correlations showed that more socially

conservative juror attitudes were closely associated with higher blame for defendants, $r = .18$, $n = 203$, $p = .01$.

As analyzed through Pearson correlations, the individual juror characteristic of religiousness also was not significantly related to the verdict and sentencing measure.

Personal or Familial Connection to Military

Other covariates included in the analysis concerned jurors' personal or familial connection to the military as a variable that could influence blame for or verdict and sentencing of the different defendants. Out of the entire sample of participants, only 4.9% served in the armed forces, but 77.8% of the jurors had family members or close friends who had served at some point. The multivariate test revealed that whether a juror had been in the military made no significant overall difference on the dependent variables, Wilks' $\lambda = .99$, $F(2, 185) = 0.63$, $p = .54$, $\eta_p^2 = .01$. The test also demonstrated that a juror's familial connections to the military also made no significant overall difference, Wilks' $\lambda < 1.00$, $F(2, 185) = 0.29$, $p = .75$, $\eta_p^2 < .01$.

Positive Feelings Reported on the Affect/Attitude Questionnaire

The ratings of a juror's positive attitudes toward certain groups were also included in the MANCOVA as covariates. On average, jurors reported very positive attitudes toward the military ($M = 8.90$, $SD = 1.93$) and people in the military ($M = 9.48$, $SD = 1.14$) and somewhat positive feelings for people with PTSD ($M = 7.74$, $SD = 2.37$) and people with mental illness in general ($M = 7.63$, $SD = 2.31$). The jurors' ratings of their positive attitudes toward the military had no significant differential impact on the test variables, Wilks' $\lambda < 1.00$, $F(2, 185) = 0.38$, $p = .72$, $\eta_p^2 < .01$. Positive attitudes toward people in the military also exerted no independent influence, Wilks' $\lambda = .99$, $F(2, 185) = 0.61$, $p = .54$, $\eta_p^2 = .01$. In general, jurors' positive feelings toward people diagnosed with PTSD had no overall impact, Wilks' $\lambda = .99$, $F(2, 185) = 1.26$, p

= .29, $\eta_p^2 = .01$. Jurors' positive attitudes toward people with mental illness, however, was significant in the overall MANCOVA, Wilks' $\lambda = .96$, $F(2, 185) = 4.29$, $p = .02$, $\eta_p^2 = .04$.

Univariate tests revealed that positive attitudes toward the mentally ill did not significantly impact verdict and sentencing decisions, $F(1, 186) = 1.96$, $p = .16$, $\eta_p^2 = 0.01$. However, juror's positive feelings about people with mental illness affected how much they blamed defendants, $F(1, 186) = 8.60$, $p < .01$, $\eta_p^2 = 0.04$. As demonstrated by analysis of correlations, jurors' tendencies to blame the defendant were negatively correlated with their positive attitudes toward people with mental illness, $r = -.16$, $n = 203$, $p = .02$. Thus, jurors who held more positive attitudes toward people with mental illness tended to blame the defendant to a lesser degree.

Table 1.

Continuous Dependent Variable Means and Standard Deviations by Condition

Condition:	Dependent Variable:	
	Verdict & Sentence*	Blame**
Veteran with PTSD	2.19 (0.97)	48.15 (17.88)
Veteran without PTSD	2.34 (0.87)	61.80 (12.82)
Non-veteran with PTSD	2.49 (1.06)	52.47 (14.07)
Non-veteran without PTSD	2.32 (0.74)	62.54 (12.72)

Note. $N = 203$. *Verdict and sentence was given on a continuous scale from 1 to 9, where 1 = *not guilty*, 2 = *guilty/probation for six months*, 3 = *guilty/probation for one year*, 4 = *guilty/probation for two years*, 5 = *guilty/probation for three years*, 6 = *guilty/jail for six months*, 7 = *guilty/jail for one year*, 8 = *guilty/jail for two years*, and 9 = *guilty/jail for three years*.

**Jurors rated the blame questionnaire items on a Likert scale from 1 (*not at all*) to 10 (*extremely or a great deal*). Higher total numbers reflect greater blame for the defendant.

