

The Effect of Victim Race on Jurors' Perceptions of Lethal Police Use of Force

by

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### Abstract

In recent years, a number of highly-publicized lethal police use of force (UoF) encounters have occurred in both Canada and the United States, sparking several social movements and causing public debate about officer accountability. The primary aim of this project is to increase our understanding of jurors' legal decision-making in trials involving police UoF by exploring what jurors discuss during deliberations in simulated trials and evaluating whether the race of the victim affects individual verdicts and deliberation content. Canadian jury eligible participants ( $N = 78$ ) watched and listened to a fictional trial involving a police officer charged with manslaughter. The victim's race was manipulated to be either White or Indigenous. After rendering individual pre-deliberation verdicts, participants took part in a 60-minute deliberation session, then rendered individual post-deliberation verdicts. Study 1a investigated the relationship between victim race, jurors' perceived police legitimacy, and individual verdict decisions. Although victim race did not have a statistically significant effect on pre-deliberation verdicts, the odds of jurors rendering a guilty post-deliberation verdict was more than 16 times higher when the victim was White as opposed to Indigenous. Study 1b investigated how victim race and police legitimacy relate to the deliberation content of the juries. Analyses indicated that both of these variables play a significant role in jury deliberations. Specifically, jurors were significantly more likely to provide "anti-defendant" and "pro-prosecution" utterances when the victim was White, as compared to Indigenous. Additionally, jurors with negative perceptions of police were significantly more likely to utter "anti-defendant" statements. Overall, this study suggests that, contrary to the assumption of the Canadian legal system, victim race influences legal decision-making in trials involving officer UoF.

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## Introduction

On the night of July 26, 2013, 18-year-old Sammy Yatim boarded a streetcar in Toronto heading down the 505 Dundas line (CBC, 2016). Soon after, Yatim withdrew a switchblade knife, exposed his genitals, and eventually instructed the other passengers to exit the car. According to multiple witnesses, Yatim seemed to be in an unstable mindset. When the Toronto Police Service (TPS) arrived on the scene, officers initially ordered Yatim (who was still in the streetcar) to drop his knife, which he refused to do. Moments later, Constable James Forcillo (one of the first responding officers) fired a volley of shots from his police-issue Glock 22 pistol, which ultimately killed Yatim. Video footage of the incident (captured on bystanders' cellphones and CCTV cameras) was widely circulated throughout the public. The videos sparked a public outrage across Canada, characterized by protests and demonstrations concerning police use of force (UoF). Months later, following an internal investigation by Ontario's Special Investigation Unit (SIU), Crown prosecutors charged Forcillo with second-degree murder and attempted murder. Nearly three years after Yatim was killed, a jury found Forcillo not guilty of the second-degree murder charge (or manslaughter), but guilty of attempted murder. A Forum Research poll conducted during the trial indicated that 63% of respondents trusted Toronto police officers at the time (Hong, 2016). A recent report from the Royal Canadian Mounted Police (2020) found that only 69% of Canadians have trust and confidence in the organization.

Similarly, Ottawa police recently responded to calls of a "suspicious incident" involving a male at a shopping mall (CBC, 2019). Two officers arrived on scene, and a physical confrontation occurred. According to a report released by the SIU (2020), the man began threatening officers with a stone attached to a stick. After shooting the suspect twice with a taser, one officer fired "two, and possibly three rounds," while the second fired "seven, and possibly

eight times.” Three of the bullets hit the man, resulting in his death. Authorities later identified the victim as 30-year old Ojibwe man Greg Ritchie. Ritchie’s family say “he suffered from mental illness,” (CBC, 2019) and that he was on his way to pick up medication on the day that he was killed. In their investigation of the incident, the SIU concluded that the officers had used reasonable force in their decision to shoot Ritchie, and recommended no charges be filed. Following Ritchie’s death, a number of demonstrations and protests occurred. One of the organizers of these demonstrations, Jocely Wabano-Iahtail, said “We've been here numerous times with the loss of life of other brothers and sisters. Whether it's from our community or the Black community, we've been here over and over again. And this needs to stop” (CBC, 2019).

In yet another highly publicized incident, 37-year old Somali-Canadian Abdirahman Abdi died following an altercation with the Ottawa Police Service (OPS) on July 24, 2016. That morning, the police received a number of calls to a coffee shop regarding allegations that Abdi was groping a female customer. When officers arrived, Abdi had left the coffee shop and was heading towards his apartment building located a few hundred metres away. Officers confronted Abdi, and a violent confrontation broke out. At the end of the altercation, Abdi, bloodstained and handcuffed, was laying on the ground in a non-responsive state. Officers performed CPR as paramedics rushed to the scene, yet Abdi was pronounced dead by the time he had arrived to hospital. The incident has spurred a public debate about race and police UoF in Ottawa (BBC, 2017). A neighbour who lived close to the coffee shop was quoted “you can’t help thinking if the guy was White it wouldn’t have happened like that” (Stone, 2018). In March 2017, the SIU announced that they were laying charges of manslaughter, aggravated assault, and assault with a weapon against Constable Daniel Montsion (one of the officers involved in the incident). In October 2020, Justice Robert Kelly found Montsion not guilty on all charges (CBC, 2020).

Speaking at a protest following the acquittal, Farhia Ahmed, chair of the Justice for Abdirahman Coalition, asked “How many more Abdirahman Abdis do we need to see in this fate? When will our lives matter?” (Helmer, 2020).

These tragic incidents highlight an issue that has recently gained attention in the media, politics, and the public discourse: law enforcement agents’ alleged excessive UoF. My dissertation aims to attain a greater empirical understanding of jurors’ decision-making in trials involving police officers accused of excessive use of lethal force. According to both modern jury decision-making frameworks and classic social psychological theory, there are several factors that may affect legal decision-making in such trials. For example, previous work has indicated that the public’s perceptions of police legitimacy can influence their behaviour towards the police (e.g., Tyler, 1990). This may extend to a trial involving police officers, such that jurors who perceive the police as legitimate would be less likely to perceive the officer’s UoF as excessive. Because jurors seem to perceive White victims as “more valuable” than victims belonging to a racial minority (e.g., Kleck, 1981; Williams & Holcomb, 2004), the victim’s race might play a role in jurors’ decisions as well. Furthermore, aversive racism suggests that in ambiguous situations (such as a UoF trial), jurors’ pre-existing biases may strongly influence their decisions. My dissertation uses these theories (among others) to investigate juror decision-making in police UoF trials, specifically comparing decisions and deliberations across trials involving Indigenous and White victims.

### **Police Use of Force**

In both Canada (*Criminal Code, RSC 1985, c. C – 46*) and the United States (differs by State law), law enforcement agents are given the legal authority to exercise UoF when they deem necessary. In Canada, this is specified in the Criminal Code:

Every one who is required or authorized by law to do anything in the administration or enforcement of the law...is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

(Criminal Code, RSC 1985, c. C-46)

Furthermore,

A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if...the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm (Criminal Code, RSC 1985, c. C-46).

As such, it appears that the legality of officer UoF in Canada depends upon the reasonableness and necessity of the force that has been applied. In the United States, laws concerning police UoF varies by individual state. However, an influential Supreme Court case created legal standards echoing the notion of “objective reasonableness” when determining whether police UoF was excessive or justifiable (*Graham v. Connor, 1989*). Unfortunately, what constitutes “reasonable” and “necessary” in the context of police UoF is often unclear and ambiguous (Alpert & Dunham, 2004; Alpert & Smith, 1994).

**Frequency of police use of force.** Surprisingly, there is a general lack of peer-reviewed literature concerning rates of police UoF, particularly in the Canadian context. In the United States, the exact frequencies of both fatal and non-fatal UoF are unknown, as there are no standardized national systems for collecting or reporting on this data (Fyfe, 2002; Garner et al., 2018; Shane, 2018). Estimates of UoF in the U.S. primarily rely upon public surveys (e.g.,

Durose et al., 2007; Eith & Durose, 2011; Hyland et al., 2015), sample surveys of law enforcement agencies (Gau et al., 2010; Taylor et al., 2011), or journalistic databases (e.g., Shane et al., 2017; Nix et al., 2017). The majority of these estimates indicate that although police officers constantly interact with the public as part of their daily duties, UoF is rather infrequent. For example, data from the Bureau of Justice Statistics (BJS) indicates that fewer than 2% of public-police interactions involve non-fatal UoF (Eith & Dunrose, 2011; Hyland et al., 2015).

In Canada, comparable difficulties in examining police UoF arise due to a lack of a national database. The few Canadian studies examining the frequency of police UoF have found that it may occur less often in Canada than in the U.S. (e.g., Baldwin et al., 2016; Hall & Votova, 2013; Parent, 2011). In one of the most extensive examinations of police UoF in Canada, Hall and Votova (2013) collected data from seven large, independent municipal police forces between 2006 and 2013. During their study period, there were 3,594,812 reported interactions between the public and police. Of these interactions, 4992 (0.14%) involved police UoF, with seven UoF incidents resulting in subject death. More recently, Baldwin and colleagues' (2016) analysis of a large Canadian police department's UoF reporting database estimated that between 2012 and 2013, UoF occurred in 0.09% of police-public interactions. When examining only arrests (rather than all police public interactions), the rate of UoF remains low (less than 2%; Butler & Hall, 2008). Annual reports from municipal police forces suggest similar findings (e.g., Ottawa Police Services, 2017). However, these data are limited in that they rely on self-reported UoF from police agencies; no Canadian research appears to have examined this issue using responses from the public. Furthermore, statistics concerning rates of police UoF in Canada are likely underestimated. This is because many Canadian police services only record UoF incidents if the force causes (or is likely to cause) injury (Walker & Bennell, 2021). Thus, a wide range of UoF

options (such as joint locks) are never recorded by police in Canada and are not included in the official numbers. Additionally, despite the low rates of UoF in Canada, these rates translate to thousands of applications of police UoF every year. In terms of lethal incidents, a report by the Canadian Broadcasting Corporation (CBC) indicates that 461 people have been killed by Canadian police between 2000-2017, which amounts to approximately 25 people per year (Marcoux & Nicholson, nd).

Despite the apparent relative infrequency of police UoF, these instances cannot go unnoticed. An officer's use of deadly force is one of the most extreme examples of the state using power against its own citizens (Cullen et al., 1996). Sherman (1980) refers to lethal police UoF as "execution without trial." As civilians, we put our utmost trust in law enforcement agencies across the country to protect our safety. One of the most dominant police mottos is "to serve and protect." When a law enforcement agent exercises excessive force against a citizen – particularly force that is lethal - their actions appear to contradict this mantra, violating their role of protection. However, both Canadian (*Criminal Code, RSC 1985, c. C – 46*) and American law (differs by state law) permit law enforcement agents to use to exercise reasonable levels of UoF when they deem necessary. As such, there are indeed contexts in which the use of lethal force is required. Regardless, a number of highly publicized instances of police UoF have caused citizens to question officers' accountability and decision-making in UoF incidents (e.g., Weitzer, 2015), ultimately asking if the UoF was indeed necessary or appropriate, and whether the police truly are protecting us.

