

**The Impact of Social Media Pre-trial Publicity on Mock Juror Interpretations of
Evidence**

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Psychological Science (Honours)*

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Table of Contents

| | Page |
|---|------|
| List of Figures | iv |
| List of Tables | v |
| Abstract | vi |
| Declaration | vii |
| Contribution Statement | viii |
| Acknowledgements | ix |
| Introduction | 1 |
| Pre-trial Publicity (PTP) | 1 |
| Jurors Social Media Use | 2 |
| Psychological Theories of Juror Decision Making | 3 |
| Juror Decision Making and PTP | 4 |
| Social Media PTP | 5 |
| Psychological Theories: Social Media | 6 |
| Present Study: Aims and Hypothesis | 7 |
| Pilot Study | 8 |
| Method | 9 |
| Results | 13 |
| Main Research Study | 17 |
| Method | 17 |
| Results | 21 |
| General Discussion | 28 |
| Research Outcomes | 31 |
| Methodological Strengths | 31 |

| | |
|--|----|
| Limitations | 32 |
| Future Directions | 33 |
| References | 35 |
| Appendices..... | 37 |
| Appendix 1: Pilot Study: Facebook Posts (Social Media PTP) | 38 |
| Appendix 2: Pilot Study: Information Sheet | 41 |
| Appendix 3: Extract from Trial Transcript (R v Winger) | 43 |
| Appendix 4: Main Study: Information Sheet | 45 |

List of Figures

| | |
|---|----|
| Figure 1: Mean ratings of trustworthiness for each pro-defence PTP condition..... | 14 |
| Figure 2: Mean ratings of trustworthiness for each pro-prosecution PTP condition..... | 15 |
| Figure 3: Mean ratings of truthfulness for all pilot PTP conditions..... | 16 |
| Figure 4: Probability of guilty ratings..... | 24 |

List of Tables

| | |
|--|----|
| Table 1: Post hoc comparisons – Measures of truthfulness pro-defence PTP..... | 15 |
| Table 2: Post hoc comparisons – Measures of truthfulness pro-prosecution PTP..... | 16 |
| Table 3: Contingency Table for manipulated PTP conditions on verdict | 25 |
| Table 4: Contingency Table comparing level of social media use and influence of PTP..... | 26 |
| Table 5: Types of evidence cited and frequency | 27 |
| Table 6: Frequency of items that influence the credibility of social media..... | 28 |

Abstract

The fundamental right to a fair trial appears more compromised than ever with the emergence of social media. A vast number of Australian judges, magistrates and key stakeholders depict social media as ‘the’ most significant challenge facing the judicial system. As courts cannot effectively regulate social media use, they must acclimate to it. What impact does social media pre-trial publicity (PTP) have on mock juror decision making? Are some types of PTP more detrimental than others? Are some jurors more susceptible to the influence of social media PTP?

Participants completed a survey, in which they were randomly assigned to one of five groups, to view one of two differing pro-prosecution social media PTP, one of two differing pro-defence PTP or no social media PTP. Participants were then presented with a trial transcript and were required to render a dichotomous verdict of guilty or not guilty and rate their confidence levels using a 5-point Likert scale. Participants were asked how probable it was that the defendant had committed the crime, on a percentage scale. An open-ended question was used to evaluate what parts of evidence participants used when deliberating and making their final decision. The effects of social media PTP were measured by a multiple-choice question and an open-ended response that required participants to describe the social media PTP they were exposed to. Participants social media usage was also measured through a series of multiple-choice questions. The results and implications of the study and for the judicial system will be discussed.

Declaration

This thesis contains no material which has been accepted for the award of any other degree of diploma in any University, and, to the best of my knowledge, this thesis contains no material previously published except where due reference is made. I give permission for the digital version of this thesis to be made available on the web, via the University of Adelaide's digital thesis repository, the Library Search and through web search engines, unless permission has been granted by the school to restrict access for a period of time.

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Contribution Statement

In writing this thesis, I approached my supervisor about a topic that she had put forward as an area of interest to both of us. My supervisor and I collaborated to generate research questions of interest that would build upon and add to the limited research in this area. We discussed the design and appropriate methodology and I then conducted a literature review and completed the required ethics application.

I created a pilot study, which included several social media posts based off past research by Krishnan, 2017, to establish which of the posts were most credible and therefore likely to be more persuasive. The posts found most credible in the pilot study were then used in the main study. The main study consisted of a questionnaire that I created on Qualtrics and a trial transcript for participants to read. I adapted this from a transcript used in past psychological. I was responsible for all participant recruitment and testing through SONA, the University of Adelaide psychology research participation system, and issued course credit for all first-year psychology students. My supervisor and I shared the study on the social media sites Facebook and Twitter for participants to take part. I collaborated with my supervisor during the analysis of results and wrote up all aspects of the thesis myself.

Acknowledgements

I owe a debt of gratitude to my supervisor, Associate Professor Carolyn Semmler, who put forward this topic of interest to me and who guided me through my research and writing of my thesis. Thank you for being so supportive and available throughout the year. I would also like to thank those who gave so freely their time to participate in my research, this is greatly appreciated.

In addition, I would like to thank my partner Craig, who offered helpful advice and support throughout the process of writing my thesis, and a big thank you to our parents, Anne, Colin, Darrin and Diane, for looking after our newborn son, Bailey, which allowed the time for me to complete this research. It has been a challenging yet rewarding year.

Introduction

With the continuous evolution of and reliance on technology that has become ingrained in societies way of life, it is important to observe the impacts that this may have in society and potentially on fundamental human rights. The right to a fair trial is just one of those that appears to be facing significant challenges as a result of social media use. A vast number of Australian judges, magistrates, court administrators and other key stakeholders have identified social media as ‘the’ most significant challenge facing the judicial system (Barns, Yew & Lloyd, 2019).

Social media use and inappropriate internet searches by jury members have made headlines in recent news. These instances have led to criminal and civil proceedings being aborted, mistrials and have resulted in penalties, fines and even custodial sentences for the jurors involved.

An essential part of the Australian judicial system is for a person to have a fair and public hearing before a competent, independent and impartial court (The United Nations General Assembly, 1966). It appears that this right is being jeopardised by the information jurors are being exposed to through social media and other information sharing platforms. However, this information can be expressed and distributed freely as it comes under the right to freedom of opinion and expression (The United Nations General Assembly, 1966).

Pre-trial Publicity

Pre-trial publicity is not a problem of modern-day society. The right to freedom of expression has long interacted with the right to a fair trial, particularly regarding the media, through materials such as newspaper articles and television broadcasts. Under this right the media can distribute information and opinions on any matter in a positive or negative light, including information and facts on criminal proceedings against an accused, however, there

are limits to this regarding trials with a suppression order in place (Townsend, 2011). A court may make a suppression order if it is satisfied that it would prevent prejudice against the administration of justice, however this can only be used under limited circumstances (The Evidence Act, 1929).

When the media report information that is the subject of criminal proceedings, it can often lead to the sensationalisation of a case and is often termed pre-trial publicity (PTP). PTP can include several details regarding the defendant or trial, including the defendant's past, reputation, criminal record (Bakhshay & Haney, 2018).

Bakhshay and Haney, (2018) conducted a content analysis of 1,831 newspaper articles to study the nature and extent of pretrial publicity in 20 death penalty cases in the United States. They looked at the positive, negative and neutral publicity to determine whether it contained any information that has been shown to bias potential jurors. They found that most of the publicity was negative and identified a number of highly prejudicial aspects, including sensationalised descriptions of the crime and defendant. This illustrates how the defendant's right to an impartial jury and fair trial based on the information presented in court can be easily undermined (Bakhshay & Haney, 2018).

Jurors' Social Media Use

The emergence of the internet and social media adds a new level of complexity to PTP. The sharing of such information through electronic communication allows for public opinion, thoughts and ideas to be expressed, shared and viewed across the world within a matter of minutes. This information can modify impressions of the character and personality of a defendant, which can influence a person's opinion about the defendant and a case before

a trial begins (Townsend, 2011). The term 'Trial by media' is often used to describe this impact (Townsend, 2011).

In the US, 90 verdicts were challenged due to juror internet misconduct between 1990 and 2010 and there were 21 retrials or overturned verdicts between 2009 and 2010 (Johnston et al., 2013). The Law Commission in the UK also identified at least 18 appeals since 2005 related to juror misconduct during criminal trials, including those involving internet access or social media use (Johnston et al., 2013).

This appears to be an issue for judicial systems world-wide. In South Australia, 2016, a jury for a was discharged after two jurors Googled the names and background of the accused in a criminal case (Prosser, 2016). These jurors were both fined \$3,000 each and prosecuted for contempt of court. A Queensland murder trial was also aborted due to a juror conducting research about the accused and alleged victim on Facebook. The juror in this case faced a sentence of up to two-years (Keim, 2014).