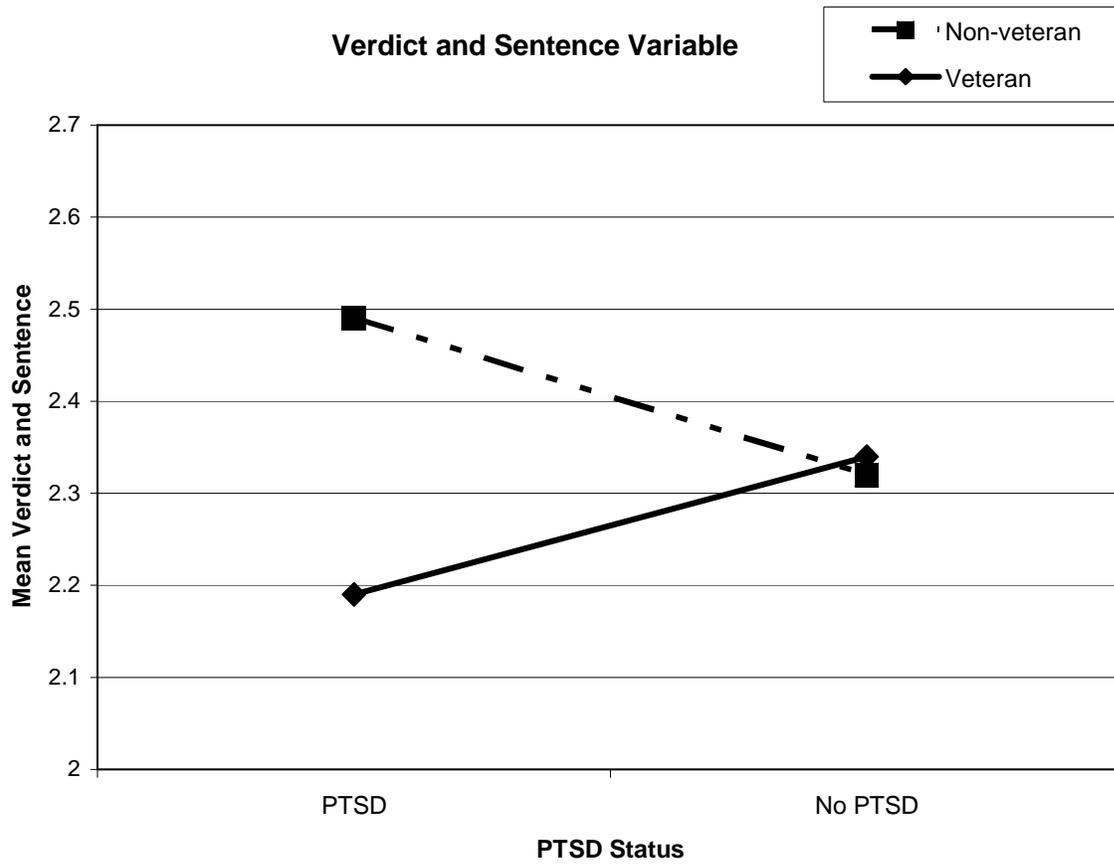


Figure 1. Line graph depicting interaction of veteran status and PTSD on the continuous measure of verdict and sentence.

4. Discussion

Results from the present study add substantially to findings from a previous similar study conducted with prosecutors as research participants (Kelly, Brodsky, Neal, & Cramer, 2011). The prior study assessed the effect of a defendant's veteran status and PTSD on pre-trial suggested sentences and separate factors related to perceptions of blame. The present study included the same independent variables to test the effect on a combined verdict and sentencing measure as well as a total blame scale, but it also included potentially relevant covariates of individual juror characteristics and connections to the military. Statistically, these additions explain variance, and, practically, these new variables provide a more intelligently qualified explanation of some consistent findings.

On the whole, both studies, the present one and Kelly et al. (2011), provide support for a positive bias toward veterans with PTSD who become involved in the criminal justice system. Each study, however, varied in the exact means with which such positive bias was revealed. For example, Kelly et al. found that prosecutors tended to reduce modestly the sentence recommendations given for defendants with military background, versus other defendants. The present study revealed that community jurors exhibited a modest tendency to reduce a sentence for defendants who were veterans with PTSD and, surprisingly, increase the sentence for non-veterans with PTSD. Analysis of juror characteristics in the present study also demonstrated that more punitive jurors were more likely to select higher sentences for defendants, regardless of condition. Another finding in the present study was the close positive correlation between

perception of defendant blame and jurors' decisions regarding guilty verdict and increased sentence.

The prosecutor study (Kelly et al., 2011) and the present study of jurors also exhibited modest differences in effects on blame by the factors of PTSD and veteran status. Prosecutors reported less overall blame for veterans and for those with PTSD, in that prosecutors identified more with the defendants, felt more empathy for them, and found them less criminally culpable of their offenses. The present study did not find an effect for veterans on overall blame, but it did paint a more detailed picture of the relationship between blame and individual juror characteristics. Jurors who tended to blame defendants less were more empathic toward defendants with PTSD, had more positive attitudes toward mentally ill people, and had more liberal political views. Jurors who tended to blame to a greater degree were more socially conservative in their political views, more punitive in general, and had less positive attitudes toward the people who are mentally ill.

The current study of actual community jurors provides support to previous studies of the same factors. Robinson and Darley (1995) and Heath et al. (2003) also found a strong effect for PTSD and other mental illnesses on reduction of blame and culpability. Weiner et al. (1988) discovered similar effects for individuals with service-related PTSD on blame, empathy, and charitable actions, but the present study placed the context squarely within the criminal justice system instead of general community attitudes. In addition, while Robinson and Darley (1995) utilized community jurors in their research, only the present study included defendants with military backgrounds and, at the same time, investigated covariates of individual juror characteristics as moderators of the effects.

Juror characteristics exerted predicted effects on blame and sentencing and generally support the results of previous research on such variables. Similar to work concerning authoritarianism (Altemeyer, 1981; Eckhardt, 1991; Eysenck, 1955; Feather, 1996; Suziedelis & Lorr, 1973; Tarr & Lorr, 1991; Wilson & Patterson, 1968), the current study demonstrated that socially conservative community jurors tended to be more punitive and religious, blame defendants more, and had significantly more positive attitudes toward the military and people who serve in the military. These associations provide additional evidence for Suziedelis and Lorr's (1973) argument that conservatism represents the same construct as right-wing authoritarianism. While politically conservative jurors in the present study tended to be more punitive in their beliefs, they did not exhibit significant tendencies to actually sentence more harshly, contradicting prior findings regarding juror behavior (Bray & Noble, 1978; Fodor et al., 2008; Mitchell & Byrne, 1973).