**Racial disparities in police use of force.** Along with investigating the frequency of police UoF, policing research has recently examined to *whom* the police are most likely to apply force. Unfortunately, data from both the United States and Canada are unsettling, demonstrating

that police are significantly more likely to use force when the subject belongs to a racial minority, as compared to being White (see Buehler, 2017; Goff et al., 2016; Wortley, 2006). Goff et al. (2016) analyzed data from 12 police forces in the United States that were geographically and demographically diverse. The authors observed the average rate of UoF was 3.6 times higher for Black subjects (273 per 100,000) as compared to White subjects (76 per 100,000). These racial disparities remained even after controlling for level of crime severity. Buehler's (2017) examination of census data from the United States indicates that Black and Hispanic individuals were between 2.8 and 1.7 times more likely to have "legal intervention" listed as the cause of death, as compared to those who were White. Analyzing an open-source database on police shootings, Ross (2015) found that the probability of being unarmed and shot by the police is 3.5 times higher for Black suspects as compared to White suspects, while DeGue, Fowler, and Calkins (2016) demonstrated Blacks subjects' likelihood of being killed by the police was 2.8 times that of White subjects. In related work, Nix and colleagues (2017) examined 990 fatal police shootings compiled by the Washington Post. The authors found that Black civilians killed by the police were more than two times as likely to have been unarmed as compared to their White counterparts.

In comparison to the above-mentioned studies, other work conducted in the U.S. has observed few if any racial differences with regards to UoF (Fridell, 2017; Fryer, 2016; Miller et al., 2017). For example, a series of studies conducted by Fryer (2016) concluded that Black and Hispanic suspects are more likely to be subject to non-lethal force, but observed no racial differences with regards to *lethal* UoF. Using data compiled from public health records, the Uniform Crime Report (UCR), and public surveys, Miller et al. (2017) observed that Black and White subjects had similar rates of injury/death after being stopped or arrested by the police. In a

recent research note, Fridell (2017) suggests that the conflicting findings relating to civilian race and UoF may be a result of actual variations in UoF across agencies/geographic areas.

Alternatively, these inconsistent patterns could also be a product of differing methodologies that the various authors have used to study the same construct. Fridell (2017) concludes that a single study will never completely answer the question of whether UoF is applied disproportionately, but it can contribute to closing the gap in our current understanding of this phenomenon.

Unfortunately, this gap is particularly large with regards to Canadian research concerning racial disparities in police UoF, which is likely a product of Canadian police forces' refusal to track and collect data relating to offender race/ethnicity (Millar & Owusu-Bempah, 2011). In fact, a review of the literature was unable to identify any peer-reviewed Canadian studies concerning police UoF and subject race. However, there is limited work to suggest that both Indigenous and Black residents are over-represented in deadly use of force encounters (Marcoux & Nicholson, nd; Wortley, 2006). For instance, in a report commissioned for the Ipperwash Inquiry, Wortley (2006) examined UoF by police officers in Ontario. Using data from Ontario's Special Investigations Unit, Wortley (2006) found that Black suspects are 10 times more likely to be shot at by the police as compared those who are White. Disparities in UoF seem to extend to other provinces as well. In Winnipeg, Indigenous peoples represent approximately 10% of the general population, but account for more than 66% of those who have died following an encounter with the police (Marcoux & Nicholson, nd).

Precisely why these racial differences in UoF exist is unclear, although researchers have proposed a variety of different explanations. Several experimental studies suggest that police may be more likely to use force against minorities due to implicit biases concerning these groups, an effect referred to as shooter bias (e.g., Correll et al., 2007; Correll, et al., 2002; Cox et

al., 2014). In 2001, Payne primed undergraduate students by presenting them with the face of a White or Black male for 200ms. Participants were then shown a stimulus that was a tool or a weapon and asked to identify what type of object they had seen. Participants were faster to identify weapons when primed with a Black face, and more likely to misidentify a tool as a weapon in the Black conditions. In related work, Correll and colleagues (2002) presented undergraduates with a “shoot” or “no-shoot” decision-making task, in which participants played a videogame depicting White and Black men holding either a gun or innocuous object. The researchers instructed participants to hit a “shoot” button when they saw a man with a gun, and to hit a “no-shoot” button when they saw a man without a gun. Both Black and White participants were faster to shoot armed men when the target was Black as opposed to White, and they were faster to give the “no-shoot” response on unarmed men when the target was White as opposed to Black. When researchers forced the participants to make their decisions faster, they were more likely to shoot unarmed Black targets, and less likely to shoot armed White targets. Furthermore, participants who reported negative cultural stereotypes concerning African Americans exhibited greater racial bias in the shooting decisions. Subsequent research has demonstrated similar effects with other minority groups, such as Muslims (e.g., Unkelbach et al., 2008).

Studies involving police officers as participants have also observed bias in shooting decisions. In a series of experiments conducted in 2007, Correll et al. compared shooter bias between police officers and community members. The authors found that both officers and community members showed biased response times, such that participants were faster to shoot armed Black targets than armed White targets, and faster to “no-shoot” unarmed White targets than unarmed Black targets. Community members and officers were also more likely react with a

“shoot” vs. “no-shoot” response when the target was Black. In comparison, both groups of participants were no more likely to shoot or “no-shoot” when the target was White. More recently, Sim and colleagues (2013) found that both undergraduate students and subsets of police officers exhibited racial bias in simulated shooting scenarios, and that officers belonging to specialized units demonstrate a more pronounced bias than general duty officers. Sim and colleagues (2013) speculated that officers in specialized units, who primarily interact with gangs and street crime, are more likely have negative contact with minorities, reinforcing negative cultural stereotypes. Furthermore, a meta-analysis conducted by Mekawi and Bresin (2015) examined results from 42 studies that investigated shooter biases in a variety of contexts. The authors observed that participants were significantly faster to shoot armed suspects who were Black as compared to White, and slower to decide not to shoot unarmed suspects who were Black as compared to White. Together, these studies suggest that observed disparities in lethal use of force may be a product of police shooter bias.

In comparison, more recent work by James and colleagues (that was not included in the above meta-analysis) calls into question the proposed shooter bias that previous research has identified (2013; 2014; 2016). James suggests that most laboratory research studying bias in shooting decisions is extremely lacking in external validity. In particular, James argues that the “no-shoot” button used in previous research is highly dissimilar from how someone decides in real life to not shoot a firearm (i.e., inaction, or no action). When using more externally valid methodologies, James’ results conflict with the above-mentioned studies. Overall, participants (including police officers and members of the military) appear to *favour* Black suspects. For instance, James et al. (2017) found that police officers from the Spokane Police Department shot unarmed suspects significantly faster if they were White as opposed to Black. Similarly, the

officers were significantly less likely to shoot unarmed Black suspects as compared to unarmed White suspects. In related work, James et al. (2014) found no significant differences in participants' reaction time when deciding to shoot an armed Black, Hispanic, or White suspect.

Apart from police shooter bias, other explanations for the disparities in officer UoF have been more ecological in nature (Nix et al., 2017). For example, studies have consistently demonstrated disproportionate arrest and ticketing rates for minorities as compared to White persons (e.g., Kochel et al., 2011; McCarter, 2009; Rojek et al., 2012). Some researchers have thus argued that the disproportionate applications of UoF against minorities mirror these other patterns of minority overrepresentation in the criminal justice system; because police intervene disproportionately with minority subjects for violent street crimes (Steffensmeier & Harer, 1993), they will naturally be more likely to apply UoF to these groups (Blumberg, 1983; Fridell, 2016). The ecological perspective also proposes that the likelihood of UoF increases when police perceive the area to be dangerous (Bayley & Mendesohn, 1969). For example, studies involving multiple cities have found increased frequency of UoF in neighbourhoods with high levels of poverty and high rates of violent crime (Lim et al., 2014; Terrill & Reisig, 2003). Therefore, because racial minorities are more likely to live in these disadvantaged communities (e.g., Krivo et al., 2009), they are more likely to be victims of excessive UoF.

### **Public Perception of Police**

The racial disparities in police UoF have recently become a highly publicized topic in the media (e.g., Beattie, 2018; CBC, 2018; Howard, 2016), which may negatively impact public perceptions of police legitimacy (Weitzer, 2002). In general, North Americans tend to have favourable attitudes concerning law enforcement (e.g., Cao, 2011; Cao et al., 2012). However, studies conducted in both the United States and Canada demonstrate that racial minorities often

perceive the police less favourably than do their White counterparts (Callanan & Rosenberger, 2011; Cao, 2014; Shuck et al., 2008). These differences seem to hold true regardless of the way perceptions towards police are measured (Peck, 2015). For example, Shuck et al. (2008) observed that Black participants were more fearful of law enforcement, and held less favourable attitudes concerning the police, as compared to White participants. Similarly, Weitzer and Tuch (2005) found that Black and Hispanic participants reported significantly less satisfaction with neighbourhood police compared to those who were White. In a survey of adults living in California, Callanan and Rosenberger (2011) demonstrated that Black and Hispanic respondents were more likely to believe that police use excessive force compared to participants who were White.

Findings from the Canadian literature demonstrate a similar trend (Cao, 2011; O'Connor, 2008; Sprott & Doob, 2014). O'Connor (2008) observed that visible minorities reported less favourable ratings of their local police force as compared to Whites. Looking specifically at Aboriginal peoples,<sup>1</sup> Cao (2011) found that this group had a significantly lower rating of confidence in the police as compared to Whites. Cheng (2015) made similar observations concerning Aboriginal<sup>1</sup> residents in Saskatoon, Saskatchewan, but still noted that satisfaction with police was relatively high (80% of Aboriginal<sup>1</sup> participants reported being either somewhat or very satisfied with the Saskatoon Police Service). In a detailed analysis of perceptions of police *within* various minority groups, Sprott and Doob (2014) differentiated between participants' responses to technical (e.g., how well do local police enforce laws? how well do local police respond to calls?) and interpersonal (e.g., how approachable are local police? How fairly do the police treat people?) questions relating to policing. They observed that visible

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<sup>1</sup> Language used in original source. I elected to use the term Indigenous throughout, as it is internationally accepted and used by the United Nations as well as the federal government of Canada.

minorities responded less favourably than White respondents to interpersonal questions, but there was no association between race and responses to the technical questions. Differences also emerged when examining specific minority groups. Black participants rated police less favourably than Whites only on the interpersonal policing questions, while Aboriginal Canadians<sup>1</sup> responded with significantly lower ratings for both interpersonal and technical questions. In comparison, South Asian respondents rated the police significantly higher than Whites for the technical policing questions, with no differences concerning the interpersonal questions.