So how do the courts negotiate their way around this dilemma and ensure an impartial jury when it comes to jury members deciding on the guilt of a defendant in court?

Psychological Theories: Juror Decision Making

There is a vast amount of psychological literature looking into the juror decision making process. One of the leading cognitive theories of juror decision making is the Story Model put forward by Pennington and Hastie, (1991). The Story Model proposes a central cognitive process in juror decision making where a juror constructs a story based on evidence from one or more credible sources and it is this story which determines what decision a juror makes (Pennington & Hastie, 1991). However, as each juror hears the same evidence in court, there must be an outside influence that accounts for the differences in their final

decisions. Pennington and Hastie, (1991), believe this to be a result of differences in world knowledge, including juror experiences and beliefs about the world which in turn influences their final decision on guilt (Pennington & Hastie, 1991). Therefore, if a juror has been exposed to PTP prior to a trial this would serve to influence a juror in their decision-making process and may make one story appear to be more credible over another. PTP may serve to influence the juror's decision into taking a pro-prosecution or pro-defence stance when arriving at their final story, thus creating a biased verdict.

Juror decision making and PTP

There is a vast amount of literature demonstrating prejudicial impacts on juror decision making (for a review see Hope, Memon & McGeorge, 2004). This research emphasises the negative impact of PTP on juror perceptions of the defendant's criminality and likeability. It also demonstrated an increase in the number of guilty verdicts when these influences are presented before a trial (Hope, Memon & McGeorge, 2004).

A study by Hope, Memon and McGeorge (2004), investigated the differences in pre decisional distortion for mock jurors exposed to negative PTP versus mock jurors who had not received any prior information about the defendant. Participants were randomly assigned to a negative PTP group, which included a short newspaper article about the defendant or no PTP group (control group), who read an article that did not contain any reference to the defendant. Participants then read a trial transcript adapted from a real case, *New Jersey v Bias*. They found that those in the negative PTP group returned significantly more guilty verdicts than those in the control group and had a higher confidence in their verdict of guilty, also perceiving the defendant in a more negative light than the control group (Hope, Memon & McGeorge 2004). They also found that PTP modified juror's initial judgement about a defendant's guilt (Hope, Memon & McGeorge 2004).

Further evidence of the impact of PTP, comes from a meta-analysis by Stebley et al., 1999. This review examined 44 empirical tests involving 5,755 subjects, to establish the effect of PTP on juror verdicts. They found that subjects exposed to negative PTP were more likely to render guilty verdicts compared to those with no PTP (Stebly et al., 1999).

Whilst most of the research focuses on negative PTP there appears to be limited research on the effects of positive PTP on juror decision making. Ruva, Guenther and Yarbrough (2011) investigated the effects of exposure to PTP on impression formation, juror emotion, and pre decisional distortion. Participants were randomly assigned to view news articles containing negative PTP or positive PTP. A week later, participants viewed a video of a murder trial and made decisions about guilt. They found that exposure to both positive and negative PTP significantly affected verdicts, perceptions of defendant credibility, emotion and pre-decisional distortion (Ruva, Guenther & Yarbrough, 2011). Negative PTP was found to have a larger effect, emphasising a negativity bias. This negative effect has been extensively researched in a variety of psychological literature, including impression formation and evaluation, and can have a profound impact on decision making (Ruva, Guenther & Yarbrough, 2011). Thus, it would be expected that positive PTP would have a much less of an impact on a person's cognition than something equally emotional but negative (Bratslavsky, Finkenauer & Vohs, 2001).

Social Media PTP

The majority of PTP literature focuses on traditional types of media, such as Newspapers and TV news reports. There is limited, but growing, research on social media PTP in relation to jurors. It is this type of PTP that poses the most likely source of prejudicial publicity for jurors today (Johnston et al., 2013).

An unpublished research thesis by Krishnan (2017), was the first study to measure social media publicity in a mock juror setting. The study investigated the impact that social media PTP has on juror decision making, but also looked at the effects of mid-trial publicity (MTP) on juror decision making and the effect of positive publicity in comparison to negative (Krishnan, 2017). Data was collected from 142 participants of those eligible for jury service in South Australia. Two Facebook post were constructed of a profile status, one pro-prosecution post and one pro-defence. The posts were duplicated and placed within the trial transcript at different points; PTP and MTP. The same trial transcript *New Jersey v Bias* was used as in the study by Hope, Memon and McGeorge (2004), however was it was renamed *R v Winger* and details amended to reflect South Australian legal conventions (Krishnan, 2017).

The results showed that jurors in the PTP condition were more influenced than those exposed to MTP, however there were no differences in PTP and the no PTP control, which was inconsistent with previous findings on traditional types of PTP (Krishnan, 2017). The results were however consistent with past research showing that PTP does modify participants initial judgements and biased jurors to process information in a confirmatory manner that re-affirmed their initial judgement (Krishnan, 2017).

The results also showed that jurors in both the pro-prosecution and pro-defence and control groups were equally likely to return a guilty verdict, suggesting that the pro-defence assigned less weight to the positive information, which is also consistent with a negativity bias (Krishnan, 2017). So, what types of social media PTP are most likely to influence jurors in their decision making?

Psychological Theories: Social Media

Jessen and Jørgensen, (2011) introduced their online credibility theory as the theory of aggregated trustworthiness. They propose that social validation may provide verification of

an authority, which may then provide verification of a specific profile, establishing a level of perceived credibility (Jessen and Jørgensen, 2011). Thus, when a collective judgement is made about online information, for example, a larger number of likes, comments and shares, the information is perceived as more credible (Jessen & Jørgensen, 2011). They emphasise that authority and trustees play a role in social validation, increasing perceived credibility, however they do not have to possess expertise regarding a specific topic and can include known sources such as friends and family (Jessen & Jørgensen, 2011).

Therefore, in the context of juror decision making these types of social media posts may appear to be more credible and more influential to mock jurors in the decision-making process. online credibility theory, as the

Other research suggests that information observed and exchanged through social media platforms by users has a stronger influence than similar information has on users of traditional media, including print and broadcast news media (Shah, McLeod & Yoon, 2001). Thus, research suggests that jurors who have greater use of and engagement in social media would more likely be influenced than those who do not use social media or have limited use and engagement on such media platforms.

Main Study

Aims and Hypotheses

The reviewed literature highlighted the negative impact that traditional forms of PTP have on juror decision making and the right to a fair and impartial jury. It also highlighted just how little research has been conducted into modern forms of PTP found on social media and the effects on jurors.

Social media allows for both positive and negative information and opinions to be expressed and shared so openly, in comparison to traditional types of PTP. This study will investigate the effects of pro prosecution and pro defence social media PTP on juror decision making. This study will also focus on three main aspects of social media as PTP: (a) to what extent does social media PTP affect juror decision making? (b) Are some types of social media PTP more detrimental than others? (c) Are some jurors more susceptible to the influence of social media PTP over others?

A pilot study was conducted and aimed to validate the manipulation of social media PTP based on perceived trustworthiness of sources. Additional Facebook posts were created to establish which social media PTP were considered as most trustworthy (credible), and in turn, more persuasive, as a function of the observed responses to each post. Posts will be selected to be used in the main research study.

The following predictions regarding the impact of the manipulated variables on the measured variables are made based on the literature discussed:

- 1. Hypothesis 1:** Mock jurors exposed to pro prosecution PTP (PTP-P) are more likely to be influenced by the social media PTP than those in the pro defence (PTP-D) and No PTP (control) conditions.
- 2. Hypothesis 2:** Mock jurors in the social media PTP groups with additional social validation items will be more likely to be influenced in favour of the PTP they are exposed to than those without additional social validation items.

Exploratory Analyses

This study will also explore how perceptions of social media use impact jurors' belief about the impact of PTP on their decision making. There have been no prior studies

investigating this relationship and so we do not make any hypotheses regarding these variables. We do, however, expect that there might be a difference in the perceptions of those who use social media a lot and those that are less frequent users, in terms of their belief that they might be vulnerable to the influence of the Facebook posts in their decision making about the case.

Pilot (Validation) Study

Introduction

A pilot study was conducted to establish credibility and internal validity of the social media posts (PTP) to be used in the main research study. This is of importance as the social media posts are designed to influence the outcome variables in terms of the decisions made by mock-jurors.

Method

Participants

The pilot study consisted of 20 participants (Male = 6, Female = 14). All participants met the criteria for eligibility to sit on a jury in South Australia (South Australian Juries Act, 1927). All participants were Australian citizens between the ages of 18-70 years, with no previous criminal convictions and a sufficient understanding of English. Those with a legal background, either students or professionals, were not eligible to take part in the study. Participants were recruited from the general population, through Facebook and involved a snowball sample (N = 12). 1st year psychology students were also recruited from the psychology research pool at the University of Adelaide and were awarded course credit for their participation (N = 8). All participants took part voluntarily.