Limitations in the present study included factors integral to working with community members summoned for jury duty. Limits on time and type of interaction with community jurors prevented manipulation of the independent variables in realistic and effective formats like video presentation, more closely approaching external validity. Because jurors were approached as a group, they completed measures as a group in the same room, where the researcher could not control jurors from talking to each other or becoming distracted. Some jurors may have been confused by the instructions or misread a question, possibilities that would be more remediable if jurors were tested individually. Generalizability of the results was affected by the selection of participants in a certain region of the country, as well as by the low level nature of the crime depicted in the case scenarios. Because the crime depicted in the scenarios was a simple physical assault, thus just barely a felony, responses on the verdict and sentencing measure may

potentially reflect floor effects and may not have adequately captured the effect of positive juror bias.

Future research could explore the impact of potential juror bias for veterans or people with PTSD by more explicitly varying the severity of the crime, reducing the potential for a floor effect. A verdict and sentencing measure could then be more sensitive to differential juror decision-making and reveal a greater variance in responses. Other research could also vary the intensity of the defendant's PTSD and vary the extent of veteran experience obtained by the defendant. In this way, the manipulations may reveal effects hitherto obscured by broad categories. Other research studies may also include other relevant covariates or blocking variables, such as sex, ethnicity, and socioeconomic status of the juror and the defendant. Other results may also be found by testing participants from different populations, like college students, judges, attorneys, or mental health professionals. Findings from such studies could be compared to those from community jurors to examine differences between populations. Lastly, future researchers could test for other potential juror bias related to extralegal information regarding defendants, such as extent of education, choice of occupation, marital history, and non-exculpating history of mental illness.

Despite minor limitations in the present study, it presents findings of importance in the courtroom. The use of actual community jurors summoned and collected in the courtroom remains much less common than experimental jury simulations using college students. Although considerably debated, many researchers find the results obtained through working with community jurors to have greater ecological validity and generalizability to actual behavior by jurors (Bray & Kerr, 1979; DeMatteo & Anumba, 2009; Weiten & Diamond, 1979). This study offers valuable insight into jurors' attitudes and behavior toward certain types of defendants. The

exhibition of positive juror bias toward veterans with PTSD represents a strong indicator of community support for this group of individuals, support documented by various public surveys (Knickerbocker, 2007; Leal, 2005; Pew Research Center, 2007). Positive feelings and charitable actions toward veterans with traumatic stress may also bespeak an understanding of the difficulties faced by these former servicemen and women, an understanding engendered by media reports as well as through personal experience of the sequelae of family separation and intense combat involvement.

References

- Adorno, T. W., Frenkel-Brunswik, E., Levinson, D. J., & Sanford, R. N. (1950). *The authoritarian personality*. New York: Harper & Brothers.
- Alabama Code § 12-16-60 (2009).
- Alabama Code § 13A-6-21 (2009).
- Alabama Sentencing Commission. (2006). Initial voluntary sentencing standards & worksheets.
- Altemeyer, B. (1981). *Right-wing authoritarianism*. Winnipeg, Canada: University of Manitoba Press.
- Altemeyer, B., & Hunsberger, B. (1992). Authoritarianism, religious fundamentalism, quest, and prejudice. *International Journal for the Psychology of Religion*, 2, 113-133.
- Amato, P. R. (1979). Juror-defendant similarity and the assessment of guilt in politically motivated crimes. *Australian Journal of Psychology*, 31, 79-88.
- Aprilakis, C. (2005). The warrior returns: Struggling to address criminal behavior by veterans with PTSD. *The Georgetown Journal of Law & Public Policy*, 3, 541-566.
- Blanchard, E. B., & Hickling, E. J. (1997). *After the crash*. Washington, DC: American Psychological Association.
- Boehm, V. (1968). Mr. prejudice, miss sympathy, and the authoritarian personality: An application of psychological measuring techniques to the problem of jury bias. *Wisconsin Law Review*, 1968, 734-738.
- Bray, R. M., & Kerr, N. L. (1979). Use of the simulation method in the study of jury behavior: Some methodological considerations. *Law and Human Behavior*, 3, 107-119.
- Bray, R. M., & Noble, A. M. (1978). Authoritarianism and decisions of mock juries: Evidence of jury bias and group polarization. *Journal of Personality and Social Psychology*, 36, 1424-1430.
- Capps, J. S. (2002). Explaining punitiveness: Right-wing authoritarianism and social dominance. *North American Journal of Psychology*, 4, 263-278.