Along with general views of police, a number of studies have specifically examined citizens' perceptions of police UoF (e.g., Callanan & Rosenberger, 2011; Culhane et al., 2016; Johnson & Kuhns, 2009). Overall, there appears to be a disparity between lay perceptions of appropriate police force and what official law enforcement policy dictates (Celestin & Kruschke, 2021). Celestin and Kruschke (2021) found that civilians often perceive police UoF that adheres to law enforcement policy as unreasonable and excessive. The trends concerning race and perceptions of UoF generally mirror those discussed above; racial minorities tend to perceive UoF less favourably than do their White counterparts. For example, survey-based studies indicate that racial minorities believe that excessive UoF is more widespread than do White respondents (Callanan & Rosenberger, 2011; Weitzer & Tuch, 2005). Similar research, although dated, has found that racial minorities tend to be less approving of police UoF than their White counterparts (Flanagan & Vaughn, 1996; Thompson & Lee, 2004; Wilson & Dunham, 2001). However, evidence suggests that racial differences in perceptions of UoF depend upon the context in which force was being used (Barkan & Cohn, 1998; Cullen et al., 1996; Thompson & Lee, 2004).

In 2004, Thompson and Lee asked Black and White participants five questions relating to their approval of police UoF. Four of the questions asked participants whether they believed that thought officer UoF was appropriate in four specific situations: 1) suspect is attempting to escape custody, 2) suspect is physically attacking an officer, 3) suspect is being questioned in a murder case, 4) suspect is saying vulgar and obscene things to the officer. The fifth question asked participants if they could think of any situation in which it was appropriate for an officer to physically strike a citizen. The authors found that Black participants were significantly less likely to believe UoF was appropriate as compared to White participants for the “suspect fleeing,” “attacking officer,” and “general” questions. However, there were no racial differences in the “questioning suspect” and “obscenity” questions. Thus, it seems that in situations where physical force is clearly excessive (e.g., a subject using vulgar language towards an officer), both Black and White respondents agree that UoF is inappropriate. In contrast, when policing contexts are more ambiguous (e.g., suspect fleeing the scene), White individuals appear to perceive UoF as more acceptable and justified than do Black persons.

Race of both the officer and subject in a UoF incident also appears to impact perceptions of the force’s appropriateness. Levin and Thomas (1997) presented Black and White participants with one of three versions of a videotaped arrest of a Black suspect by two officers. The authors manipulated the race of the officers so they were either both White, both Black, or one White and one Black. In all three of the videos, the subject attempted to resist arrest, causing the officers to use a “moderate” amount of force that the authors considered legitimate for the respective jurisdiction. After the video, participants were asked to rate the amount of violence and illegality used by the officers in the arrest. Both Black and White participants perceived the arrest to be significantly more violent and illegal when both officers were White as compared to

both officers being Black, or when one officer was Black and one was White. In related research, Johnson and Kuhns (2009) used a survey-based experimental design to evaluate perceptions of non-lethal UoF. The authors asked Black and White participants to rate their approval of a hypothetical situation in which a police officer used physical force against either a Black or White teenager. Interestingly, subject race had no effect for White participants, while Black participants were more likely to support police UoF when the subject was White.

Apart from race, perceptions of police UoF may be influenced by the observer's social identification with the police, along with where they visually attend while watching the incident. Granot and colleagues (2014) presented participants with videos of ambiguous UoF incidents, while recording their eye movements with an eye-tracker. Prior to watching the video, participants were asked to indicate the degree to which they identified with the police. For participants who visually fixated on the officer during the incident, the identification measure was significantly related to their recommended punishment for the officer; participants reporting weak identifications with police recommended harsher punishments than those with strong identifications. However, for participants who did not frequently attend to the officer in the video, there was no such relationship. As such, several factors (including race of the officer and subject as well as the context of the incident) seem to influence public perceptions concerning the justifiability of police UoF.

### **Public Response to Police UoF**

As previously discussed, police UoF appears to occur relatively infrequently when compared to the overall number of interactions between the public and the police. However, when police UoF does occur, it is often highly publicized, and can have widespread negative impacts on the public's perceptions of the police. This is likely related to the media acting as the

public's primary source of knowledge concerning crime and the criminal justice system (Dowler & Zawilski, 2007; Graber, 1980; Surette, 2007). In the United States specifically, a number of recent high-profile police shootings involving Black victims has created an unprecedented level of public debate and scrutiny surrounding excessive UoF (Weitzer, 2015).

These highly publicized police UoF incidents may have an adverse effect on the public's perception of the police, particularly for BIPOC individuals (Dowler & Zawilski, 2007; Jefferis et al., 1997; Weitzer, 2002). Jefferis et al. (1997) observed that following a highly televised violent arrest of a local young Black male in Cincinnati, local perceptions of police use of force were negatively impacted; individuals were more likely to believe that police use too much force in general following the televised incident. This effect was greater among minorities as compared to Whites. In similar work, Weitzer (2002) demonstrated that the public's satisfaction with the Los Angeles Police Department (LAPD) fell drastically following the media coverage of the Rodney King incident in 1991, particularly for Black citizens. Prior to the beating, 64% of Black residents in Los Angeles reported feeling confident with the LAPD police. Two weeks after the incident, this number had dropped to 14%. Weitzer (2002) observed similar trends in New York following the shooting of Amadou Diallo, an unarmed Black man. Recently, Reny and Newman (2021) examined the effect of the George Floyd protests (described in further detail below) on public perceptions of the police. The authors concluded that the Floyd protests had a negative effect on perceptions of police for individuals who were liberal and/or low in prejudice. Using an experimental design, Boivin et al. (2017) found that Canadian undergraduates who viewed fictional police UoF incidents were more likely to believe that the police use UoF too often, as compared to participants who did not see the videos.

The highly publicized nature of police UoF incidents may also misinform the public about the frequency of such events occurring. Dowler and Zawislki (2007) demonstrated that the more often one watches network news, the more frequent they believe police misconduct to be. Although to my knowledge there is a lack of academic Canadian research regarding the impact of publicized UoF incidents on public perceptions, public trust in the Toronto Police Service fell from 78% to 63% during Constable James Forcillo's trial regarding the shooting of Sammy Yatim (Hong, 2016). Thus, although high profile UoF incidents appear to erode public perceptions of the police, peer-reviewed work must be done to properly investigate this effect in the Canadian context.

### **Social Movements**

The controversial nature of police shootings has also directly led to many different social movements, including Black Lives Matter (BLM), #iftheyshotmedown, "the Dirty Dozen" campaigns, and the National Football League (NFL) anthem protests (Coaston, 2018; Garcia & Sharif, 2015; Hutto & Green, 2016). Although multi-faceted, the BLM movement predominantly campaigns against the devaluation and dehumanization of Black lives, particularly in the context of police UoF. Beginning with George Zimmerman's acquittal in the death of Trayvon Martin, the movement was reignited following the highly publicized deaths of Michael Brown and Eric Garner, two Black men who died following police UoF (Carney, 2016). BLM began through hashtag activism and social media campaigning but has rapidly expanded to engage in a variety of direct action tactics as witnessed in the numerous organized protests and demonstrations occurring in recent years (Rickford, 2015). Although the BLM movement originated in the U.S. (Garza, 2014; Hope, Keels, & Durkee, 2016), gatherings, protests, and demonstrations have also been held internationally in countries such as Australia, Canada, and England (e.g., BBC, 2016).

The BLM movement reached new heights in the summer of 2020<sup>2</sup>, following several highly publicized incidents of lethal police UoF against BIPOC victims. In March 2020, Breonna Taylor was accidentally shot and killed by plainclothes Louisville police officers executing a “no-knock” warrant to raid her boyfriend’s apartment (Levenson, 2020; Oppel et al., 2021). Months later, Officer Derek Chauvin of the Minneapolis Police Department murdered George Floyd during a UoF confrontation (Hill et al., 2020). Video footage of the incident (captured on a bystander’s cellphone) was circulated across social media, the internet, and news networks. Floyd was initially confronted by police officers for allegedly using a counterfeit bill to purchase cigarettes (Chappell, 2021). Around this time, many similar incidents also occurred in Canada. Regis Korchinski-Paquet, an Indigenous Black woman, died after falling from her apartment balcony while police were responding to a domestic disturbance call (CBC, 2020). Days later, Chantel Moore, a member of Tla-o-qui-aht First Nation, was killed by members of the Edmundston Police Service. The officers had been called to Moore’s residence to perform a wellness check (Fortnum, 2021). Marc Miller, Indigenous Services Minister, stated “I don’t understand how someone dies during a wellness check....this is a pattern that keeps repeating itself.”

These deaths (and many others) sparked an unprecedented number of protests concerning police violence against BIPOC victims across the world (CBC, 2020). The New York Times suggested that these were the largest protests in the history of the United States (Buchanan et al., 2020); public polls indicate that as many as 26 million people in the United States participated in the protests. As movements such as BLM gain traction, particularly through increased media attention, attitudes towards police UoF may begin to change. These changes may mirror the

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<sup>2</sup> I completed data collection for this project in early 2020, prior to these incidents.

negative trends that researchers have observed following highly publicized UoF cases (see above). Perhaps not surprisingly, BLM protests are more likely in areas where more Black suspects have been killed by the police (Williamson et al., 2018).

### **Police Legitimacy**

The research concerning citizens' perceptions of the police is important primarily because a number of studies have demonstrated that perceptions of police, specifically those concerning *police legitimacy*, influence one's behaviour when interacting with the police (see Jackson et al., 2011; Tyler, 1990; White et al., 2016). This relationship seems to hold true for both offenders and non-offenders. For instance, White and colleagues (2016) sampled recently booked arrestees in an Arizona county and found that those who had more favourable perceptions of police legitimacy indicated that they would be more likely to willingly cooperate with police. With regards to non-offenders, Tyler and Fagan (2008) demonstrated that residents from New York City who perceived the police as more legitimate also were more likely to report that they would to assist the police with crime prevention and criminal investigations (e.g., help police find the suspect of a crime, report dangerous activity, patrol the streets as part of an organized group). Murphy and Cherney (2011) and Murphy et al. (2008) observed similar findings using Australian samples, such that perceived police legitimacy and cooperation with the police were positively correlated.

Researchers have historically operationalized and measured the actual construct of police legitimacy in a variety of ways (e.g., Jackson et al., 2012; Tankebe, 2013; Tyler, 1990). Because of these differences, meaningful, direct comparisons between studies are often difficult or altogether impossible. For example, Tyler's (1990) landmark work examining perceptions of police legitimacy initially conceptualized the construct as being comprised of peoples' moral

obligation to obey the law along with their overall sense of support for legal authorities. Since then, many researchers, including Tyler, have continued to measure obligation to obey the law when operationalizing police legitimacy (Mazerolle et al., 2013; Sunshine & Tyler, 2003; Tyler, 2006). However, these researchers have also added other components to their conceptualizations of the construct, such as trust and confidence in authorities (Tyler et al., 2014) and moral alignment with the police (Bradford et al., 2014; Hough et al., 2013; Jackson et al., 2012). In contrast, Tankebe (2013) argues that obligation to obey the law should not be a component of the operationalization of perceived police legitimacy. Instead, he proposed that obligation is a related but distinct concept that is often predicted or explained by perceived legitimacy. To illustrate his reasoning, Tankebe (2013) gives the example of people who follow the law not because they believe the police are legitimate, but because they are afraid of the consequences of non-obedience.