Design

The pilot study used a within-subjects design with each participant first being presented with a variation of six Facebook posts, three pro-prosecution and three pro-defence. (the posts can be viewed in Appendix 1).

Materials

Participants completed an online survey, which obtained demographics information, ratings on the credibility of each Facebook post and information on participants' social media usage. The survey consisted of 3 sections, which included a total of 25 questions.

i. Demographics Information (6 Items)

The survey collected the demographics of participants, which included their gender, age, citizenship status, criminal history check and legal background. Participants that did not meet the criteria to serve on jury in South Australia were ineligible to participate.

ii. Social Media Posts (6 Items)

The social media posts used in the pilot study were based on the Facebook posts used in the study by Krishnan, 2017, which showed to have an impact on juror decision making. The social media posts consisted of Facebook profile status, each consisting of an image and fictitious text. One of the posts reflected a pro-prosecution stance (PTP-P1) and contained defamatory material relating to the defence and the other pro-defence post (PTP-D1) contained optimistic material in favour of the defence.

Based on research by Jessen & Jørgensen, 2011, four variations of these posts were created. A pro-prosecution (PTP-P2) and a pro-defence (PTP-D2) post were created to include additional comments, likes and shares and the privacy settings were visible as 'friends of friends'. An additional two posts were made; pro-prosecution (PTP-P3) and pro-defence (PTP-D3) including additional comments, likes and shares and the privacy settings

were visible as 'public'. The comments added to the posts included various pro-prosecution and pro defence statements, respectively. For example, "you don't drink much, what's wrong?" was added as a pro-defence comment is. "You're drunk, do her a favour and leave her alone" is an example of a pro-prosecution comment.

The additional comments, likes, shares and privacy settings were created on Facebook and then screen shots were taken of the additions and added to the original post, which was done in Microsoft Word and saved as a PDF file. The posts were constructed to control for the length and detail in each post, and the number of likes and shares was the same across posts. It was also necessary to ensure a balance in the gender of commenters – with equal numbers of male and female Facebook users commenting on each post.

iii. Measures of Trustworthiness (14 Items)

Research has shown that trustworthiness is an important construct for measuring persuasion, and it appears that source credibility and trustworthiness go hand-in-hand (Jessen & Jørgensen, 2011).

Ghazisaeedi, Steyn and Van Heerden (2012) combined two prominent scales for measuring trustworthiness and adapted them to the context of online blogging. To measure the source trustworthiness of blogs they employed a 9-item, 7-point semantic differential scale. The items included (1) insincere and sincere, (2) dishonest and honest, (3) not dependable and dependable, (4) not trustworthy and trustworthy, (5) not credible and credible, (6) not biased and biased, (7) not believable and believable and (8) disreputable and reputable and (9) unreliable and reliable (Ghazisaeedi, Steyn and Van Heerden, 2012). A high score indicated a high source trustworthiness and vice versa (Ghazisaeedi, Steyn and Van Heerden, 2012).

Upon analysis of this measure it was found that item 6 was unstable (Ghazisaeedi, Steyn and Van Heerden, 2012). They suggested this was because it was the only reverse phrased item and could easily have been misinterpreted (Ghazisaeedi, Steyn and Van Heerden, 2012). The item was subsequently removed to create an 8-item measure of trustworthiness with a Cronbach's alpha of 0.95 (Ghazisaeedi, Steyn and Van Heerden, 2012). They concluded that the scale exhibits both content and convergent validity and that the revised 8-item scale did produce an overall source trustworthiness score for online information (Ghazisaeedi, Steyn and Van Heerden, 2012). For this reason, the Ghazisaeedi, Steyn and Van Heerden's 8-item, 7-point semantic differential scale of trustworthiness was used to measure the credibility of the six Facebook posts in this study.

Participants were also required to rate the three pro-prosecution posts and three pro-defence posts using a single item scale measuring "truthful", an adjective of source trustworthiness also used in many online credibility studies (Ghazisaeedi et al., 2012). This measured overall perceptions regarding the truthfulness (credibility) of the Facebook posts on a 4-point Likert scale, from very untruthful to very truthful.

Participants were then asked to compare the 3 pro-prosecution posts and number them 1 – 3 based on how trustworthy they appear to be with 1 being least trustworthy and 3 being most trustworthy. Participants were asked to do the same for the 3 pro-defence posts.

iv. Social Media Posts (2 Items)

Two multiple choice questions with 5 possible answers were displayed to participants regarding the aspects of the Facebook posts which they considered when rating the posts for credibility using the Ghazisaeedi et al. (2012) trustworthiness scale. The same was asked when ranking the posts from 1-3 regarding trustworthiness. This was to establish which aspects of the Facebook posts may add to the credibility and potentially be more influential.

v. Social Media Usage (3 Items)

Three multiple choice questions with 5 possible answers were included in the survey to gain an insight into what social media accounts are used most by participants, participants time spent using social media and level of involvement in public discussions.

Ethics Approval

Ethics approval was obtained through the Human Research Ethics Subcommittee at the University of Adelaide (Approval number 20/44). Participants recruited via the first year Psychology participants pool were provided with the contact details of the University of Adelaide counselling services and general population participants were provided with the details to Life Line and Beyond Blue, in case any distress was caused as a result of participating in the study.

Procedure

Participants were recruited via social media, Facebook, and were directed to the study through an anonymous URL, with participation being voluntary. Participants were also recruited through the University of Adelaide's research participation system (SONA), which then took them to the external website with the survey. These participants were awarded course credit for their participation. The survey was administered through *Qualtrics*, an online survey software and was available to participants for two weeks.

All participants were firstly directed to an information sheet (Appendix 2) and were required to provide their informed consent if they wished to proceed with their participation in the survey. They were then required to answer the questions as discussed. The survey took approximately 10 minutes for each participant to complete and they were provided with the

contact details of the researchers, with the option to provide feedback or request a copy of the results upon completion.

Results & Discussion

The credibility of each post was rated on trustworthiness and truthfulness. A one-way ANOVA was conducted on the trustworthiness of each of the three pro-defence Facebook posts (PTP-D1, PTP-D2, PTP-D3). The results were statistically significant, $F(2,54) = 2.67$, $p < .08$, $\eta^2 = .09$. The mean ratings of trustworthiness in each condition show the significance between the groups, illustrating that PTP-D2 has the highest rating for trustworthiness, followed by PTP-D1 (see Figure 1).

A t-test conducted on level of trustworthiness for each post supports this showing the most significant difference between PTP-D2 and PTP-D3, $t(2) = 2.27$, $p > .05$, $d = 0.74$.

The level of truthfulness was also measured for each pro-defence post, the results also support this statistical significance (see Table 1).

Figure 1. Mean ratings of Trustworthiness for each pro-defence PTP condition

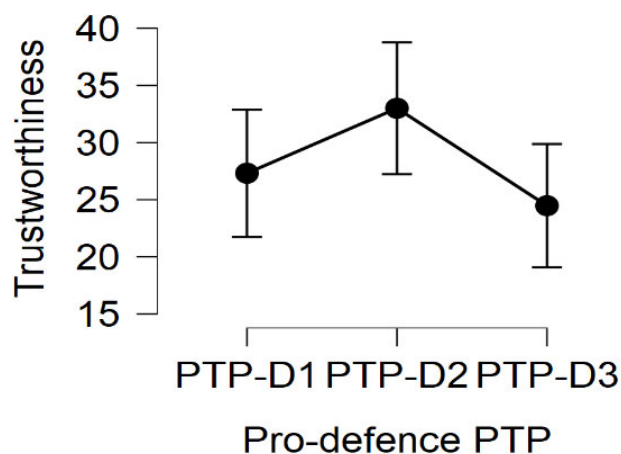


Table 1. Post Hoc Comparisons – Measures of Truthfulness Pro-defence PTP

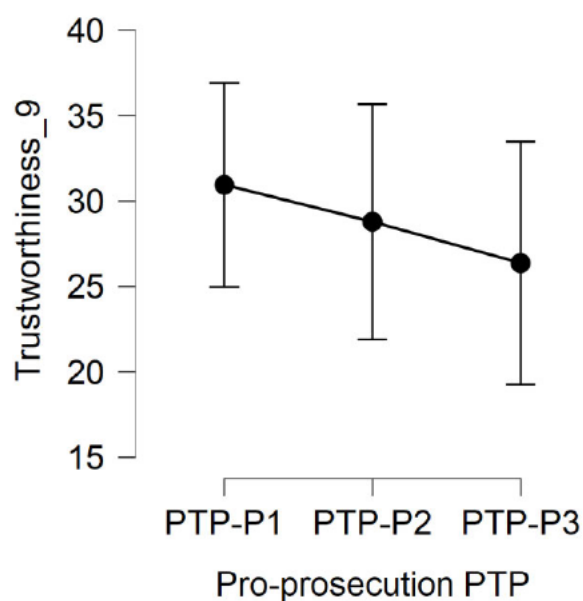
| | | Mean Difference | 95% CI for Mean Difference | | SE | t | Cohen's d | p _{tukey} |
|--------|--------|--------------------|-------------------------------|-------|-------|--------|-----------|--------------------|
| | | | Lower | Upper | | | | |
| PTP-D1 | PTP-D2 | -0.105 | -0.610 | 0.400 | 0.210 | -0.502 | -0.182 | 0.871 |
| | PTP-D3 | 0.263 | -0.242 | 0.768 | 0.210 | 1.256 | 0.385 | 0.426 |
| PTP-D2 | PTP-D3 | 0.368 | -0.137 | 0.873 | 0.210 | 1.758 | 0.551 | 0.193 |

Note. Cohen's d does not correct for multiple comparisons.