- DeMatteo, D. & Anumba, N. (2009). The validity of jury decision-making research. In J. D. Lieberman & D. A. Krauss (Eds.), *Psychology in the Courtroom: Vol.1. Jury psychology: Social aspects of trial processes*: (pp. 1-23). Burlington, VT: Ashgate.
- Dollinger, S. J. (2007). Creativity and conservatism. *Personality and Individual Differences*, *43*, 1025-1035.
- Eckhardt, W. (1991). Authoritarianism. *Political Psychology*, *12*, 97-124.
- Elhai, J. D., Grubaugh, A. L., Kashdan, T. B., & Frueh, B. C. (2008). Empirical examination of a proposed refinement to DSM-IV posttraumatic stress disorder symptom criteria using the National Comorbidity Survey Replication data. *Journal of Clinical Psychiatry*, *69*, 597-602.
- Eysenck, H. J. (1955). *The psychology of politics*. New York: Praeger.
- Faul, F., Erdfelder, E., Lang, A.-G., & Buchner, A. (2007). G*Power 3: A flexible statistical power analysis program for the social, behavioral, and biomedical sciences. *Behavior Research Methods*, *39*, 175-191.
- Feather, N. T. (1996). Reactions to penalties for an offense in relation to authoritarianism, values, perceived responsibility, perceived seriousness, and deservingness. *Journal of Personality and Social Psychology*, *71*, 571-587.
- Feather, N. T., & Oberdan, D. (2000). Reactions to penalties for an offense in relation to ethnic identity, responsibility, and authoritarianism. *Australian Journal of Psychology*, *52*, 9-16.
- Fodor, E. M., Wick, D. P., Hartsen, K. M., & Preve, R. M. (2008). Right-wing authoritarianism in relation to proposed judicial action, electromyographic response, and affective attitudes toward a schizophrenic mother. *Journal of Applied Social Psychology*, *38*, 215-233.
- Friel, A., White, T., & Hull, A. (2008). Posttraumatic stress disorder and criminal responsibility. *The Journal of Forensic Psychiatry and Psychology*, *19*, 64-85.
- Goldberg, S. B. (1994, March). Sentencing guides: Leniency for disturbed Vietnam vet. *ABA Journal*, *80*(3), 86-87.
- Hagan, J. (1975). Law, order, and sentencing: A study of attitude in action. *Sociometry*, *38*, 374-384.
- Heath, W. P., Stone, J., Darley, J. M., & Granneman, B. D. (2003). Yes, I did it, but don't blame me: Perceptions of excuse defenses. *The Journal of Psychiatry & Law*, *31*, 187-226.
- Heaven, P. C. L. (1985). Construction and validation of a measure of authoritarian personality. *Journal of Personality Assessment*, *49*, 545-551.

- Henningham, J. P. (1996). A 12-item scale of social conservatism. *Personality and Individual Differences, 20*, 517-519.
- Hoge, C. W., Terhakopian, A., Castro, C. A., Messer, S. C., & Engel, C. C. (2007). Association of posttraumatic stress disorder with somatic symptoms, health care visits, and absenteeism among Iraq war veterans. *American Journal of Psychiatry, 164*, 150-153.
- Hollander, E. P. (1960). Competence and conformity in the acceptance of influence. *Journal of Abnormal and Social Psychology, 61*, 365-369.
- Iraq veteran spared. (2007, June 20). *The Times* (London), pp. 4.
- Jakupcak, M., Conybeare, D., Phelps, L., Hunt, S., Holmes, H. A., Felker, B., Klevens, M., & McFall, M. E. (2007). Anger, hostility, and aggression among Iraq and Afghanistan war veterans reporting PTSD and subthreshold PTSD. *Journal of Traumatic Stress, 20*, 945-954.
- Jurow, G. L. (1971). New data on the effect of a “death-qualified” jury on the guilt determination process. *Harvard Law Review, 84*, 567-611.
- Kelly, J. O., Brodsky, S. L., Neal, T. M. S., & Cramer, R. J. (2011). *Prosecutor pre-trial attitudes and plea-bargaining behavior toward veterans with posttraumatic stress disorder*. Manuscript submitted for publication.
- Kerr, N. L., Hymes, R. W., Anderson, A. B., & Weathers, J. E. (1995). Defendant-juror similarity and mock juror judgments. *Law and Human Behavior, 19*, 545-567.
- Knickerbocker, B. (2007, November 9). This time, vets return to welcome. *Christian Science Monitor*, pp. 1-4.
- Leal, D. L. (2005). American public opinion toward the military: Differences by race, gender, and class? *Armed Forces and Society, 32*, 123-138.
- Lipkin, J., Scurfield, R., & Blank, A. (1983). Post-traumatic stress disorder in Vietnam veterans: Assessment in a forensic setting. *Behavioral Sciences & the Law, 1*, 51-67.
- Maltby, J., & Price, J. (1999). Conservatism and defense style. *The Journal of Genetic Psychology, 160*, 389-396.
- Marciniak, R. (1986). Implications to forensic psychiatry and post-traumatic stress disorder: A review. *Military Medicine, 151*, 434-437.
- Marques, J. M., & Yzerbyt, V. Y. (1988). The black sheep effect: Judgmental extremity towards ingroup members in inter- and intra-group situations. *European Journal of Social Psychology, 18*, 287-292.