**Bottoms-Tankebe model.** As a result of the conflicting operationalizations of police legitimacy, a group of researchers have proposed a multidimensional measure of the construct. This model, known as the “Bottoms-Tankebe model” explicitly excludes one’s perceived obligation to obey the law (Bottoms & Tankebe, 2012; Tankebe, 2013; Tankebe et al., 2016). Instead, the Bottoms-Tankebe model proposes that citizens’ perceptions of police legitimacy are comprised of four factors: police lawfulness, police distributive fairness, police effectiveness, and police procedural fairness (Tankebe et al., 2016). Lawfulness describes whether people perceive officers as following the rules of the law. The second factor, distributive fairness, reflects whether police resources are equally allocated amongst various social groups. Police effectiveness concerns perceptions about whether police are keeping the public safe and reducing levels of crime. Finally, procedural fairness (also referred to as procedural justice) relates to the

fairness of the processes police use when making decisions or arriving at outcomes, particularly in relation to the public. Notably, while some researchers have previously conceptualized perceived procedural justice of the police as distinct from perceived police legitimacy (e.g., Hinds & Murphy, 2007; Reisig & Mesko, 2009; Sunshine & Tyler, 2003), the Bottoms-Tankebe model includes this as a factor comprising legitimacy. Previous research has paid great attention to the concept of procedural justice (the perceived fairness of a decision-making process) often in a variety of contexts unrelated to policing (Blodgett et al., 1997; Thibaut & Walker, 1975). For instance, Foler and Konovsky (1989) examined how perceived procedural justice related to pay raises in the workforce, while Blodgett et al. (1997) investigated procedural justice with regards to post-complaint consumer behaviour at retail stores. In general, this work suggests that people are frequently concerned with the fairness and impartiality of how a decision or outcome is reached, sometimes more so than the actual decision or outcome itself (Lind & Tyler, 1998; Thibaut & Walker, 1975; Tyler, 1984). When people perceive the decision-making process as fair, they have increased confidence and trust in the institutions or authorities that rendered the decision (Lind & Tyler, 1988). In the context of police legitimacy, the public will perceive police agencies as more legitimate the more that they believe the particular agency engages in fair, impartial processes when making decisions and engaging with the public.

Research has validated the Bottoms-Tankebe model using samples from Canada (Ewanation et al., 2019), Ghana (Tankebe et al., 2016), and the United States (Tankebe et al., 2016). Although researchers have yet to conduct formal statistical comparisons between racial groups using the Bottoms-Tankebe model, Ewanation and colleagues (2019) provided descriptive statistics to suggest that Indigenous peoples and Black Canadians reported less

favourable perceptions of police legitimacy as compared to White Canadians. These findings seem to echo the existing research regarding race and perceptions of the police.

**Criticisms of the Bottoms-Tankebe model.** Recently, scholars have criticized the Bottoms-Tankebe model (Jackson, 2018; Jackson & Bradford, 2019; Reynolds, Estrada-Reynolds, & Nunez, 2018). In his papers, Jackson (Jackson, 2018; Jackson & Bradford, 2019) argues that the Bottoms-Tankebe model imposes four factors that constitutes police legitimacy (lawfulness, procedural fairness, distributive fairness, and effectiveness) regardless of political, cultural, and historical relationships with police. Jackson maintains that what comprises public perceptions of police legitimacy will vary across cultures, and that it is inappropriate to *a priori* decide and impose these criteria, as Tankebe et al. (2016) have done. Instead, Jackson suggests that police legitimacy should be conceptualized as “an overarching judgement about the right to power and authority to govern – that may or may not be influenced by public judgements about whether police tend to act in procedurally just, distributively just, effective, and lawful ways” (Jackson & Bradford, 2019). Interestingly, this definition in of itself seems to also impose particular criteria concerning the conceptualization of legitimacy, in that it relates to the right to power and authority to govern. I would argue that *any* measure or scale used to quantify an abstract construct (such as police legitimacy) will involve some aspect of *a priori* imposition, which is why a number of different conceptualizations and measurements exist.

Furthermore, Reynolds and colleagues (2018) contend that conceptually, the “effectiveness” factor is distinct from the remaining dimensions in the model. Specifically, the authors suggest that this factor partially depends upon the actions of offenders, rather than police themselves. Police have control and choice over whether they act in a lawful manner, make procedurally fair decisions, and/or allocate egalitarian resources. In contrast, levels of crime are

influenced by a variety of complex environmental factors that are outside the control of the police. As such, Reynolds et al. (2018) propose that effectiveness is not an aspect that is central to the construct of perceived police legitimacy. In their work, Ewanation et al. (2019) found that compared to the other three factors, effectiveness had a much weaker (albeit still significant) loading onto police legitimacy. Similar to Reynolds et al. (2018), the authors speculated that their Canadian participants may not have considered effectiveness as an aspect of police legitimacy due to the nature of the effectiveness items (i.e., items that do not exclusively dependent on the behaviours of police, but also offenders). Along with these concerns, there are statistical limitations with the Bottoms-Tankebe model; the majority of factors consist of only three indicators (Reynolds et al., 2018). Although this meets the minimum number of indicators typically cited in the literature (Bollen, 1989; Kenny et al., 1998), Gorush (1983) recommends at least five indicators per latent variable, and Marsh et al., (1998) suggest that the more indicators per factor, the better. Researchers have also criticized Tankebe et al.'s (2016) use of confirmatory factor analysis (CFA) for establishing their factor structure, without the consideration of alternative models (Jackson & Bradford, 2019; Reynolds et al., 2018).

As a function of their issues with the Bottoms-Tankebe model, Reynolds et al. (2018) proposed the Attitudes towards Police Legitimacy Scale (APLS). The authors believed that police legitimacy would be comprised of a number of aspects, such as bias, trustworthiness, and quality of interpersonal treatment, and created an initial 73-item survey based on these components. Of note, there were no items relating to the “effectiveness” of police crime control. The authors used exploratory and confirmatory factor analysis across a series of studies to identify a 34-item measure of police legitimacy with a single-factor structure.

The (previously noted) relationship between perceived police legitimacy and cooperation with the police may extend toward the contexts of the courtroom in trials involving an officer accused of excessive UoF. If jurors have a general tendency to believe that police operate outside of the law when performing their duties, they may be more likely to believe that the officer used excessive force. In contrast, those who believe that police officers follow the law and that the justice system is procedurally fair would likely perceive the force as justified. Reynolds et al. (2018) found that participants' responses to the APLS were significantly related to their perceptions of a police shooting. In particular, participants with favourable perceptions of police legitimacy were more likely to believe that the police shooting was justified. Similarly, research conducted by Ewanation and colleagues (2021) using the Bottoms-Tankebe model demonstrated that perceived police legitimacy related to decision-making in trials involving police officers. Participants who watched a video depicting a mock trial of a defendant accused of murdering a police officer were more likely to render guilty verdicts if they reported positive perceptions of police lawfulness and procedural fairness. With the preliminary research conducted so far, it seems reasonable to suggest that jurors' pre-existing attitudes regarding the police may influence their decisions in trials involving police officers accused of excessive UoF.

### **Attitudes**

In the simplest definition, attitudes are positive or negative evaluations regarding a particular object (see Eagly & Chaiken, 1993). A dominant perspective in social psychology, known as the tripartite model, proposes that attitudes are comprised of affective, behavioural, and cognitive components (Bagozzi et al., 1979; Jackson et al., 1996; Ostrom & Upshaw, 1968). Using the terms prejudice, stereotype, and discrimination, social psychologists have applied the tripartite model to examinations of intergroup biases (Fiske, 1998; 2000). Here, prejudice is

defined as (typically negative) emotions or feelings one experiences towards a particular group. In comparison, stereotypes, the cognitive component, are generalized characteristics, traits, or behaviours that one believes all members of a specific group possess (Devine, 1989). Finally, discrimination occurs when one's behaviour towards an individual or group is influenced by the others' group membership (Fiske, 2000). Thus, prejudice, stereotypes, and discrimination are distinct yet interrelated constructs. Combined, these constructs make up one's attitudes towards particular groups. When specifically examining the relationships between these constructs, studies have routinely found that, compared to stereotypes, one's prejudice is a stronger predictor of subsequent discriminatory behaviour (e.g., Cuddy et al., 2007; Esses & Dovidio, 2002; Zajonc, 1998).

Attitudes and their associated components can be either explicit or implicit (Devine et al., 2002; Dovidio et al., 2003; Greenwald & Banaji, 1995). *Explicit* attitudes refer to those which people consciously acknowledge; these are commonly measured in traditional self-reports. In comparison, *implicit* attitudes are attitudes that an individual is not aware of possessing, and typically operate outside of one's consciousness. Such attitudes are often measured using the Implicit Association Test (IAT; Greenwald et al., 1998; McConnell & Leibold, 2001). Studies examining the association between explicit and implicit attitudes have primarily observed low or completely absent correlations between these two constructs (Fazio, Jackson, Dunton, & Williams, 1995; Nosek, 2005). Furthermore, implicit and explicit attitudes appear to influence different aspects of behaviour (Dovidio & Fazio, 1992; Dovidio et al., 2003; Fazio, 1990). For instance, Dovidio and colleagues (2003) found that White participants' explicit racial attitudes were related to their verbal behaviour when interacting with a Black confederate. In comparison, implicit measures of racial attitudes predicted the White participants' non-verbal behaviour and

were also associated with observers' perceptions of the participants' friendliness. However, more recent work has suggested that implicit bias may not be significantly related to a number of behaviours, including racial discrimination (Carlsson & Agerström, 2016; Oswald et al., 2013; Oswald et al., 2015).

For years, scholars have written about Canadians' attitudes concerning Indigenous peoples (Brockman & Morrison, 2016; Denis, 2015; Lashta, Berdahl, & Walker, 2016). Much of this work demonstrates that Canadians generally hold unfavourable attitudes towards this group. Claxton-Olfield and Keefe (1999) asked Canadian undergraduate students to list characteristics that they believed best-described the Innu, an Indigenous group who reside in Davis Inlet, Labrador. The most frequently used words were "uneducated," "substance abusing," and "poor." Words such as "aggressive" and "disturbed/troubled" were often listed as well. In a similar study conducted by Morrison and colleagues (2008), male participants reported that Aboriginal<sup>3</sup> men are "aggressive" and "violent," while female respondents believed that this group is "welfare dependent" and "undisciplined." Canadian researchers have recently distinguished between "modern" and "old-fashioned" racism when examining attitudes towards Indigenous peoples (Brockman & Morrison, 2016; Morrison et al., 2008; Nesdole et al., 2015). Measures of old-fashioned racism concern explicitly negative attitudes concerning particular racial groups, while modern measures relate to beliefs that minority groups make illegitimate demands and receive unjust social advantages (e.g., affirmative action plans, government-funded programming, etc.; Morrison et al., 2008; Morrison & Morrison, 2002). Using multiple samples of Canadian undergraduate students, Morrison et al. (2014) observed that participants were more likely to endorse modern compared to old-fashioned racist statements. For example, more than 50% of

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<sup>3</sup> Language used in original source.

students agreed that “Aboriginal people<sup>4</sup> should pay taxes like everyone else,” while approximately 60% of the male respondents endorsed the statement that “many of the requests made by Aboriginal people<sup>4</sup> to the Canadian government are excessive.” Additional research has replicated the finding that people tend to score higher on modern as opposed to old-fashioned levels of racism (Lashta et al., 2015; Nesdole et al., 2015), and that increased general contact with Indigenous people seems to exclusively lower scores of old-fashioned (not modern) racism (Lashta et al., 2015).