Note. p-value and confidence intervals adjusted for comparing a family of 3 estimates (confidence intervals corrected using the Tukey method).

A one-way ANOVA was then conducted on the trustworthiness of each of the three pro-prosecution Facebook posts (PTP-D1, PTP-D2, PTP-D3). Results showed this was not statistically significant, $F(2, 54) = 0.52, p = .60, \eta^2 = < .02$, however the mean ratings of trustworthiness in each condition show a significance between groups. Results show that PTP-P1 has the highest rating for trustworthiness, followed by PTP-P2 (see Figure 2).

Figure 2. Mean ratings of Trustworthiness for each pro-prosecution PTP condition



A t-test conducted on level of trustworthiness for each post supports this difference showing the largest difference between PTP-P1 and PTP-P3, $t(2) = 1.019, p < .05, d = 0.34$.

This suggests that PTP-P3 has the lowest rating for trustworthiness.

The level of truthfulness was measured for each pro-prosecution post and the results also support this statistical significance (see Table 3). Figure 3 also illustrates these differences.

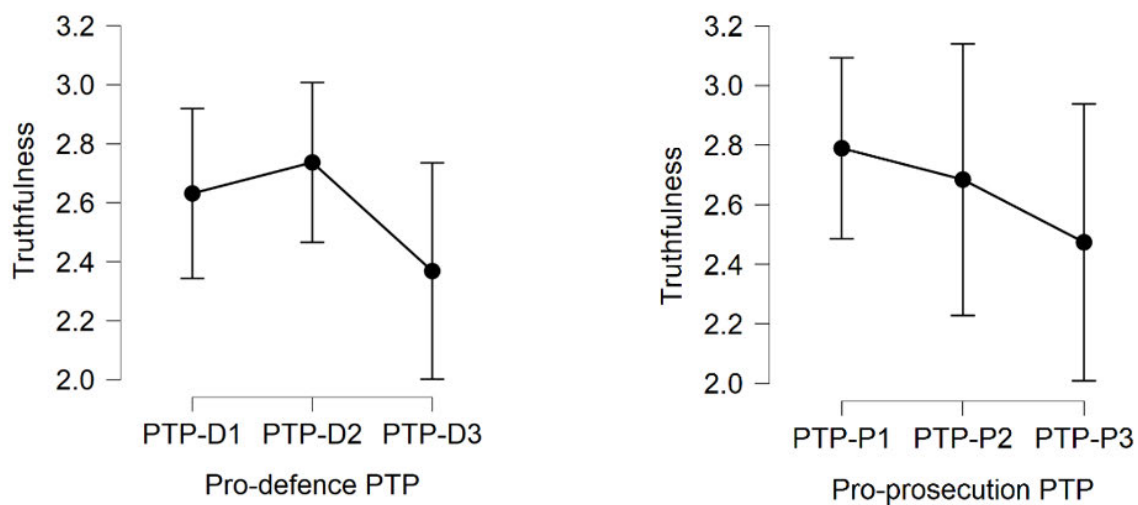
Table 2. Post Hoc Comparisons - Pro-prosecution PTP

| | | Mean Difference | 95% CI for Mean Difference | | SE | t | Cohen's d | p _{tukey} |
|--------|--------|-----------------|----------------------------|-------|-------|-------|-----------|--------------------|
| | | | Lower | Upper | | | | |
| PTP-P1 | PTP-P2 | 0.105 | -0.568 | 0.778 | 0.279 | 0.377 | 0.131 | 0.925 |
| | PTP-P3 | 0.316 | -0.357 | 0.989 | 0.279 | 1.131 | 0.388 | 0.499 |
| PTP-P2 | PTP-P3 | 0.211 | -0.462 | 0.883 | 0.279 | 0.754 | 0.220 | 0.733 |

Note. Cohen's d does not correct for multiple comparisons.

Note. P-value and confidence intervals adjusted for comparing a family of 3 estimates (confidence intervals corrected using the Tukey method).

Figure 3. Mean ratings of truthfulness for all pilot PTP conditions



A third measure of credibility required participants to rank the three posts in each condition pro-defence and pro-prosecution from 1 -3, three being most credible and one the least. Results showed 65% of people rated PTP-PD2 as most credible, followed by PTP-D1 and PTP-D3 was ranked as least credible. In the pro-prosecution posts, PTP-P1 received the highest rating of credibility (50%) followed by PTP-P2 and PTP-P3 was ranked as least credible. This is in line with the previous findings.

Although the original post (PTP-P1) was seen as most credible in the pro-prosecution condition and the PTP-D2 post was seen as most credible in the pro-defence condition, it is clear that PTP-D3 and PTP-P3 were considered as least credible and so these two posts will be excluded from the present study. The four posts with the highest perceived level of credibility will be used in the present study (PTP-P1, PTP-P2, PTP-D1 and PTP-D2).

Main Study

Method

Participants

The main study collected data from 189 participants (Male = 55, Female = 134), all eligible for jury service in South Australia. Participants, (N = 142) were recruited from the 1st year psychology students pool at the University of Adelaide and were awarded course credit for their participation. The remaining participants (N = 47) were drawn from the general population. These participants were recruited through snowball sampling on social media (Facebook, Twitter and LinkedIn).

Design

The study used a between subject's design. The Facebook posts found to be most credible in the pilot study were used and participants were randomly assigned to one of five experimental conditions. The experimental conditions included (1) PTP-P1 (N =38), (2)

PTP-D1 (N = 35), (3) PTP-P2 (N =36), (4) PTP-D2 (N = 40) and (5) No PTP (control condition (N = 37).

Materials

i. Demographic Information (7 Items)

The survey collected demographics of participants, which included participants' gender, age, citizenship status, criminal history check and legal background. Participants that did not meet the criteria for citizenship (Australian), language (sufficient), had a criminal history and, or legal background were ineligible to participate based on the criteria required to serve as a juror in South Australia.

ii. Social Media Posts (4 Items)

The four Facebook posts with the highest perceived level of credibility were used in the main study (PTP-P1, PTP-P2, PTP-D1 and PTP-D2).

These images were embedded as a .jpeg file within the survey and participants were randomly assigned to view one of the PTP conditions or no PTP (control condition) before being presented with a trial transcript.

iii. Trial Transcript (1 Item)

The trial transcript used was also adapted from that used by Krishnan, 2017 (see Appendix 3 for an extract). The case (*R v Winger*) was based on a real murder trial where the defendant was charged with the death of his wife after a shooting at the defendant's home. Mr Winger stated that he had tried to stop his wife from committing suicide and pleaded not guilty.

This case was used in the study as previous research indicated that it was ambiguous to guilt, was perceived as being realistic and believable and so would be open to biasing influences (Krishnan, 2017).