- Mastroianni, G. R., & Scott, W. J. (2008). After Iraq: The politics of blame and civilian-military relations. *Military Review*, 88, 54-60.
- McGillis, D. (1978). Attribution and the law: Convergences between legal and psychological concepts. *Law and Human Behavior*, 2, 289-300.
- Miller, D. T., & Vidmar, N. (1981). The social psychology of punishment reactions. In M. J. Lerner & S. C. Lerner (Eds.), *The justice motive in social behavior* (pp. 145-172). New York: Plenum.
- Mitchell, H. E., & Byrne, D. (1973). The defendant's dilemma: Effects of jurors' attitudes and authoritarianism on judicial decisions. *Journal of Personality and Social Psychology*, 25, 123-129.
- Orcutt, H. K., King, L. A., & King, D. W. (2003). Male-perpetrated violence among Vietnam veteran couples: Relationships with veteran's early life characteristics, trauma history, and PTSD symptomology. *Journal of Traumatic Stress*, 16, 381-390.
- Pew Research Center for the People & the Press. (2007, March 22). *Trends in political values and core attitudes: 1987-2007*. Retrieved from Pew Research Center website: <http://pewresearch.org/pubs/434/trends-in-political-values-and-core-attitudes-1987-2007>
- Rector, N. A., & Bagby, R. M. (1997). Minority juristic decision-making. *British Journal of Social Psychology*, 36, 69-81.
- Robinson, P. H., & Darley, J. M. (1995). *Justice, liability, and blame: Community views and the criminal law*. Boulder, Westview Press.
- Rosoff, S. M. (1989). Physicians as criminal defendants: Specialty, sanctions, and status liability. *Law and Human Behavior*, 13, 231-236.
- Rowe, J. C. (1991). The "Vietnam Effect" in the Persian Gulf War. *Cultural Critique*, No. 19, The Economies of War, 121-139.
- Ryckman, R. M., Burns, M. J., & Robbins, M. A. (1986). Authoritarianism and sentencing strategies for low and high severity crimes. *Personality and Social Psychology Bulletin*, 12, 227-235.
- Silva, J., Derecho, D., Leong, G., Weinstock, R., & Ferrari, M. (2001). A classification of psychological factors leading to violent behavior in posttraumatic stress disorder. *Journal of Forensic Sciences*, 46, 309-316.
- Skolnick, P., & Shaw, J. I. (1994). Is defendant status a liability or a shield? Crime severity and professional relatedness. *Journal of Applied Social Psychology*, 24, 1827-1836.

- Slovenko, R. (2004). The watering down of PTSD in criminal law. *The Journal of Psychiatry & Law*, 32, 411- 438.
- Smith, D. N., & Capps, J. S. (2000, July). *Punitiveness orientation scale*. Paper presented at the Annual Meeting of the International Society of Political Psychology, Seattle, WA.
- Sparr, L. F., & Atkinson, R. M. (1986). Posttraumatic stress disorder as an insanity defense: Medicolegal quicksand. *American Journal of Psychiatry*, 143, 608-613.
- Sparr, L. F., Reaves, M. E., & Atkinson, R. M. (1987). Military combat, posttraumatic stress disorder, and criminal behavior in Vietnam veterans. *Bulletin of the American Academy of Psychiatry and Law*, 15, 141-162.
- Stalans, L. (1993). Citizens' crime stereotypes, biased recall and punishment preferences in abstract cases: The educative role of interpersonal sources. *Law and Human Behavior*, 17, 451-470.
- Sullivan, J. (2009, October 31). Trauma in Iraq leads to drama in Oregon. *The Oregonian*. Retrieved from <http://www.oregonlive.com>
- Suziedelis, A., & Lorr, M. (1973). Conservative attitudes and authoritarian values. *The Journal of Psychology*, 83, 287-294.
- Tarr, H., & Lorr, M. (1991). A comparison of right-wing authoritarianism, conformity, and conservatism. *Personality and Individual Differences*, 12, 307-311.
- van Prooijen, J.-W. (2006). Retributive reactions to suspected offenders: The importance of social categorizations and guilt probability. *Personality and Social Psychology Bulletin*, 32, 715-726.
- Weiner, B. (1995). *Judgments of responsibility: A foundation for a theory of social conduct*. New York: Guilford Press.
- Weiner, B., Perry, R., & Magnusson, J. (1988). An attributional analysis of reactions to stigmas. *Journal of Personality and Social Psychology*, 55, 738-748.
- Weiten, W. & Diamond, S. S. (1979). A critical review of the jury simulation paradigm: The case of defendant characteristics. *Law and Human Behavior*, 3, 71-93.
- Wiggins, J. A., Dill, F., & Schwartz, R. D. (1965). On "status-liability." *Sociometry*, 28, 197-209.
- Wild, T. C., Graham, K., & Rehm, J. (1998). Blame and punishment for intoxicated aggression: When is the perpetrator culpable? *Addiction*, 93, 677-687.

Wilson, G. D. (1985). The “catchphrase” approach to attitude measurement. *Personality and Individual Differences*, 6, 31-37.

Wilson, G. D., & Patterson, J. R. (1968). A new measure of conservatism. *British Journal of Social and Clinical Psychology*, 7, 264-269.

Wilson, J., & Zigelbaum, S. (1983). The Vietnam veteran on trial: The relation of post-traumatic stress disorder to criminal behavior. *Behavioral Sciences & the Law*, 1, 69-83.

Appendix A

Consent Form

Title of Project: *Juror Decision-making in the Criminal Justice System*

Researchers: Jennifer Kelly and Stanley Brodsky, Ph.D., University of Alabama

You are being asked to take part in a research study by Jennifer Kelly. Ms. Kelly is a doctoral student at the University of Alabama. Ms. Kelly is being supervised by Dr. Stanley Brodsky. Dr. Brodsky is a licensed clinical psychologist and professor at the University of Alabama.

What is this study about?

This study is being carried out to look at how different parts of a criminal trial affect jurors' decisions in a case.

Why is this study important – What good will the results do?

The knowledge from this study will help researchers understand how jurors make decisions in criminal trials.

Why have I been asked to take part in this study?

You are eligible for jury selection and were recently selected to be part of a jury pool in the state of Alabama. Similar to requirements for being a juror, you must be 19 years of age or older to take part in this study.

How many people besides me will be in this study?

Approximately 200 people will be in this study.

What will I be asked to do in this study?

If you decide to be in this study, you will be asked to do these things:

1. Read a case description.
2. Fill out two short questionnaires related to the case description.
3. Fill out four short questionnaires about your general views of people.
4. Fill out a sheet of paper with some general information about yourself (no name needed).

