



### E7 These Tips Don't Lie: Jurors Absorb More Than They Think

*Katherine Ramsland, PhD\*, DeSales University, 2755 Station Avenue, Center Valley, PA 18034*

After attending this presentation, attendees will be able to identify specific cognitive processes that influence how jurors listen and make decisions, and will describe the “encoding advantage” for courtroom presentations.

This presentation will impact the forensic science community by showing that people unfamiliar with cognitive research in social psychology fail to realize that most people possess minimal comprehension of the milieu that shapes their beliefs. For effective evidence presentation, courtroom personnel can benefit from a better grasp of the complex influences on juror thought processes.

In June 2009, the U.S. Supreme Court ruled that lab analysts must appear in court to explain and defend their work. This means that crime lab directors must deal not only with the National Academy of Sciences Report's stricter controls but also the art of addressing a jury. However, it's unlikely that such training will include the subtle yet significant mechanisms of cognitive processing that memory research has revealed.

Although the idea of heuristics, or cognitive shortcuts, has long been studied in social psychology, people unfamiliar with this research believe that decision making is rational and easy to articulate. Post-decision queries about juror perceptions mistakenly assume they're fully aware of how they think. However, most people possess minimal comprehension of the milieu that shapes their beliefs.

The field of social cognition finds that “cognitive schemas” structure how people listen, remember, and decide. Being subtly programmed with social narratives via news, film, television and other media, they subconsciously “script” situations in which they find themselves. These internalized plots guide how they attend to some things and ignore others, despite their best intentions. They may even retain false beliefs despite evidence to the contrary, or hear things that were never said. It's not that they're stubborn; it's that they're human.

Cognitive strategies simplify life's information bombardment so people can focus on what matters most. These mechanisms form their beliefs, and subsequent information is filtered through them. Facts that are plausible, satisfying and consistent with what's already known are most quickly absorbed and most easily remembered. The same processes are at work for people who sit on juries. They're not blank slates. While they might want to listen without prejudice, they cannot fully purge what's been absorbed through their automatic mental mechanisms. Thus, these inner narratives will influence how they hear, anticipate, and accept, or reject the information presented.

Since jurors rely on structured schemas, attorneys and experts cannot assume that their courtroom logic will be sufficiently potent; they must also include the right elements for credibility, clarity, and closure. Research shows that if information is missing or ambiguous, listeners will interpret the narrative according to what feels right to them. They may even fill in holes themselves or transform facts to suit their beliefs. Thus, their personal frame of reference may override accurate recall of evidence and distort the logic. The presentation will demonstrate with examples.

Justice demands good decisions. People who seek justice must learn how jurors listen, remember, and think. A tight, satisfying narrative acts like glue. It confers an encoding advantage that makes the evidence more easily recalled during the final decision process. In summary, if a story gets rolling that makes sense and feels complete, its psychological momentum can shut out all else. It's one thing to say that the best story wins; it's another to understand what “best” actually entails. Effective courtroom presenters will proactively devise a narrative frame that acknowledges how most people process information.

#### **Jury, Heuristic, Encoding**