The forensic evidence in the study by Krishnan, 2017 was found to have weighted and influenced juror decisions in the direction of a pro-prosecution stance. Therefore, the trial transcript was amended for the purposes of this study and some of the forensic evidence was removed. The removal of such statements was intended to balance out the pro-prosecution and pro-defence arguments and ensure it wasn't more or less weighted in favour of one party as this would limit the potential influence the social media posts may have on juror deliberations.

iv. Deliberation Measures (3 Items)

After reading the trial transcript, participants were asked to render a dichotomous verdict of guilty or not guilty. The second item was used to measure the confidence levels of participants regarding their verdict. This was rated on a 5-point Likert scale (1=very uncertain to 5 = very certain). The final measure asked participants how probable it was that the defendant had committed the crime. This was rated on a percentage scale ranging from 0% (Not at all probable) to 100% (Certain).

v. Validity of Trial Transcript (2 Items)

The validity of the trial transcript was measured in two items as to what extent the transcript supported each argument (pro-prosecution or pro-defence). These items were measured on a 10-point scale (1= not at all to 10 = A great deal). High scores indicated that the transcript was more in favour of pro-defence or pro-prosecution respectfully.

vi. Evidence (1 Item)

An open-ended question was used to evaluate what parts of the evidence participants used when deliberating and making their final decision.

vii. Impact of Social Media Posts (2 Items)

Whether the social media post(s) influenced the deliberations and final verdict were measured by a single item asking participants if the post influenced their decision. This was a single multiple-choice question requiring a dichotomous answer of yes or no. The second item was an open-ended response that required participants to describe the Facebook post they were exposed to. Only participants that were presented with a Facebook post and not the control condition were presented with these questions.

viii. Manipulation Checks (5 Items)

To ensure participants read the trial transcript and Facebook posts, manipulation checks were used. Items 9,11, 12 and 13 were multiple choice questions, with each item relating to a specific part of the trial transcript. Each item had a choice of 4 possible multiple-choice answers. Item 10 was a dichotomous question requiring an answer of “left or right”, this was in what hand the defendant stated that the deceased was holding the weapon involved in the case. All participants were presented with these questions.

A pro-prosecution manipulation check was presented to participants who observed a pro-prosecution post (PTP-P1 or PTP-P2) this involved a multiple-choice question and participants had the choice of 4 answers. A pro-defence manipulation check was also presented to those who were presented with a pro-defence post (PTP-D1 or PTP-D2). Those in the pro-defence conditions also had the same multiple-choice question but with 4 alternative answers reflecting the information presented in the pro-defence social media post.

ix. Social Media Use (5 Items)

The survey included questions about participants' use of social media to gain an insight into whether there was a relationship between the level of social media use and degree of influence.

Levels of social media usage and engagement were collected through 4 multiple choice questions. Items, 16, 17, 19 each item had a choice of 5 answers. Item 18 was also a multiple-choice question about social media use, however, had a choice of 4 possible answers. Item 20 was an open-ended question asking for participants to list, what makes social media posts appear more trustworthy.

Ethics Approval

Ethics approval was obtained through the Human Research Ethics Subcommittee at the University of Adelaide at the same time as the pilot study, number 20/44. Participants recruited via the first year Psychology participants' pool were provided the contact details of the University of Adelaide counselling services and the general population participants were provided with the details to Life Line and Beyond Blue, in case any distress was caused as a result of participating in the study.

Procedure

Participants were recruited via social media, Facebook, Twitter and LinkedIn. Participants recruited in this manner were directed to the study through an anonymous URL, with participation being voluntary. Participants were also recruited through the University of Adelaide's research participation system (SONA), which took them to an external website to complete the survey. These participants were awarded course credit for their participation.

The survey was administered through *Qualtrics*, an online survey software and was available to participants for 10 weeks. Participants were firstly directed to an information sheet (Appendix 4) and required to provide their informed consent if they wished to proceed

with participation in the survey. They were then required to answer the questions as discussed. The survey took an average time of around 10 – 15 minutes to complete. Participants were provided with the contact details of the researchers to provide feedback or request a copy of the results upon completion.

Results

JASP statistical software was used to conduct analyses of the results data (JASP, 2020), which has been separated into four sections: (1) data screening (2) manipulation checks, (3) testing of hypotheses and (4) exploratory analysis. The analysis was conducted for a total sample size of 155 participants and examined the relationships between the manipulated conditions (PTP-P, PTP-D and No PTP) on probability of guilt, as well as between the conditions (PTP-P1, PTP-P2 and PTP-D1, PTP-D2) on verdict, and the relationship between social media use and influence of social media PTP.

Data Screening

All participants in the study met the criteria to sit on a jury within South Australia, as discussed previously. Participants were presented with a set of questions at the start of the questionnaire to ensure they met the criteria. Participants who failed to meet the criteria, based on their responses, were unable to proceed with the questionnaire.

Manipulation checks were also included in the questionnaire and participant responses were scored based on their recall of the PTP and trial transcript. The initial data set consisted of 189 participants, however three responses were removed as they failed the manipulation check for correctly identifying the argument between the defendant and the victim (items 14 and 15) and 28 responses were removed for getting less than three answers correct on the manipulation for the trial transcript (items 9 to 13 of the survey).

During the initial analysis frequency distributions were examined for the probability of guilt and box plots were constructed. 3 outliers were found within the data: 149, 163 and 165. These outliers were found to have an impact on the total mean scores and so were removed from the data set.

Descriptive statistics

The final data set consisted of 155 participants. The average age of participants in the study was 24.28 and was found to be non-normally distributed, with skewness of 2.22 (SE = 0.18), may be because the sample consisted of a majority of first year psychology students. The data also included a greater number of females (N = 130) than males (N = 28). Analysis looking into the effects of gender on probability of guilt did not reveal any significant effect, $d = 0.02$ (female) and $d = -0.05$ (male), respectively. An independent samples t-test also illustrated this, $t(154) = 0.25$, $p > .05$, $d = .04$.

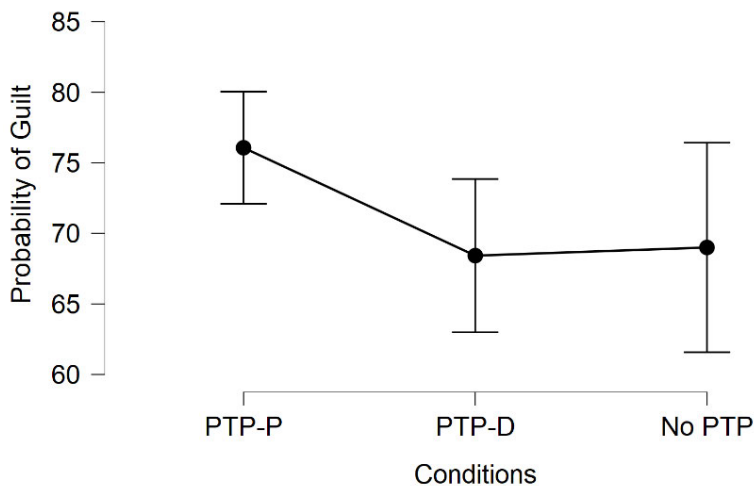
Testing of Hypotheses

Hypothesis 1: Effects of Pre-trial Publicity on Probability of Guilt

The first aim of the study was to test whether mock jurors exposed to PTP-P are more likely to be influenced than those in PTP-D and No PTP conditions. A one-way ANOVA was conducted on the probability of guilt ratings in each of the manipulated conditions. This revealed a statistically significant difference between the conditions, $F(2,155) = 2.81$, $p = .063$, $\eta^2 = .04$. Post hoc comparisons were run and the following differences between condition groups were found. These comparisons supported a statistical difference between the PTP-P and PTP-D conditions, $t(125) = 2.22$, $p < .05$, $d = .40$) and the PTP-P and No PTP condition, $t(93) = 1.68$, $p < .05$, $d = .40$). No significant difference was found between the PTP-D and No PTP conditions found, $t(96) = -.14$, $p > .05$, $d = -.03$). These results support

the hypothesis that mock jurors in the PTP-P condition would be more influenced by the social media PTP than those in the PTP-D and No PTP conditions (see Figure 4).

Figure 4. Probability of Guilty Ratings



Hypothesis 2: The Influence of Social Validation

The second aim of the study was to determine whether participants in the conditions with additional social validation items (PTP-D2 and PTP-P2) were more likely to be influenced in favour of the PTP than those with no exposure to additional items (PTP-D1 and PTP-P1, respectively). It was predicted that those in the PTP groups that have additional social validation items were more likely to be influenced than those without additional social validation items, rendering verdicts in favour of the PTP.

To test whether there were difference between conditions in terms of the rate of verdicts, a chi squared test was conducted. The results showed that the type of PTP had a statistically significant effect on verdict, $\chi^2(4) = 3.13, p < .05, V = 0.14$.

This was supported by the results of an independent t-test comparing probability of guilt between the conditions. A statistically significant difference between the PTP-P1 and PTP-P2 conditions was found, $t(59) = -2.87, p < .05, d = .73$, as well as between the PTP-D1 and PTP-D2 conditions, $t(61) = 1.10, p < .05, d = .32$. The results also showed that the

largest difference was found when comparing socially validated posts against non-validated posts for the prosecution PTP, however, the frequency count of verdicts was very low in some cells, which suggests that this result should be interpreted with caution.

Analysis of the frequency distribution of the manipulated PTP conditions on verdict shows that mock jurors that were in the PTP-P2 condition were more likely to deliver a guilty verdict (80%) than in the PTP-P1 group (65.7%), and those in PTP-D2 condition were more likely to render a not guilty verdict (21.2%) than in the PTP-D1 condition (17.24%), as hypothesised.