How much time will I spend being in this study?

This study will take about 30 minutes to complete.

Will I be compensated for being in this study?

You will not be compensated for being in the study.

Will being in this study cost me anything?

There will be no cost to you except for your time.

What are the benefits (good things) that may happen to me if I am in this study?

You may learn more about your attitudes about the situations in this study.

What are the benefits to scientists or society?

This study will help researchers learn more about how people on juries make decisions about blame and sentences in criminal trials. This information can help make sure individuals on trial are judged fairly.

What are the risks (dangers or harm) to me if I am in this study?

You may feel some discomfort when answering questions in the questionnaires. You can refuse to answer any questions. You can also stop being in the study at any time.

How will you protect my privacy?

The only identifying information you will be asked to provide will be signing the consent forms. The consent forms will be stored in a locked cabinet that can only be accessed by the investigators. You can refuse to answer any questions. You can also stop being in the study at any time.

What will happen to the information I give you? How will you keep that confidential?

The consent form and questionnaires will be stored separately. Questionnaires will be coded with numbers and not with names or other identifying information. All consent forms will be destroyed three years after the end of the study as required by federal regulations.

What are my rights as I take part in the study?

Taking part in this study is voluntary – it is your free choice. You may choose not to take part at all. If you start the study, you can stop at any time. Leaving the study will not result in any penalty or loss of any benefits you would otherwise receive.

What is the alternative to being in this study? Do I have other choices?

The alternative to being in this study is not to take part in it.

Who do I call if I have questions or problems?

If you have questions about the study right now, please ask them. If you have questions about the study later on, please email Jennifer Kelly, at jokelly@crimson.ua.edu. You can also call or email her supervisor, Dr. Stanley Brodsky, at (205) 348-1920 or sb@ua.edu. If you have any questions about your rights, you may contact Ms. Tanta Myles, the University of Alabama Research Compliance Officer, at (205) 348-8461.

My signature confirms that I have read this consent form. The study has been explained to me. I understand what I will be asked to do. I freely agree to take part in this study. I will receive a copy of this consent form to keep.

Signature of Research Participant

Date

Investigator or Research Assistant

Date

Appendix B

Second Consent Form/Purpose of the Study

The goals of the current study are listed below:

1. To find out how jurors decide on a sentence for defendants who are veterans or who have posttraumatic stress disorder. Does the defendant's military status or mental health status change the verdict and/or the length of sentence they give the defendant?
2. To see if a defendant's military background or disorder changes how much jurors blame the defendant.
3. To find out if jurors' beliefs are part of their views of these kinds of defendants. Do people with more positive views of the military blame the defendant more or less?

The full purpose of this study was not given in the first consent form to make sure that what you were told about the study did not affect how you responded. Please let the researcher know as soon as possible if you have any questions or concerns about this. Similar to requirements for being a juror, you must be 19 years of age or older to take part in this study.

You may email the researcher, Jennifer Kelly, at jokelly@crimson.ua.edu if you have any questions after this. If you would like to know the results of this study, please let her know. She will get your contact information. She will keep your contact information on file. Once the study is finished, she will send you the results.

You can also email or call her supervisor, Stanley Brodsky, Ph.D at (205) 348-1920 or sb@ua.edu. He is a licensed clinical psychologist and professor. He is available if you have questions about any part of this study.

Finally, you can also call Ms. Tanta Myles, Research Compliance Officer at (205) 348-8461. She can answer any questions or concerns about your rights as you take part in this study.

Now that you know the full purpose of this study, please sign the line below showing whether you are still willing to allow your data to be included in this study.

Yes. I will allow my data to be used in this study. (sign below)

No. I do not want my data used. Please destroy it as soon as possible. (sign below)

Appendix C

Case Scenario 1 (Veteran with PTSD condition)

What Happened

At 9pm at night on April 19, Anthony Dunn visited the home of his girlfriend Vicki. He had been dating her for four years. He talked with her and her older brother Michael. All three were drinking beer in glass bottles. Mr. Dunn had just begun drinking his first beer. The brother made some rude comments to Mr. Dunn. The comments made him mad. Mr. Dunn became upset. He hit Michael on the head with his bottle, breaking the glass. Michael got a large cut which needed twenty-two stitches. He should have no lasting health problems from what happened. Vicki said that she never saw Anthony act this way before. She also said that it was not like him to become so upset. Michael, the girlfriend's brother, agreed. Michael said that he and Anthony had always been friends. The policeman asked Michael about pressing charges. Michael said "I am okay with whatever you think is best."

About the Defendant

The defendant Anthony Dunn has no prior criminal history. Mr. Dunn is a 24-year-old Army veteran. He came back six months ago from serving in Iraq. This last trip was his third one to Iraq. On this trip, the Humvee in which he was traveling was bombed. The attack killed a man from his unit who was his close friend. After coming back to the U.S., Anthony Dunn often had bad dreams of the event. He also has trouble sleeping. He reports feeling very tense whenever driving a Humvee on base. At times, he has had vivid flashbacks of the event. Friends and co-workers have noticed he is usually in a flat mood. He stays away from social gatherings, especially with other men from his unit. He does not want to talk about his time in Iraq. In dealing with his girlfriend and other close friends, he often gets angry for no reason. Sudden or loud noises make him jump. Before his time in the service, he had never been seen by a mental health worker. Due to problems at work, Anthony Dunn was seen recently by an Army psychiatrist who said he had posttraumatic stress disorder (PTSD). The psychiatrist said this one week before the crime.