**Attitude formation.** Although negative attitudes towards racialized minorities exist in Canada, there is a number of competing explanations concerning how these attitudes are formed (e.g., Bandura, 1977; Schaller et al., 2003; Olsson et al., 2007). Biological perspectives propose that negative attitudes towards outgroups are inherent in the human brain, as we automatically perceive members of outgroups as threatening due to various evolutionary mechanisms (e.g., Brewer, 1999; Navarette et al., 2010). In comparison, one of the most well-accepted social explanations concerning attitude formation is known as learning theory (Bandura, 1977). Put simply, individuals learn and internalize attitudes from a variety of sources throughout their social landscape. A primary source of attitude formation, particularly during childhood, appears to be one’s immediate family; a number of studies have observed a significant relationship between the racial attitudes of children and their parents (see Falanga et al., 2014; Rodriguez-Garcia & Wagner, 2009; Sinclair et al., 2005).

Along with one’s immediate family, the media seems to be a primary source for learning social attitudes pertaining to racialized groups (e.g., Dixon, 2008a; Plant et al., 2009; Schemer, 2012). Indeed, content analyses of various forms of media have established that racial minorities

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<sup>4</sup> Language used in original source.

are often unfavourably depicted (Burgess et al., 2011; Claxton-Olfield & Keefe, 1999; Dixon & Linz, 2000). Jiwani's (2009) examination of Canadian newspapers concluded that Indigenous victims of murder are typically portrayed as having alcohol and drug issues, devaluing the victims' social status. Similarly, Harding (2005, 2006) found that the Canadian media consistently represents Indigenous peoples as a threat to non-Indigenous Canadians.

Unfavourable depictions of racial minorities also extend to more modern forms of media, as Burgess and colleagues (2011) found that minority males were largely overrepresented as being violent and dangerous on the covers of top-selling video games. According to social learning theory (Bandura, 1977), one's attitudes regarding racialized minorities should be directly influenced by these negative portrayals in the media. As expected, a number of researchers have demonstrated such an association using both experimental (e.g., Ramasubramanian, 2011; Schemer, 2012) and survey (Dixon, 2008a; 2008b) research designs.

**Attitudes concerning outgroups.** Attitudes towards outgroups, particularly those which are negative, may also be a product of one's social identity (Tajfel, 1981; Tajfel & Turner, 1979; 1986). According to social identity theory (SIT), we categorize our social environment into various groups that we either belong to (in-groups) or are not a part of (out-groups; Ashforth & Mael, 1989). Due to this categorization, one's perceived self-concept and identity is directly influenced by (and partially comprised of) the attributes of the various social groups to which one belongs. Therefore, as a method of self-enhancement, people tend to perceive their own groups in a positive manner and are typically biased to prefer their in-groups (Abrams & Hogg, 1988; Tajfel & Turner, 1986). This predisposition to favour in-groups can consequently lead to the out-group homogeneity effect, in which individuals perceive a particularly high degree of similarity amongst members of out-groups (Brown, 2000; Linville & Jones, 1980; Ostrom &

Sedikides, 1992). Research has further identified that the out-group homogeneity effect is more pronounced for negative traits (e.g., people are likely to believe that all members of an outgroup are high in criminality), and that in-group homogeneity may also exist with regards to positive traits (Simon & Pettigrew, 1990; Brown, 2000).

In the context of the courtroom, social identity theory assumes that jurors would perceive victims and defendants belonging to the same race as part of their in-group, and those belonging to a different race as part of the out-group. Therefore, jurors would be less likely to convict defendants of the same race (i.e., the similarity-leniency effect; Ugwuegbu, 1979) in order to enhance their sense of self. Similarly, jurors would be more likely to render convictions in cases involving a victim of the same race. Jury research has indeed observed this pattern (Devine & Caughlin, 2014; Kerr et al., 1995; Ugwuegbu, 1979). In one of the first demonstrations of the similarity-leniency effect, Ugwuegbu (1979) found that Black and White mock jurors assigned higher ratings of culpability to defendants whose race differed from their own. Subsequent work by Wuensch and colleagues (2002) examined the similarity-leniency bias in a mock civil case involving a defendant accused of sexual harassment. Male participants were less likely to render guilty verdicts for same-race litigants, while defendant race had no effect for female participants' verdicts. Recently, Maeder and Yamamoto (2018) demonstrated that non-White mock jurors were less likely to convict a Black defendant as compared to an Aboriginal-Canadian<sup>5</sup> or White defendant.

Large meta-analyses conducted by Devine and Caughlin (2014) and Mitchell and colleagues (2005) have both identified small but significant similarity-leniency effects. In their research, Mitchell et al. (2005) found that this bias was larger for Black participants, when

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<sup>5</sup> Language used in original source

continuous (rather than dichotomous) measures were used, and when community members (rather than university students) were recruited. In the more recent work, Devine and Caughlin (2014) also observed a general similarity-leniency bias. However, when the authors took into account the actual race of jurors and defendants, more specific patterns emerged. In studies that had White jurors evaluating Black or White defendants, there was no evidence of racial bias. However, when White jurors were involved in studies that manipulated defendant race as White or Hispanic, they were more likely to find the Hispanic defendant guilty. In comparison, Black jurors exhibited a moderate amount of discrimination towards White defendants compared to Black defendants.

Researchers have also observed bias with regards to the racial relationship between juror and victim. For instance, Miller and Hewitt (1978) found that Black and White mock jurors were more likely to convict a defendant accused of rape when the victim in the trial was the same race as the participant. In similar work, Stevenson et al. (2009) presented non-Black participants (94% White, 3% Hispanic, 3% other) with a case vignette concerning a teenaged boy convicted of child molestation. The defendant had participated in a videotaped sexual act with the victim. Although the defendant and victim claimed consent to the act, the victim could not legally provide consent due to her being a legal minor. The authors manipulated defendant and victim race as either Black or White, and found that female participants were more likely to recommend registering the defendant as a sex offender when the victim was White as opposed to Black. However, recent research has demonstrated conflicting results regarding juror and victim race. In a study involving Canadian mock jurors, Maeder and Yamamoto (2018) manipulated victim and defendant race as either Aboriginal Canadian<sup>6</sup>, Black, or White. Somewhat surprisingly, White

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<sup>6</sup> Language used in original source

jurors were particularly less likely to convict Black defendants when the victim was White as opposed to Aboriginal Canadian or Black.

The above studies appear to indicate a general leniency for members of in-groups. However, there are also instances when people will be more *punitive* towards their in-group members (Jackson & Hymes, 1985; Kerr et al., 1995; Marques, 1990). This “black sheep effect” occurs when an in-group’s positive image is threatened by a particularly undesirable or negatively perceived member of the in-group (Marques, 1990; Marques et al., 1988). As a method of restoring the in-group’s positive image, the deviant outgroup member is derogated and chastised, even more so than an out-group member. With this in mind, Kerr et al. (1995) theorized that in courtroom situations with weak evidence, the typical similarity-leniency effect would occur. However, the authors believed that when the evidence was highly indicative of the defendant’s guilt, jurors racially similar to the defendant would be more punitive than jurors of a different race. Indeed, when the Prosecution in their study presented weak evidence, jurors who shared the race of the defendant were less likely to render a guilty verdict. Yet, when the evidence was strong, jurors belonging to the same racial group as the defendant rendered more guilty verdicts than racially dissimilar jurors. In sum, the literature suggests that attitudes concerning out-groups are related to one’s social identity, which has direct implications for legal decision-making.

**Attitude activation/usage.** Research has specifically examined how stereotypes, the cognitive component of the attitudinal tripartite, are activated and subsequently used. Social psychologists argue that we use stereotypes in our everyday life as a means of reducing mental effort (Fiske & Taylor, 1991). With regards to how stereotypes are activated, Devine (1989) proposed a two-stage model that depends upon the overlap between personal stereotypes

(stereotypes that one personally endorses) and cultural stereotypes (stereotypes that one is aware of existing within society, but does not necessarily believe in personally). According to Devine, being exposed to a member of a particular group (or something that symbolizes that group) automatically activates related cultural stereotypes. In situations when controlled processing is inhibited, biased behaviours and evaluations occur regardless of one's personal endorsement of the stereotype (i.e., people who do not personally believe the cultural stereotype will still act in a biased manner). However, when deliberate, controlled mental processing can take place, those who do not personally endorse the cultural stereotype are able to interfere with its activation, reducing its subsequent influence. In contrast, people who explicitly endorse the negative stereotype are more likely to respond to the activation with biased behaviour and evaluations. Therefore, it seems that the availability of cognitive resources will determine when bias is most likely to occur. Along with this, the ambiguity (or lack thereof) of the particular social situation also appears to be an important factor predicting the expression of bias.

In the context of a courtroom, simply seeing a minority victim may activate jurors' cultural and personal attitudes concerning the particular group (e.g., jurors exposed to an Indigenous victim may automatically activate anti-Indigenous attitudes concerning criminality and aggression). These automatically activated attitudes would subsequently guide jurors' decisions and perceptions, unless they have the necessary motivation and cognitive resources to override such bias (Bodenhausen, 2005; Kleider et al., 2012). However, because jurors are exposed to an overwhelming amount of information during a trial (i.e., high cognitive load), they may not have the cognitive capacity to engage in deliberate, thoughtful decision-making, and may also be drained by the time deliberation begins. Similarly, research indicates that the deliberation process itself may be cognitively draining for jurors, particularly when the jury is

racially diverse (Peter-Hagene, 2019). As such, heuristic-based processing likely occurs in deliberations as well.

### **Aversive Racism**

In recent years, the expression of traditional, overt racism in North American society has steadily declined (Schuman et al., 1997). Explicit forms of racism are not only now perceived as socially undesirable, but they are also illegal in many contexts (Dovidio & Gaertner, 1998). However, racial minorities continue to face discrimination throughout their daily lives (Edelman et al., 2017; Johnston & Lordan, 2012; Pager & Shepherd, 2008). To explain this disparity, Dovidio and Gaertner (1986) proposed the idea of a contemporary, subtle form of bias known as “aversive racism.” According to Dovidio and Gaertner (1986), aversive racists possess negative, *implicit* attitudes regarding racial minorities that they are not consciously aware of. Instead, they explicitly endorse egalitarian ideals and perceive themselves as non-biased, impartial parties. Thus, there exists a conflict between aversive racists’ egalitarian principals and their unacknowledged attitudes concerning racial minorities. In order to preserve their explicit egalitarian self-image, aversive racists will not discriminate in situations when others (or they themselves) could easily attribute such behaviour to racial motivations. Thus, when social norms clearly indicate an appropriate response, aversive racists will not discriminate. In comparison, when racial discrimination can be rationalized and justified on the basis of non-race-related grounds, aversive racists will act in a biased fashion, as they are able to maintain their egalitarian self-image. As such, the aversive racism framework proposes that racial discrimination is most likely to occur in ambiguous situations where socially appropriate responses are unclear (Dovidio & Gaertner, 2004; Gaertner & Dovidio, 2005). In such instances, (such as a trial involving alleged excessive UoF) individuals’ unfavourable attitudes concerning racial

minorities will likely influence their behaviour. Depending upon the situational context, it seems that incidents involving lethal police UoF may be somewhat ambiguous – it can often be unclear about whether the UoF was justifiable or not. In trials involving such incidents (along with minority victims), the ambiguity of the situation may allow jurors' anti-minority attitudes to influence their decisions and perceptions during the trial.