Table 3.
Contingency Table for Manipulated PTP Conditions on Verdict (N = 155)

| Verdict | | Condition | | | | | Total |
|------------|-----------------|-----------|--------|--------|--------|--------|-------|
| | | PTP-D1 | PTP-P1 | PTP-D2 | PTP-P2 | NO PTP | |
| Guilty | Count | 24 | 23 | 26 | 20 | 25 | 118 |
| | % within column | 82.76 | 65.71 | 78.79 | 80.00 | 75.76 | 76.13 |
| Not Guilty | Count | 5 | 12 | 7 | 5 | 8 | 37 |
| | % within column | 17.24 | 34.29 | 21.21 | 20.00 | 24.24 | 23.87 |
| Total | Count | 29 | 35 | 33 | 25 | 33 | 155 |
| | % within column | 100 | 100 | 100 | 100 | 100 | 100 |

Exploratory Analyses

Perceived Influence

The third aim of the study was to investigate the relationship between level of social media use and engagement on social media platforms and perceived influenced of social media PTP. It was suggested that that those with greater social media use and social media engagement would perceive more influenced by the social media PTP.

To test this, the scores for social media use and social media engagement were combined to establish an overall rating of high or low use of social media and engagement for

each participant. This was then compared to data looking at whether participants believed the social media PTP had influenced them (item 7). All participants in the No PTP condition were removed from this analysis.

A chi-squared test was conducted and the results showed that there was a statistically significant relationship between the level of social media use and engagement and the perceived likelihood of being influenced, $\chi^2 (1) = 2.57, p < .05, V = 0.15$.

Overall, 48.4% of mock jurors in a PTP condition stated that they were influenced by the PTP. Analysis of the frequency distribution showed that mock jurors with lower level of social media use were more likely to report that they would not be influenced by the PTP (37.7%) than those with a high level of social media use, as shown in Table 2. These findings do not support the hypothesis and suggest that higher use results in a perception of less vulnerability to influence. Higher use resulted in the perception that they would be more influenced by PTP, however, overall, this was a smaller group of people.

Table 4.
Contingency Table Comparing Level of Social Media Use and Influence of PTP

| Level of Social Media Use & Engagement | | Influenced by PTP | | |
|--|------------|-------------------|-------|-------|
| | | No | Yes | Total |
| Low | Count | 46 | 35 | 81 |
| | % of total | 37.71 | 28.69 | 66.39 |
| High | Count | 17 | 24 | 41 |
| | % of total | 13.93 | 19.67 | 33.61 |
| Total | Count | 63 | 59 | 122 |
| | % of total | 51.64 | 48.36 | 100 |

Verdict Reasons

An open-ended question was used to examine what pieces of evidence the mock jurors used when coming to a decision on their verdict and rating the defendant on probability of guilt. Content analysis showed that ten themes emerged from the results and are illustrated in Table 5. This data shows that expert evidence, particularly forensic evidence was most influential, however social media PTP was also found to have some influence in this decision-making process.

Table 5.
Type of Evidence Cited and Frequency

| Categories | Frequency of Response |
|--|-----------------------|
| Inconsistencies in detectives' statement | 3 |
| Inconsistencies in defendants' statement | 39 |
| Expert Evidence: Forensic | 82 |
| Expert Evidence: Medical evidence | 22 |
| Lack of evidence | 3 |
| Lack of testing | 6 |
| Facebook post (PTP) | 17 |
| Scenario re-enactment | 10 |
| Strength of prosecutor arguments | 3 |
| Deficiency in prosecutor arguments | 15 |

An open-ended question was also used to establish which aspects of the social media posts, in general, make them appear to be more credible. Content analysis showed ten themes emerge from the results and are illustrated in Table 6. This data shows that if a social media post comes from a reliable source it is perceived to be most credible. It also shows that the additional social validation items added to the Facebook posts in this study do have some influence over credibility. Findings suggest that social media posts appear to be more credible when they involve posts or comments made by family and friends, as well as the number of likes, comments and shares.

Table 6.

Frequency of items that influence the credibility of social media

| Categories | Frequency of Response |
|--|-----------------------|
| Backed up with evidence | 14 |
| Comments / Posts made by friends of family | 16 |
| Known author | 14 |
| Language / Professionally written | 10 |
| Number of followers | 2 |
| Number of likes, comments & shares | 9 |
| Reliable source | 42 |
| Social media is generally untrustworthy | 21 |
| Verified Account (blue tick) | 4 |

Discussion

The current study built upon the limited literature on the effects of social media PTP and mock juror decision making. The study replicated previous research by Krishnan, 2017, to support the findings that social media PTP influences jurors in their decision making, as do traditional types of media. In an extension to this research, additional social validation items were added to the PTP as a way of increasing the credibility of the Facebook posts. This was expected to increase the persuasiveness of the posts and influence the outcome variables in terms of the decisions made by mock-jurors, to establish whether some social media PTP may be more influential in juror decision making than others. Finally, the study examined whether jurors who use and engage in social media have differing perceptions of their vulnerability to be influenced by social media PTP.

Research Outcomes

The major findings of the study suggest that, as with traditional types of PTP, social media PTP does influence mock juror's decision making, with exposure to pro-prosecution PTP being more detrimental to this process than pro-defence PTP and no PTP. The findings also suggest that there is no difference in the decision making of mock jurors exposed to pro-defence PTP and those who have not been exposed to any PTP.

When social media contains additional social validation items it proves to be more influential in the decision-making process than without. The findings also suggest that mock jurors with a high level of social media use and engagement are also more likely to perceive influence by social media PTP than those with a low level of social media use and engagement. The implications of this finding for limiting the impact of PTP in real criminal trials is discussed.

Hypothesis 1

It is well documented that traditional types of PTP influence juror decision making (Stebly et al.,1999 & Hope, Memon & McGeorge, 2004) and that the majority of PTP found in the media is negative (Stebly et al.,1999 & Ruva, Guenther & Yarbrough, 2011). There is little research into the effects of social media PTP on juror decision making, particularly pro-defence PTP, with just two studies found to investigate this (Hope, Memon & McGeorge, 2004 & Krishnan, 2017).

The first aim of the study was to examine whether the decisions of mock jurors are more likely to be influenced by exposure to pro-prosecution social media PTP than by pro-defence or no PTP. The findings supported this hypothesis in that those exposed to pro-prosecution PTP were more influenced in their decisions. This is in line with the literature on traditional types of PTP, whereby pro-prosecution PTP creates a negativity bias (Ruva, Guenther & Yarbrough, 2011). A negativity bias can have a profound impact on decision making and compromise the mock jurors' ability to render an impartial decision, which should be of grave concern for the judicial system as it plays an important role in ensuring a defendant's right to a fair trial.

The results also suggest that the judicial system needs to be most wary of pro-prosecution PTP, however pro-defence PTP was also shown more likely than no PTP to have increased ratings of guilt. As pro-defence PTP would expect to receive greater numbers of

not guilty ratings, this suggests that the trial transcript could have been significantly more weighted in favour of the prosecution.

Content analysis also supports this as the expert evidence, particularly forensic evidence was found to be most influential. On the other hand, it could be that mock jurors were less likely to consider the pro-defence PTP in their decision making as the literature suggests positive PTP would have a less of an impact on a person's cognition than something equally emotional but negative (Bratslavsky, Finkenauer & Vohs, 2001).

Hypothesis 2

The second aim was to establish whether mock jurors were more likely to be influenced by PTP that included additional social validation items, establishing whether different social media posts would have different effects on mock juror decision making. This may help to establish which types of social media PTP may be more detrimental to the judicial system than others.

The results supported the hypothesis that mock jurors would be influenced in favour of the PTP they are exposed to when the PTP includes additional social validation items. Those in the PTP-P2 condition rendered more guilty verdicts than those in the PTP-P1 condition and those in the PTP-D2 rendered more not guilty verdicts than in the PTP-D1 condition. This is in line with current literature on the trustworthiness of online information that social validation items result in online information being perceived as more trustworthy and thus more influential (Jessen & Jørgensen, 2011). Content analysis also supports this as mock jurors also listed posts by friends and family, as well as the number of likes comments and shares as important aspects of credibility of online information.

There were still a greater number of guilty verdicts in the pro-defence conditions than not guilty, again suggesting the information in the trial transcript may have been weighted in favour of the prosecution or that the pro-defence information was assigned less weight.

These findings are significant for the courts knowing the types of social media PTP that have been published and allows initial insight into what types of posts may be more influential when it comes to juror decision making.