Case Scenario 2 (Veteran without PTSD condition)

What Happened

At 9pm at night on April 19, Anthony Dunn visited the home of his girlfriend Vicki. He had been dating her for four years. He talked with her and her older brother Michael. All three were drinking beer in glass bottles. Mr. Dunn had just begun drinking his first beer. The brother made some rude comments to Mr. Dunn. The comments made him mad. Mr. Dunn became upset. He hit Michael on the head with his bottle, breaking the glass. Michael got a large cut which needed twenty-two stitches. He should have no lasting health problems from what happened. Vicki said that she never saw Anthony act this way before. She also said that it was not like him to become so upset. Michael, the girlfriend's brother, agreed. Michael said that he

and Anthony had always been friends. The policeman asked Michael about pressing charges. Michael said "I am okay with whatever you think is best."

About the Defendant

The defendant Anthony Dunn has no criminal history. Mr. Dunn is a 24-year-old Army veteran. He came back six months ago from serving in Iraq. He grew up in Roanoke, Virginia. He is the second child in a family of three sons. Mr. Dunn's mother Jeanette is a school teacher. She works at Oakdale Middle School. Mr. Dunn's father Charlie worked for several years at the local steel mill until his knees gave out. Now he manages a grocery store. Anthony Dunn joined the military to teach him some skills and to get money for college. Anthony has a little brother Sam who lives in Miami, Florida. Sam is going to school there for business. Anthony also has an older brother Brian who still lives in Roanoke with a wife and two children. Brian frames houses for a living.

Case Scenario 3 (Non-Veteran with PTSD condition)

What Happened

At 9pm at night on April 19, Anthony Dunn visited the home of his girlfriend Vicki. He had been dating her for four years. He talked with her and her older brother Michael. All three were drinking beer in glass bottles. Mr. Dunn had just begun drinking his first beer. The brother made some rude comments to Mr. Dunn. The comments made him mad. Mr. Dunn became upset. He hit Michael on the head with his bottle, breaking the glass. Michael got a large cut which needed twenty-two stitches. He should have no lasting health problems from what happened. Vicki said that she never saw Anthony act this way before. She also said that it was not like him to become so upset. Michael, the girlfriend's brother, agreed. Michael said that he and Anthony had always been friends. The policeman asked Michael about pressing charges. Michael said "I am okay with whatever you think is best."

About the Defendant

The defendant Anthony Dunn has no prior criminal history. Anthony Dunn is a 24-year-old man who had a car accident six months ago. The accident totaled the car. Mr. Dunn had two broken ribs from the accident. The accident also killed his passenger Ben, a close friend. Mr. Dunn was the driver. He feels responsible for the accident and for Ben's death. Mr. Dunn suffers from bad dreams of the event. He also has trouble sleeping. He reports feeling tense whenever driving. At times, he has vivid flashbacks of the accident. Friends and co-workers have noticed he is usually in a flat mood. He avoids social gatherings. He does not want to talk about the accident and about the close friend he lost. In dealings with his girlfriend and other close friends, he often gets mad for no reason. He has trouble thinking straight at work. Due to the problems at work and his new fear of driving, Anthony Dunn has been seen recently by a psychiatrist who said he had posttraumatic stress disorder (PTSD). The psychiatrist said this one week before the crime.

Case Scenario 4 (Non-Veteran without PTSD condition)

What Happened

At 9pm at night on April 19, Anthony Dunn visited the home of his girlfriend Vicki. He had been dating her for four years. He talked with her and her older brother Michael. All three were drinking beer in glass bottles. Mr. Dunn had just begun drinking his first beer. The brother made some rude comments to Mr. Dunn. The comments made him mad. Mr. Dunn became upset. He hit Michael on the head with his bottle, breaking the glass. Michael got a large cut which needed twenty-two stitches. He should have no lasting health problems from what happened. Vicki said that she never saw Anthony act this way before. She also said that it was not like him to become so upset. Michael, the girlfriend's brother, agreed. Michael said that he and Anthony had always been friends. The policeman asked Michael about pressing charges. Michael said "I am okay with whatever you think is best."

About the Defendant

The defendant Anthony Dunn has no criminal history. Mr. Dunn is 24 years old. He grew up in Roanoke, Virginia. He is the second child in a family of three sons. Mr. Dunn's mother Jeanette is a school teacher. She works at Oakdale Middle School. Mr. Dunn's father Charlie worked for several years at the local steel mill until his knees gave out. Now he manages a grocery store. Anthony Dunn recently got a job doing cellular phone sales. The new job is a change from his previous job of four years distributing bread to grocery stores. Anthony has a little brother Sam who lives in Miami, Florida. Sam is going to school there for business. Anthony also has an older brother Brian who still lives in Roanoke with a wife and two children. Brian frames houses for a living.

Appendix D

Verdict and Sentencing Measure

The defendant in this case is being charged with Assault 2, a Class C Felony.
Sentencing guidelines suggest a total sentence between 1 and 10 years.