### **Story/Director's Cut Model**

One proposed model of jury decision-making places a great deal of importance on jurors' pre-existing attitudes prior to the trial. According to the Director's Cut model (Devine, 2012), jurors acquire information concerning the trial from both internal and external sources. External sources are the different pieces of evidence that the prosecution and defense present throughout the trial (expert testimony, eyewitness identifications, physical evidence, etc.). In comparison, internal sources are any pre-existing cognitions or feelings that jurors possess. The Director's Cut specifically places an emphasis on individuals' scripts and stereotypes. Scripts are generalized cognitive templates or visualizations concerning the expected sequence of actions/behaviours for particular activities (e.g., brushing teeth, picking up children from school) events (dining out for dinner, visiting a doctor's office), or in this case, crimes (Bower et al., 1979). In comparison, stereotypes (as discussed previously) are characteristics or traits one ascribes to all members of a specific group. According to the Director's Cut, jurors use information originating from both internal and external sources to piece together a mental "story" of what most likely took place during the particular crime in question (Pennington & Hastie, 1992). As the trial moves forward, jurors are exposed to additional evidence, and are thus continually updating their stories in order to accommodate their newly acquired information (Devine, 2012). However, jurors' perceptions of the evidence are greatly influenced by their

previously existing scripts and stereotypes; evidence is more likely to be added to a juror's story if it is congruent with what they already believe (Devine, 2012). Evidence that does not fit into their stories is thus removed from their "final cut" of what took place. Thus, jurors' final stories are formulated through an interaction between the evidence they are presented with at trial and their own pre-existing attitudes. The Director's Cut Model would therefore suggest that jurors in a police UoF trial will try to create an account of what happened before, during, and after the UoF incident. This narrative will be determined not only by the evidence presented in court, but will also depend upon jurors' pre-existing attitudes concerning police legitimacy and racial minorities. For example, a juror who possesses negative stereotypes about racial minorities may perceive a particular victim's behaviour as aggressive towards an officer, thus justifying the officer's UoF. In comparison, a different juror without these biased attitudes may view the same victim's behaviour as non-threatening, thereby questioning the officer's UoF. In a similar manner, jurors' pre-existing scripts about behavior when interacting with the police (e.g., what to do during a traffic stop) may also play a role when creating a story for a UoF incident.

### **Jury Deliberations**

When the trial concludes and deliberation begins, jurors will be in one of four mental states (Devine, 2012). Believers are those who have sided with the prosecution and believe their events of what took place. In contrast, doubters are jurors who have sided with the defense, and believe that the prosecution's story is incorrect. Mullers are undecided and believe that both the defense and prosecution have presented a plausible story. Finally, puzzlers are jurors who have been confused by the evidence they have been presented with, and believe neither the prosecution nor the defense has laid out a conceivable account of events. During deliberation, the Director's Cut proposes that the jury as a whole engages in a similar story-making process.

Individual jurors recall pieces of what they remember about the trial in an attempt to construct a unified story.

Indeed, a fair amount of research has investigated the deliberation process of the jury. In one of the earliest such examinations, Kalven and Zeisel (1966) demonstrated that the distribution of individual pre-deliberation verdicts typically predicts the jury's final verdict. A number of studies have since replicated this finding (Devine et al., 2007; Devine et al., 2004; Tanford & Penrod, 1986). Many researchers have also studied whether the jury's size has an effect on the deliberation process (Davis et al., 1975; Diamond, 2013; Diamond et al., 2006). Although larger juries appear to deliberate for slightly longer times (Mize et al., 2007) it seems that juries of varying sizes do not come to significantly different verdicts (Kerr & MacCoun, 1985; Saks & Marti, 1997). However, sampling theory would presume that larger juries are more likely to include at least one member of a minority group. This is important, as work by Sommers (2006) indicates that racially diverse juries' deliberations are significantly different from those of juries that are all-White. Juries with at least one non-White member have deliberations that last longer, make more mentions of race, include more case facts, and have fewer uncorrected false statements than those of all-White juries. In similar research, Peter-Hagene (2019) manipulated defendant race (Black, White) as well as jury racial composition (racially diverse, all-White). All-White juries discussed significantly more case facts, and more correct case facts, when the defendant was White as opposed to Black. However, there was no difference in these variables for racially diverse juries.

### **Victim Race**

Following the Director's Cut Model, and knowing that unfavourable attitudes exist toward racial minorities (see above), it may be unsurprising that research has demonstrated that

jurors' decision-making can be influenced by the race of various trial parties. The abundance of such research has focused on the interaction between juror and defendant race (e.g., Devine & Caughlin, 2014; Maeder & Burdett, 2013; Mitchell et al., 2005), although researchers have also paid attention to the race of the victim. Historically, American race-based jury decision-making research has primarily focused on differences between Black and White defendants, victims, and jurors (e.g., Glaser et al., 2015; Ugwuegbu, 1979; Williams et al., 2007). This is likely due to the consistently documented overrepresentation of Black adults and youth in the American incarcerated population (e.g., Davis & Sorensen, 2013; Gross, 2015; Hetey & Eberhardt, 2018). For example, Black individuals' rate of incarceration in jail (599 per 100,000 Black residents) is nearly four times that of White individuals (171 per 100,000 White residents; Zeng, 2018). In comparison, less than 14% of the general American population is Black (United States Census Bureau, 2017). In some state prisons, the disparity between Black and White imprisonment is greater than 10 to 1 (Nellis, 2016). The most recent statistics from the United States Department of Justice suggest that Black males between the ages of 18-19 are nearly twelve times more likely to be incarcerated than their White counterparts (Carson, 2018), while Western (2006) suggests that one in four Black men living in the U.S. will experience some form of incarceration during their lifetime.

Empirical examinations of capital cases from the United States have often observed that the death sentence is more likely to be applied to those accused of murdering a White as compared to Black victim (Baldus & Woodworth, 2003; Bowers & Pierce, 1980; Williams et al., 2007). For example, Baldus and colleagues (1990) investigated the influence of race on capital cases in Georgia. The authors demonstrated that defendants accused of killing at least one White victim were more than four times more likely to receive a death sentence as compared to

defendants with no White victims. Studies on capital sentencing data have also found evidence of what researchers have termed the “Black male victim effect,” such that offenders accused of murdering Black males are the least likely to receive a death sentence compared to other possible race/gender combinations (Williams et al., 2007). Other archival examinations of actual trial data have found that defendants in rape trials are more likely to be convicted if the victim is White as compared to Black (Lafree et al., 1985).

Experiments using mock jurors have found similar effects to those detailed above. Wuensch and colleagues (2002) discovered that male jurors were more likely to perceive defendants as guilty of sexual harassment when the victim was White as compared to when she was Black. In similar work involving a mock trial of a child sexual abuse case, participants rated Black and Hispanic victims as more responsible for their assault than victims who were White (Bottoms et al., 2004). Furthermore, a meta-analysis on extralegal variables’ effects on mock juror judgements conducted by Mazzella and Feingold (1994) identified a small but significant effect of victim race. The authors found that mock jurors gave slightly longer sentences to defendants committed crimes against White versus Black victims. In conflicting research from Australia, ForsterLee and colleagues (2006) observed that mock jurors gave longer sentences to defendants accused of murdering a Black as opposed to a White victim.

A number of studies have also indicated that together, victim and defendant race can interact to produce an influence on jurors’ perceptions and decisions in the courtroom. Capital cases in which a Black defendant has been accused of murdering a White victim are the most likely to result in a death sentence compared to any other Black/White racial combination (Radelet & Pierce, 1991; Wolfgang & Riedel, 1973). Studies using mock jurors have demonstrated that defendants in rape cases are given harsher sentences (Rector & Bagby, 1995)

and are more likely to be found guilty when their victims belong to a different race (Hymes et al., 1993). More recently, Maeder et al. (2012) conducted an experiment using mock jurors and a domestic violence case. The authors manipulated defendant and victim race as either White or Asian. After controlling for general attitudes towards Asians, the authors found that jurors rendered harsher continuous verdicts for inter-racial couples than intra-racial couples. Taken together, studies on victim race have demonstrated that this variable has a consistent effect on jurors' perceptions in the courtroom. Overall, defendants are treated more harshly when they are accused of a crime involving a White victim as opposed to a victim belonging to a racialized minority.

There are a number of theoretical explanations as to why cases involving White victims are more likely to result in convictions. SIT theory and the similarity-lenience effect (described earlier) would suggest that White jurors convict in trials involving White victims as a method of promoting a positive in-group image (e.g., Miller & Hewitt, 1978; Stevenson et al., 2009; Tajfel & Turner, 1986). Additional research proposes that a victim's perceived value or worth impacts jurors' decisions (e.g., Gillespie et al., 2014; Richards et al., 2016; Sundby, 2003), and that jurors attribute a greater value to White as compared to minority victims (Balduis & Woodworth, 2003; Friedman, 1993; Williams & Holcomb, 2004). Race-based differences in perceived victim value are likely related to the historical marginalization of minority groups (Friedman, 1993).

Discussed in more detail below (see Police Officers as Defendants), jurors' belief in a just world (BJW; Lerner, 1980) may partially explain the effect of victim race. BJW refers to a general view that the world is a fair place, and people get what they deserve. Individuals with biased attitudes towards minority groups who are also high in BJW may be more inclined to believe that a minority victim demonstrated unfavourable (e.g., criminal, hostile, aggressive) behaviour, and

therefore deserved to be victimized. Furthermore, White victims may also lead to more convictions due to perceptions concerning the victim's conduct during the crime. After analyzing prosecutor's files from 33 counties across the United States, Baumer and colleagues (2000) observed that defendants charged with murder are less likely to be prosecuted, less likely to be indicted, and more likely to receive a reduced charge if there was any evidence that the victim provoked the defendant. Because of stereotypes concerning minorities and criminality (as discussed previously), jurors involved in a UoF trial may be more likely to perceive minority victims as engaging in illicit behavior, justifying a police officers' UoF against a minority subject.