Self-reported Social Media Use and Perceptions of Vulnerability

The third aim of the study was to explore whether mock jurors with greater social media usage and engagement in public discussions perceived themselves as being more (or less) susceptible to the influence of social media PTP, as research suggests (Shah, McLeod & Yoon, 2001). No previous studies have applied the level of social media use and engagement to the context of juror decision making. The results of the study were inconsistent with the idea that high use would result in a reporting of greater influence, however the demand characteristics associated with this study most likely pushed people toward stating a lower use than they might have otherwise been willing to admit to. Future studies should explore more objective measures of use and determine whether this is related to actual rather than perceived influence. However, perceived influence may be an important moderator of the tendency to go online to find additional information about a defendant or the circumstances surrounding a criminal case.

Methodological Strengths

Facebook is the largest social media platform with over 2.4 billion users (Ortiz-Ospina, 2019), The design of this study can be considered a methodological strength as the study involves realistic Facebook posts that jurors may be exposed to in the real-world. Facebook appears to be the most appropriate platform to use as a great deal of juror misconduct has involved the use of Facebook (Kein, 2014, & Prosser 2016). The results of the study would easily generalise to other social media platforms that possess similar attributes.

The Facebook posts created for the purpose of the study can be considered as credible forms of social media PTP as the pilot study was based on well documented research into the credibility of online information. This ensured the social media PTP used in the main study were designed to best influence the outcome variables in terms of the decisions made by mock-jurors and establish any influencing factors. The scale used to measure the trustworthiness of the social media PTP in the pilot study also had a high internal validity and consistency.

The trial transcript also had its strengths, as it was found in previous studies to be ambiguous to guilt, perceived as being realistic and open to more biases (Krishnan, 2017). Some of the forensic evidence was removed from the trial transcript to balance the weight of evidence that was in favour of the prosecution. This does not appear to have been successful in reducing the negativity bias. Future research ought to establish a more neutral trial transcript as a means of establishing whether the influencing factors result largely from the social media PTP.

Limitations

The trial transcript also focused on a murder case, which could be seen to evoke negative emotions and bias opinions from the offset. A less emotive case may have established more of a balance between the pro-defence and pro-prosecution stances in the case. Future research would benefit from using a range of different types of cases as the results could then generalise more effectively to the vast range of cases presented to jurors in court.

The results of this study may not be applicable to other judicial systems as participants had to meet the criteria to serve on a jury in South Australia, this included being an Australian citizen. Findings across different types of populations would be of interest in future research.

The participants in the study were also not a true representation of a traditional selection of jury members, as most participants were first year psychology students with an average age of 24. It is quite likely that psychology students would have been more aware of the variables being measured. The information sheets included the title of the study stating what the study was about. This could have influenced participants to answer the survey in a way they thought researchers was looking for. This could also have resulted in participants paying more attention to the social media PTP. Future research would benefit from not disclosing such information as it could be seen to bias the results.

The data for social media use and engagement in the study were combined to give an overall level of high or low, when comparing the relationship between social media use and perceived influence of PTP. A limitation in combining this data could be suggested in that participants who rated their level of use as high may not necessarily have a high level of engagement and vice versa therefore influencing the combined scores and the relationship between the level of social media use and perceived influence of PTP.

Future Directions

Although some areas of future research have already been discussed, it would be beneficial for future studies to explore similar methodology in hopes of replicating these findings, thus increasing the validity of results found and add to the limited literature in the area.

Of interest are the findings from the content analysis on the aspects of social media that mock jurors found most credible. This information could be used to create posts in future studies in the hopes of establishing the most realistic forms of PTP in line with that of what jurors may come across in the real world.

Conclusion

The study has provided some significant insights into the effects of social media PTP on juror decision making, which is supported by psychological literature. As social media use is continuing to increase and evolve, it is likely that the judicial system will continue to face significant issues in regard to ensuring an impartial jury and the right to a fair trial.

Although the study does not provide a solution for the judicial system it lays the foundations for future research in this area. It allows the courts an initial insight into what types of social media posts may be more influential when it comes to juror decision making, as well as how perceived influence may be an important moderator on a jurors tendency to seek out additional information. These are both important considerations for the judicial system.

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Appendix 1

Social Media Pre Trial Publicity Posts

PTP-D1



PTP-P1



PTP-D2

PTP-P2

8:47 pm 60%

Search Daniel [redacted]

Daniel [redacted] 😊 feeling optimistic.
 2 October 2011 · Your friends and Daniel's friends

Lisa brought up the possibility of divorce again :(I still love her sooo much and am hoping to god we can repair our marriage!!!

I know its a small step, but I bought her these earrings to show her how much I care



Like Comment Share

549

- 49 shares
Most relevant
- Samuel [redacted]**
That's so nice of you! You always do the kindest gestures xx
4 m Like Reply
 - Rosie [redacted]**
You two are the sweetest 🥰 I can't believe she wants a divorce!!
4 m Like Reply
 - Hannah [redacted]**
Some more jewels to add to her collection, she's so lucky 💎😘 xx
2 m Like Reply
 - Robb [redacted]**
I don't believe that...you two love birds!! She will love them!
Just now Like Reply

4:01 pm 66%

Search Daniel [redacted]

Daniel [redacted] 🍺 drinking anything alcoholic.
 2 October 2011 · Your friends and Daniel's friends

Me mrs is such a bloody bitch always on me back about stupid shit, how about you leave me aloooooone!!!! Lucky I got me mates and a couple of beers to cheer me up ;)



Like Comment Share

549

- 49 shares
Most relevant
- Massie [redacted]**
What mates?! You treat everyone the same!
22 m Like Reply
 - Pete [redacted]**
Your a drunk!! do her a favour and leave her aloooooone!!
21 m Like Reply
 - Colin [redacted]**
Come get wasted with me, we can hit the town 🍺
2 m Like Reply
 - Holly [redacted]**
You should be apologising after what you did!! 😡
Just now Like Reply

PTP-D3

8:47 pm 60%

Daniel [redacted] feeling optimistic.
 2 October 2011 · Public

Lisa brought up the possibility of divorce again :(I still love her sooo much and am hoping to god we can repair our marriage!!!

I know its a small step, but I bought her these earrings to show her how much I care



Like Comment Share

549

- 49 shares
- Most relevant
- Max [redacted]**
 This man knows how to treat a woman!
 Hope she approves!
 4 m Like Reply
 - Sarah [redacted]**
 I wish husband did gestures like this! He must really love her :-)
 4 m Like Reply
 - Ann [redacted]**
 I love these! She's so Lucky!! <3
 2 m Like Reply
 - William [redacted]**
 A small step but a grand gesture!!!
 Good Luck!!
 Just now Like Reply

PTP-P3

4:01 pm 66%

Daniel [redacted] drinking anything alcoholic.
 2 October 2011 · Public

Me mrs is such a bloody bitch always on me back about stupid shit, how about you leave me alooone!!!! Lucky I got me mates and a couple of beers to cheer me up ;)



Like Comment Share

549

- 49 shares
- Most relevant
- Louise [redacted]**
 His poor wife!! :-(
 He sounds like an idiot!!
 22 m Like Reply
 - Philip [redacted]**
 She deserves someone better by the looks of it!!
 21 m Like Reply
 - Matt [redacted]**
 What a drunk! No wonder she's on your back! Need to grow up by the sound of it.
 2 m Like Reply
 - Melissa [redacted]**
 Alcohol will not fix the situation, only makes things worse!

Appendix 2

PARTICIPANT INFORMATION SHEET

STUDY TITLE: Pilot Study: The Credibility of Social Media Posts

HUMAN RESEARCH ETHICS COMMITTEE APPROVAL NUMBER: 20 / 44

INVESTIGATOR: Dr Carolyn Semmler

STUDENT RESEARCHER: Stacey Mosoph

STUDENT'S DEGREE: Honours degree of Bachelor of Psychological Science

Dear Participant,

You are invited to participate in the pilot study described below.

What is the project about?

This pilot study looks at measuring the credibility of Facebook posts. The information gathered from this will be used as part of a larger study titled 'The impact of social media posts as pretrial publicity on mock juror interpretations of evidence'.

Who is undertaking the project?

This project is being conducted by The University of Adelaide, Psychology Honours student, Stacey Mosoph, under the supervision of Dr Carolyn Semmler.

Why am I being invited to participate?

Participants must be:

- Between the ages of 18 and 70
- An Australian Citizen
- Not a legal student or practitioner
- No prior criminal convictions
- Fluent in English

What will I be asked to do?

Participants will be required to view numerous social media posts and rate the posts using various scales.

How much time will the study take? The study will take approximately 10 - 15 minutes of your time.

Are there any risks associated with participating in this study? There are no immediate risks associated with this study. Participants may exit the study at any time.

What are the benefits of the pilot study?