Please consider carefully the information given in this case and recommend a verdict and sentence for the defendant from the following options:

- not guilty
- guilty/probation for six months
- guilty/probation for one year
- guilty/probation for two years
- guilty/probation for three years
- guilty/jail for six months
- guilty/jail for one year
- guilty/jail for two years
- guilty/jail for three years

Appendix E

Blameworthiness Questionnaire

Instructions: Please circle your answer.
(Bold questions were reverse-coded)

1. How accountable is the defendant?

Not at all 1 2 3 4 5 6 7 8 9 10 Completely

2. How forgivable are the defendant's actions?

Not at all 1 2 3 4 5 6 7 8 9 10 Completely

3. How much control did the defendant have over himself in this situation?

Not at all 1 2 3 4 5 6 7 8 9 10 Completely

4. How much does the defendant deserve to be punished?

Not at all 1 2 3 4 5 6 7 8 9 10 Completely

5. How excusable were the defendant's actions?

Not at all 1 2 3 4 5 6 7 8 9 10 Completely

6. How much do you blame the defendant?

Not at all 1 2 3 4 5 6 7 8 9 10 Completely

7. How much of the offense was due to psychological influences beyond the defendant's control?

Not at all 1 2 3 4 5 6 7 8 9 10 Completely

8. Is it the defendant's fault?

Not at all 1 2 3 4 5 6 7 8 9 10 Completely

9. How much of what happened was due to the situation?

Not at all 1 2 3 4 5 6 7 8 9 10 Completely

10. How voluntary were the defendant's actions?

Not at all 1 2 3 4 5 6 7 8 9 10 Completely

Appendix F

Social Conservatism Scale

Instructions: Do you support the following issues? Circle one answer beside each.

(Bold items were reverse-coded.)

- | | | | |
|------------------------------------|-----|----|---|
| 1. Death Penalty | Yes | No | ? |
| 2. Multiculturalism | Yes | No | ? |
| 3. Stiffer jail terms | Yes | No | ? |
| 4. Voluntary euthanasia | Yes | No | ? |
| 5. Bible truth | Yes | No | ? |
| 6. Gay rights | Yes | No | ? |
| 7. Pre-marital virginity | Yes | No | ? |
| 8. Foreign immigration | Yes | No | ? |
| 9. Church authority | Yes | No | ? |
| 10. Legalized abortion | Yes | No | ? |
| 11. Condom vending machines | Yes | No | ? |
| 12. Legalized prostitution | Yes | No | ? |

Appendix G

Punitiveness Orientation Scale

Likert scale rating from -4 (strongly disagree) to +4 (strongly agree)
(Bold items were reverse-coded.)

1. **It's unreasonable to give people stiff prison sentences simply for possessing small quantities of drugs for personal use.**
2. In most cases probation is simply an unjustified way of putting criminals back on the street.
3. **The death penalty is never an appropriate punishment even for murder.**
4. Three-time losers deserve to be sentenced to life without the possibility of parole.
5. Spanking is often the most effective way to teach children not to hit others.
6. **Punishment simply for the purpose of getting revenge is unacceptable.**
7. **The courts should do everything they can to prevent law enforcement officers from physically harming or intimidating crime suspects.**
8. Physically punishing misbehaving children may hurt them in the short run, but it will help them in the long run.
9. **Teachers should be forbidden to physically punish children who misbehave.**
10. **I would never personally throw the switch to execute a condemned prisoner, no matter what his crime might have been.**
11. I think private citizens should take matters into their own hands if the courts are unwilling to punish criminals properly.
12. **People should never kick or hit their pets.**
13. If children refuse to eat what their parents serve them, they should be required to stay at the table until they change their minds.
14. If your teenagers use drugs, you should turn them in to the police.
15. If I were a juror, I wouldn't hesitate to cast the decisive vote to send a murderer to death row.

Appendix H

Affect-Attitudes Questionnaire

Instructions: Please answer each of the following questions using the scale provided. Please circle your answer.

1. How do you feel about the military in general?

Not good at all 1 2 3 4 5 6 7 8 9 10 Very good

2. How do you feel about people who serve in the military?

Not good at all 1 2 3 4 5 6 7 8 9 10 Very good

3. How do you feel about people who have posttraumatic stress disorder (PTSD)?

Not good at all 1 2 3 4 5 6 7 8 9 10 Very good

4. How do you feel about people diagnosed with mental illness?

Not good at all 1 2 3 4 5 6 7 8 9 10 Very good

Appendix I

Demographics

I am: ___ Male ___ Female

I am: _____ years old

I consider myself:

- | | |
|---|--|
| <input type="checkbox"/> African American | <input type="checkbox"/> Native American |
| <input type="checkbox"/> Asian | <input type="checkbox"/> Pacific Islander |
| <input type="checkbox"/> Biracial | <input type="checkbox"/> Caucasian |
| <input type="checkbox"/> Hispanic/Latino | <input type="checkbox"/> Other (Specify _____) |

My highest level of education is:

- | | |
|--|--|
| <input type="checkbox"/> Middle school | |
| <input type="checkbox"/> Some high school | |
| <input type="checkbox"/> High school graduate | |
| <input type="checkbox"/> Some college | |
| <input type="checkbox"/> College graduate | |
| <input type="checkbox"/> Master's or Doctoral degree | <input type="checkbox"/> Other (Specify _____) |

My occupation is: _____

I consider myself to be:

1	2	3	4	5	6	7	8	9	10
Not at all				Moderate					Very
Religious									Religious

My religion is: _____

Have you ever been summoned for jury duty before? Yes ___ No ___

Have you ever served on a jury? Yes ___ No ___

If yes, what was the verdict? _____

Have you ever been in the military? Yes ___ No ___

Have any family members or close friends served in the military? Yes ___ No ___