Indeed, existing research suggests that jurors tend to impose more blame on victims who engaged in particular behaviours deemed "high-risk" or antisocial (Hammock & Richardson, 1997; Sundby, 2003). In an analysis of capital trials in the United States, Sundby (2003) found that death-qualified jurors were less likely to impose a death sentence if the victim engaged in risk-taking behaviour. For example, one juror stated, "I wouldn't say she was an innocent victim, because, well, what was she doing in the biker bar?" (Sundby, 2003, p 364). Similarly, researchers have argued that jurors involved in sexual assault cases attribute blame to intoxicated victims for voluntarily putting themselves at risk (Hammock & Richardson, 1997; Schuller & Wall, 1998). In a study examining mock jurors' decisions in an acquaintance rape case, Wenger and Bornstein (2006) observed that participants were more likely to acquit the defendant when the victim was impaired by either alcohol or LSD as compared to when the victim was sober. In the context of the current study, participants may perceive the victim as "blameworthy" due to the nature of the traffic stop (see Methods, Appendix A). This may also interact with victim race, due to previously discussed attitudes concerning minorities and criminality.

### **Police Officers as Defendants**

Unfortunately, a large gap exists in the jury decision-making research with regards to police officers. A review of the literature was able to identify two peer-reviewed jury studies involving an officer charged with an offense (Huff et al., 2018; Pica et al., 2020). Huff et al. (2018) investigated the effect of victim race on mock jurors' perceptions of a lethal police shooting. The authors demonstrated that in "unjustified" shootings, mock jurors were significantly more certain about a guilty verdict when the victim was African American as opposed to Caucasian. Huff and colleagues (2018) argued that this bias was due to a bandwagon effect (Myers et al., 1977); jurors may have felt a need to convict officers charged with shooting a BIPOC victim due to societal and/or peer pressure to hold police accountable and eliminate discrimination in the justice system. In research conducted using Canadian participants, Pica and colleagues (2020) found that mock jurors were more likely to convict a police officer charged with manslaughter when he was Black as opposed to White.

Additional research has examined jurors' perceptions of police officers who are involved in trials, but are not the accused. For instance, an unpublished doctoral dissertation (Cole, 2015) investigated whether jurors' perceptions of an eyewitness would vary depending upon whether the eyewitness was an off-duty police officer or a lay person. Cole (2015) found that jurors believed the off-duty police officer to be more credible and trustworthy than the lay eyewitness. Somewhat surprisingly, however, jurors were less likely to render convictions when presented with an off-duty police officer as compared to a layperson eyewitness. When indicating reasons for their verdicts, many jurors indicated that the officer's training and experience led to greater expectations about his ability as an eyewitness. As such, when the officer was unable state the exact distance between himself and the offender, some jurors believed that he did not reach the

high standard expected of him, and therefore perceived his testimony as unreliable. Interestingly, none of the jurors discussed this issue for the lay eyewitness. Thus, it seems that jurors perceive laypeople and police officers differently in the courtroom context. In further work, Saulnier et al. (2019) conducted a mock juror study involving a defendant charged with resisting arrest during a physical confrontation with the police. Jurors who viewed body-worn camera (BWC) footage of the arrest were significantly less likely to find the defendant guilty, and perceived the officer's force as significantly less justifiable, as compared to jurors who read a transcribed description of the incident. Additionally, jurors were less likely to find the defendant guilty when the defence presented a White (as compared to Black) bystander eyewitness.

There is also limited research concerning jurors' perceptions of other individuals with high social status, such as celebrities. Unfortunately, the results from these studies are somewhat conflicting. In one of the first examinations of celebrity status on juror decision-making, Skolnick and Shaw (1997) found that mock jurors' verdicts were unaffected by the defendant's celebrity status. However, participants perceived the high-status celebrity defendant as less culpable for the crime as compared to the celebrity with low status. In more recent research, Wong and colleagues (2010) presented mock jurors with a murder trial involving a movie celebrity, televangelist celebrity, or an office worker as the defendant. Results indicated that participants were more likely to convict when the defendant was a movie star as compared to a non-movie star. Furthermore, participants with favourable attitudes towards celebrities were less likely to convict the movie star. Other research suggests that the celebrity defendants' race moderates the influence of their status (Knight et al., 2001). Knight and colleagues (2001) presented participants with fictitious newspaper vignettes describing a man accused of sexual assault, then asked them to respond to a series of questions designed to measure participants'

reactions. The man's race was manipulated as Black or White, while his social status was manipulated as either celebrity or non-celebrity. The authors found that Black celebrities were perceived more negatively than Black non-celebrities, but that White celebrities were perceived more favourably than White non-celebrities. As such, there is evidence to suggest that celebrities experience preferential treatment in some cases, but are held to a higher standard in others (Chamberlain et al., 2006). It is unclear if this influence extends to other types of defendants who also have high status, such as police officers (Oswald, 2003; Sykes & Clark, 1975).

Jurors' levels of authoritarianism and belief in a just world (BJW) may also influence decision-making in trials involving police officers as defendants. Described as submissive to authority, conservative, and punitive (Boehm, 1968; Adorno et al., 1950), a number of studies have explored this authoritarian personality and its relationship to juror decision-making (e.g., Bray & Noble, 1978; McGowen & King, 1982; Miller et al., 2014). In general, jurors high in authoritarianism tend to convict more frequently and recommend longer sentences as compared to those low in authoritarianism (Bray & Noble, 1978; Kravits et al., 1993; Miller et al., 2014). However, in a trial involving a police officer as the defendant, this may not be the case. Police officers themselves are a source of legal authority. Authoritarians often look to such legal authorities for guidance on what rules to follow in daily life (Allport, 1954). Furthermore, authoritarians may perceive themselves as more similar to a police officer as opposed to the victim in the context of a police shooting, and authoritarians demonstrate increased leniency towards defendants who they perceive as personally similar (Mitchell & Byrne, 1973). As such, authoritarians may actually be less punitive when the defendant is a police officer, contrasting the typically observed pattern.

In comparison, belief in a just world (BJW; Lerner, 1965; 1980) refers to an individuals' beliefs concerning cause and effect in daily life. Those with high BJW are motivated to believe that the world is fair, and that people tend to get what they deserve; "good things tend to happen to good people, and bad things to bad people" (Furnham, 2003, p 795). When a tragic event occurs (e.g., a civilian killed by a police officer), individuals high in BJW are forced to rationalize or explain the injustice in order to maintain their beliefs that the world is a fair place. This is often done by blaming the victim of the incident (Butler & Moran, 2007; Stromwall et al., 2013). In a courtroom trial then, jurors who believe the world is just should be more likely to blame the victim for the crime, which may influence verdict decisions. Indeed, a number of studies have indicated that jurors' BJW affects their decisions (e.g., Drout & Gaertner, 1994; Foley & Pigott, 2000; Freeman, 2006). For example, Foley and Pigott (2000) demonstrated that male mock jurors presented with a civil rape trial awarded lower damages to the complainant the higher they scored on a BJW scale. In comparison, other studies have failed to observe a relationship between BJW and legal decision-making (Hammond et al., 2011; Kern et al., 2007). In the context of a police shooting, jurors high in BJW will be motivated to believe the victim acted in a manner that justified the officers' lethal UoF, which may subsequently lead to a lower likelihood of a guilty verdict.

### **The Current Project**

Although police UoF occurs relatively infrequently, a number of incidents concerning minority victims and lethal force have become highly publicized in the media. Such incidents seem to be causing public concern about officer accountability, particularly when force may be improperly applied (Gross, 2016). According to Fairfax (2017), the majority of lethal UoF encounters result in no charges laid against the involved officers. When officers are charged,

convictions almost never occur (Fairfax, 2017). Because of this, the public may have heightened concerns about officer accountability and injustice for the victim (Cole, 2018; Fairfax, 2014). Indeed, the empirical jury decision-making literature suggests that trials involving racialized victims are more likely to result in acquittals as compared to those with White victims (e.g., Baldus & Woodworth, 2003). Unfortunately, there is a large gap in published research concerning juror decision-making in the context of UoF trials. To begin to fill this gap in the literature, my dissertation advances our understanding of what jurors discuss during deliberations in UoF trials, and also provides valuable information regarding the influence of victim race in these trials.

As mentioned above (see Victim Race section), the majority of American jury research examining race has focused on Black and White trial parties (e.g., Abshire & Bornstein, 2003; Baldus et al., 1990; Sommers & Ellsworth, 2001), likely due to sentencing disparities between the Black and White population (see Zeng, 2018). In addition, previously discussed research (see Racial Disparities in Police Use of Force section) suggests that Black civilians are at an increased risk of being subject to police UoF (e.g., Buehler, 2017; Goff et al., 2016; Nix et al., 2017). Furthermore, the majority of high-profile UoF incidents have involved Black victims (e.g., Dunham & Petersen, 2017; Pratt-Harris et al., 2016).

In Canada, however, the racial group that is most overrepresented in all stages of the criminal justice system is that of the Indigenous peoples of Canada (see Corrado et al., 2014; LaPrairie, 1990; Roberts & Reid, 2017). Statistics Canada's latest report on adult and youth corrections indicates that although 28% of those admitted to provincial/territorial custody (and 27% of admitted to federal custody) are Aboriginal<sup>7</sup> adults, this group represents a mere 4.1% of

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<sup>7</sup> Language used in original source

the general Canadian adult population (Malakieh, 2018). Similarly, between 2016-2017, 46% of youth sentenced to custody were Aboriginal<sup>8</sup>, while 8% of the general Canadian youth population is Aboriginal (Malakieh, 2018)<sup>8</sup>. After controlling for education level and employment status, Aboriginal<sup>7</sup> young adults are still more likely to be incarcerated compared to non-Aboriginals of the same age (Perreault, 2009). Examinations of incarceration trends in Canada since 1978 indicate that unfortunately, the issue of Indigenous overrepresentation has gotten progressively worse (Roberts & Reid, 2017). Along with issues of over-incarceration, the police-Indigenous relationship has been historically tense and dysfunctional in Canada (see Public Perception of Police; Human Rights Watch, 2013), which likely relates to the RCMP's role in the residential schools (Christmas, 2012; Lithopoulos & Rudell, 2011). Therefore, because of the particular Canadian cultural context, I manipulated the victim's race as either Indigenous or White.

### **Study 1a Hypotheses:**

#### **1) Victim Race**

- a. In line with previous research concerning the effect of victim race on verdict (e.g., Baldus et al., 1990; Williams et al., 2007), as well as aversive racism theory (e.g., Dovidio & Gaertner, 2004; Gaertner & Dovidio, 1986; 2005), I predict that jurors will be less likely to render guilty verdicts when the victim is Indigenous as compared to when the victim is White.
- b. Similarly, I believe that jurors will perceive the officer's UoF as more justifiable when the victim is Indigenous as compared to White.

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<sup>8</sup> Language used in original source

- c. Following research concerning aversive racism (Dovidio & Gaertner, 2004; Gaertner & Dovidio, 1986; 2005), I predict that, when the victim is Indigenous, jurors who hold negative attitudes towards Indigenous peoples will be less likely to convict an officer charged with manslaughter.
- d. Similarly, I believe that when the victim is Indigenous, jurors who hold negative attitudes towards Indigenous peoples will be more likely to perceive the officer's UoF as justifiable.