The study hopes to ascertain which Facebook posts are most credible. These posts will then be used in a larger study looking at 'The impact of social media posts as pretrial publicity on mock juror interpretations of evidence'. The larger study hopes to add to the literature on the detrimental effects of social media pre-trial publicity on an individual's right to a fair trial. Additionally, the research may lend an insight into what aspects of social media may be more detrimental to the outcome of certain criminal cases and may assist in applying this

knowledge within the judicial system. **First year Psychology students will receive 0.5 units of course credit for participation in this study.**

Can I withdraw from the study? Participation in this study is voluntary and you can withdraw from the study at any time.

What will happen to my information? Any personal information collected during the study will remain strictly confidential and may only be accessed by the researchers. Raw data will be kept for the duration of the project with an estimated end date of October 2020. The data will be published in the researchers Thesis with the possibility of further publication as a journal article. All participants will be unidentified. Participants may obtain a copy of the results upon request.

Who do I contact if I have questions about the project? If you have any queries please do not hesitate to contact myself, stacey.mosoph@student.adelaide.edu.au or my supervisor Dr Carolyn Semmler on (08) 8313 4638 or at carolyn.semmler@adelaide.edu.au.

What if I have a complaint or any concerns?

The study has been approved by the Human Research Ethics Subcommittee at the University of Adelaide (approval number 20/44). If you have questions or problems associated with your participation in the study or wish to raise a concern or complaint about the study, then you should consult the Principal Investigator. For any ethical questions, please contact Paul Delfabbro (paul.delfabbro@adelaide.edu.au) chair of the Human Research Subcommittee in the School of Psychology, University of Adelaide.

Yours sincerely,

Stacey Mosoph – **Student Researcher**, Carolyn Semmler – **Principal Investigator**

Appendix 3

Extract from Trial Transcript – R v Winger

Background Information:

What is open to debate is what happened in the Winger home the night of February 26th, 2012. Daniel [REDACTED] says he came home from the pub that night and he had an argument with his wife Lisa. He says she got upset and threatened him with one of his own loaded guns he kept around the house. He says she then went upstairs and put that gun to her head to shoot herself. He says that when he tried to take it away, the trigger went off.

The trial begins...

The Prosecutor calls Officer Thomas [REDACTED] (Officer Walsh is the police officer who responded to the emergency call on the night of Lisa [REDACTED] death).

Thomas [REDACTED]: He stated that he returned home approximately an hour before the call, and he had an argument with the victim. He stated that he was watching TV when the victim came downstairs with the weapon and stated, “It’s times like this that people kill themselves.” He told the victim to go back upstairs and put the weapon away. Approximately two minutes later, he went upstairs, opened the door, and saw the victim pull the trigger.

Prosecutor: Now the defendant tells you that his wife came downstairs with the weapon. Is that correct?

Thomas [REDACTED]: Correct.

Prosecutor: Did he describe the weapon to you?

Thomas [REDACTED]: No.

Prosecutor: He told you that she said, “It’s times like this that people kill themselves?”

Thomas [REDACTED]: Correct.

Prosecutor: What was the next thing he told you then.

Thomas [REDACTED]: He stated that he opened the door to the room and she pulled the trigger. At that time, the victim was standing in front of the mirror. He stated that he thought she was kidding around when she put the gun to her head in the bedroom, but then she pulled the trigger and the gun went off.

Prosecutor: Again, these are your words sir, or the defendant’s words?

Thomas [REDACTED]: I wrote them as the defendant spoke them.

The Prosecutor calls Detective John [REDACTED] (he was the investigator on duty that night). His testimony allows the jury to see their first photograph of Lisa [REDACTED]).

Detective John [REDACTED]: This is the photograph showing the body of Lisa [REDACTED], the upper portion of the body, along with this gun underneath her right arm.

Prosecutor: Can you tell me whether or not this was the weapon that was found under the arm of Lisa [REDACTED], as she lay on her back.

Detective John [REDACTED]: Yes, it is. ... we wanted to talk to her husband further about what happened when he arrived home that night and to take a detailed statement from him. At that point he began breathing heavily and I said that I knew it would be difficult to talk about. At that point he made a statement to me saying, "I know I said that my wife shot herself when I opened the bedroom door." And I said to him, "I know that. We'll be going into that." Then he made a statement to me, "I guess I should tell you maybe I shouldn't have tried to grab the gun." And when he said that to me, I said, "What do you mean?" And he said, "When I entered the bedroom and saw her with the gun to her head, I ran and grabbed for the gun and it went off." Then he said, "Maybe I shouldn't have tried to get it from her."

The Prosecutor now presents to the court the videotaped statement Dan [REDACTED] gave at the police station in the early morning hours of February 27th, 2012. The contents of the videotape are as follows:

Detective John [REDACTED]: Could you explain what happened over at the house.

Dan [REDACTED]: Well, my wife and I had a little bit of an argument and it pretty much calmed down. The argument was about a piece of jewelry she saw today. So I said, "Look, you have enough jewelry and I really don't want to hear about it right now." So she got a little mad, and we started arguing just a little bit. I was watching TV and my wife walked downstairs and she pointed the gun at me and she says you see how easy somebody could shoot somebody. I could have just shot you and not even thought nothing of it. So I told her, "Stop playing around and just take that and put it back upstairs." She went upstairs and I waited a minute or two and I went upstairs, and she was standing by the end of the bed and she had the gun up against her head. And I said, "Hey come on, that's enough of that stuff, quit messing around." And I told the other officer, that's when she shot herself. The gun went off when I tried to take it away from her. When it went off, it was like everything was in slow motion. She didn't move. She would just ... one minute she was real happy and the next minute she couldn't bear to be around anybody. All she kept saying it was maybe today she would fall asleep and wouldn't wake up tomorrow.

Appendix 4

PARTICIPANT INFORMATION SHEET

PROJECT TITLE: The impact of social media posts as pretrial publicity on mock juror interpretations of evidence.

HUMAN RESEARCH ETHICS COMMITTEE APPROVAL NUMBER: 20 / 44

INVESTIGATOR: Dr Carolyn Semmler

STUDENT RESEARCHER: Stacey Mosoph

STUDENT'S DEGREE: Honours degree of Bachelor of Psychological Science

Dear Participant,

You are invited to participate in the research project described below.

What is the project about?

This study looks at the implications that social media pre-trial publicity may have on jury members decision making. Pre-trial publicity can often have a detrimental effect on an individual's right to a fair trial. The study hopes to add to this research, as well as focus on whether the judicial system should be more wary of some forms of social media pre-trial publicity over others, in particular the decisions made by jury members.

Who is undertaking the project?

This project is being conducted by The University of Adelaide, Psychology Honours student, Stacey Mosoph, under the supervision of Dr Carolyn Semmler.

Participation Criteria:

Participants must be:

- Between the ages of 18 and 70
- Australian Citizens
- Not a legal student or practitioner
- No prior criminal convictions
- Fluent in English

What will I be asked to do?

Participants will be required to read a summary of a transcript from a criminal trial and then complete an online survey containing demographic characteristics, a final determination on the guilt of the defendant and a memory recall test.

How much time will the project take?

The study will take approximately 15 - 20 minutes.

What are the benefits of the research project?

First year Psychology students will receive 1 unit of course credit for participation in this study.

The study may add to the literature on the detrimental effects that social media pre-trial publicity may have on an individual's right to a fair trial. Additionally, the research may lend an insight into the types of social media that may be more detrimental than others and may assist in applying this knowledge within judicial system to jury member and court room practices.

Are there any risks associated with participating in this project?

The trial summary involves a description of violent behaviour that may cause some mild discomfort.

Can I withdraw from the project?

Participation in this study is voluntary and you can withdraw from the study at any time. In the event of a participant experiencing any adverse effects students of the University of Adelaide may seek assistance from University counselling service on (08) 83135663, or if part of the general community, Lifeline on 131114 and Beyond Blue on 1800 61 44 34.

What will happen to my information?

Any personal information collected during the study will remain strictly confidential and may only be accessed by the researchers. Data will be kept for the duration of the project with an estimated end date of October 2020. The data will be published in the researchers Thesis with the possibility of further publication as a journal article. All participants will be unidentified. Participants may obtain a copy of the results upon request.

Who do I contact if I have questions about the project?

If you have any queries please do not hesitate to contact myself,

██
██

What if I have a complaint or any concerns?

The study has been approved by the Human Research Ethics Subcommittee at the University of Adelaide (approval number 20/44). If you have questions associated with your participation in the study or wish to raise a concern or complaint about the study, then you should consult the Principal Investigator. For any ethical questions, please contact Paul Delfabbro (paul.delfabbro@adelaide.edu.au) chair of the Human Research Subcommittee in the School of Psychology, University of Adelaide.

Yours sincerely,

Stacey Mosoph – **Student Researcher** & Carolyn Semmler – **Principal Investigator**