## **2) Police Legitimacy**

- a. Based on previous research concerning perceived police legitimacy and cooperation with police (Murphy & Cherney, 2011; Tyler, 1990; Tyler & Fagan, 2008), I hypothesize that jurors who perceive the police as more legitimate will be less likely to convict an officer charged with manslaughter. If true, this would lend support to the Director's Cut Model's assertion that jurors' pre-existing attitudes influence their decision-making process in the courtroom (Devine, 2012).
- b. Similarly, I believe that jurors with more favourable perceptions of the police will perceive the officer's UoF as more justifiable than jurors with less favourable perceptions of the police

## **3) Authoritarianism**

- a. Because authoritarians often turn to legal authorities for guidance and perceive themselves as similar to legal authorities (Allport, 1954; Mitchell & Byrne, 1973), I predict that jurors high in authoritarianism will be less likely to convict an officer charged with manslaughter.

- b. Similarly, I believe that jurors high in authoritarianism will be more likely to perceive the officer's UoF as justifiable, as compared to jurors low in this measure.

#### 4) **Belief in a Just World**

- a. Consistent with previous research concerning BJW (Butler & Moran, 2003; Freeman, 2006; Stromwall et al., 2013) I hypothesize that the higher a jurors' BJW, the less likely they will be to convict an officer charged with manslaughter.
- b. Similarly, I believe that jurors high in BJW will be more likely to perceive the officer's UoF as justifiable, as compared to jurors low in BJW.

#### **Study 1b Hypotheses:**

- 1) **Police.** I predict that jurors' APLS scores will relate to the frequency in which pro-police and anti-police statements (i.e., statements concerning police that don't relate to this specific incident) are made during deliberations (Jackson et al., 2011; Tyler, 1990; White et al., 2016). Specifically, I hypothesize that jurors with more favourable perceptions of the police will utter more pro-police statements, and that jurors with unfavourable perceptions of the police will utter more anti-police statements.
- 2) **Victim Blame.** I hypothesize that victim race and juror BJW will predict the frequency of statements made regarding victim blame (Lerner, 1980; Sundby, 2003). In particular, I believe that jurors will express more victim blame when the victim is Indigenous as opposed to White (Chiricos et al., 2004). Similarly, I predict that the higher a jurors' BJW, the more frequently they will utter statements that relate to victim blame.
- 3) **Victim Race.** There have been a number of highly publicized instances of police officers fatally shooting unarmed Black men, raising concerns about police violence and BIPOC

individuals (Desmond, Papachristos, & Kirk, 2016; Hall, Hall, & Perry, 2016; Weitzer, 2015). There is also a long history of conflict between the police and Indigenous peoples in Canada (e.g., Comack, 2012; Nettelbeck & Smandych, 2010; Palmater, 2016). As such, I believe that jurors will mention the victim's race more frequently when the victim is Indigenous as opposed to White.

4) **Previous Police Shootings.** Due to the high-profile cases mentioned above, I predict that victim race will relate to the frequency of statements made concerning previous police shootings. Specifically, I hypothesize that jurors will utter these statements more often when the victim is Indigenous as opposed to White.

5) **Officer Behaviour.** Existing research suggests jurors value the lives of White victims more than those who are BIPOC (Baldus et al., 1990; Radelet, 2011). I therefore predict that jurors will speak more favourably about the defendant officer when the victim is Indigenous as opposed to White. Specifically, I believe jurors will make more pro-defendant utterances when the victim is Indigenous, and more anti-defendant utterances when the victim is White. Furthermore, I predict jurors with favourable perceptions of the police will make more pro-defendant utterances, and jurors with negative perceptions of the police will make more anti-defendant utterances (Ewanation et al., 2021; Reynolds et al., 2018).

## Method

### Participants

I recruited 78 undergraduate students using Carleton University's SONA participant pool. Thirteen (16.67%) participants were men, 64 (82.05%) were women, and 1 (1.28%) preferred not to disclose. Participants' ages ranged from 18 to 45 years old ( $M = 19.36$ ,  $SD = 4.23$ ). Forty-

seven (60.26%) of the participants were White, 14 (17.95%) were Black, 6 (7.69%) were Japanese, 3 (3.85%) were South Asian, 3 (3.85%) were Arab, 2 (2.56%) were Latin American, 1 (1.28%) was Chinese, and 1 (1.28%) was Southeast Asian. All participants were jury-eligible (i.e., Canadian citizens at least 18 years of age with no indictable offenses)<sup>9</sup>.

## Materials

**Attitudes towards Police (Appendix C).** Participants completed the Attitudes towards Police Legitimacy Scale (APLS; Reynolds et al., 2018). The APLS is a 34-item questionnaire that measures attitudes towards police legitimacy (e.g., “people should trust the police to help them,” “police officers usually make fair decisions when enforcing the law”). Participants will respond on a seven-point Likert-type scale (1 = *strongly disagree*, 7 = *strongly agree*). All items have a positive valence, such that higher scores indicate more favourable perceptions of police legitimacy. Items were averaged, and the scale demonstrated strong internal consistency ( $\alpha = .98$ ). In addition, participants responded to a feeling thermometer concerning the police (Liu & Wang, 2015). Participants were also asked to rate on a scale of 1 (extremely cold) to 100 (extremely warm) how they feel about the police.

**Attitudes towards Indigenous Peoples (Appendix D and Appendix E).** To measure participants’ attitudes concerning Indigenous Peoples of Canada, I asked them to respond to Morrison et al.’s (2008) Old-fashioned Prejudiced Attitudes toward Aboriginals Scale (O-PATAS) and Modern Prejudiced Attitudes toward Aboriginals Scale (M-PATAS). The O-PATAS consists of 11 items that relate to explicit, overtly negative statements concerning

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<sup>9</sup>One participant confirmed they were jury-eligible while signing-up for the in-person session, but then indicated they were not a Canadian citizen on the demographic questionnaire. In addition, two participants did not finish the demographic questionnaire, and therefore did not explicitly indicate whether they were Canadian citizens with no indictable offenses. Results are unaffected by removing or retaining these participants, except for the relationship between personal BJW and pre-deliberation verdicts. When these participants are excluded, personal BJW is significantly negatively related to pre-deliberation verdicts. When these participants are retained, this relationship is no longer significant.

Indigenous persons (e.g., “most Indigenous people cannot take care of their children”). For the purposes of my study, “Indigenous” was used to replace “Aboriginal” on the existing scales. In comparison, the M-PATAS is made up of 14 items (e.g., “Indigenous people should pay taxes like everyone else”) that concern more covert, subtle forms of bias. Both measures use a five-point Likert scale (1 = *strongly disagree*, 5 = *strongly agree*) to assess participants’ level of agreement with the statements, and both measures demonstrated high internal consistency ( $\alpha = .83$  for O-PATAS,  $\alpha = .89$  for M-PATAS; Morrison et al., 2008). As an additional measure of attitudes towards Indigenous Peoples, I used a feeling thermometer (Liu & Wang, 2015). Participants were asked to rate on a scale of 1 (extremely cold) to 100 (extremely warm) how they feel about Indigenous Peoples.

**Indigenous Cultural Stereotype Checklist (Appendix H).** Participants were asked to complete a cultural stereotype checklist (CSC), which asks participants to indicate the degree (1 = not at all, 7 = very much) to which they believe particular criminality-related words (e.g., hostile, violent, aggressive) describe the cultural stereotype of Indigenous peoples in Canada (Ewanation & Maeder, 2018; McManus, Maeder & Yamamoto, 2018). There are 21 words in total.

**Right-Wing Authoritarianism Scale [(Short) Appendix I].** Participants were given a shortened measure of right-wing authoritarianism (Zakrisson, 2005), in which participants evaluated (1 = very negative, 7 = very positive) a series of statements (e.g., “our society would be better off if we showed tolerance and understanding for untraditional values and opinions”). The items were averaged, but it must be noted that they demonstrated much lower internal

consistency ( $\alpha = .34$ ) than what previous research has observed ( $\alpha$  between 0.72-0.8; Zakrisson, 2005)<sup>10</sup>.

**General and Personal Belief in a Just World Scales (Appendix J).** Participants completed both the general and personal belief in a just world scales (Dalbert, Montada, Schmitt, 1987; Dalbert, 1999). These scales ask participants to rate (1 = strongly disagree, 6 = strongly agree) a series of statements pertaining to general (e.g., “I believe that, by and large, people get what they deserve”) and personal (e.g., “I believe that, by and large, I deserve what happens to me”) beliefs in a just world. The items for each scale were averaged, and they demonstrated strong internal consistency ( $\alpha = .84$  for the personal scale,  $\alpha = .73$  for the general scale).

**Demographics Questionnaire (Appendix K).** Participants were asked to complete a questionnaire concerning their demographic information (age, race, religion, etc.).

**Trial Transcript (Appendix A).** I wrote a 12-page trial transcript (based on the Philando Castile shooting) describing an officer charged with manslaughter after shooting and killing a civilian during a traffic stop (see Appendix A). The transcript was piloted on SONA ( $N = 15$ ), demonstrating a relatively equal individual verdict split (60% guilty, 40% not guilty). I then audio-recorded the transcript using volunteer voice actors<sup>11</sup> and created a video file involving static pictures of the trial parties (e.g., while the participants heard the defendant’s testimony, a picture of him was displayed on the screen). The trial included pre-trial jury instructions, opening and closing statements from the Crown and defence, back and forth exchanges between the lawyers and witnesses, and post-trial jury instructions. Both the pre-and post-trial juror

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<sup>10</sup>Reliability analysis indicated the RWA scale’s internal consistency would increase to .49 if a particular item was deleted. Deleting that item did not change the significance of any results. As such, the original scale with all items was retained and is what was used in the results reported below.

<sup>11</sup> A police officer, lawyer, and physician read the lines of the defendant officer, Crown prosecutor, and pathologist, respectively.

instructions were modelled after those provided by the National Judicial Institute (2014). The National Judicial Institute has created standardized instructions that Canadian judges may use when speaking to the jury. More specifically, these instructions discussed the burden of proof, standard of reasonable doubt, and laws surrounding police officers' legal right to use force. As part of the Crown's evidence, a video of the incident (shot from the officers' dashboard camera) was embedded into the audio/visual presentation. The video, taken from the dashboard camera footage of the Philando Castile shooting, depicts two officers performing a traffic stop (see Appendix B). Once the civilian car is pulled over, the two officers approach the vehicle. As the officer on the driver's side door speaks with the driver, he is seen reaching into the car and firing his pistol, killing the driver. I manipulated victim race (Indigenous, White) by including a colour photograph of the victim in the audio/visual presentation while also varying the victim's name (e.g., Lukas Pierce for a White victim, George Longboat for an Indigenous victim). The photographs I used were pilot tested ( $N = 33$ ) to match for perceived age, attractiveness, and likeability.

**Individual (Pre-deliberation) Verdict (Appendix L).** Prior to beginning deliberation, I asked participants to confidentially render their individual verdict, along with a rating on a 9-point scale of how confident they are in their verdict (1 = not at all confident, 9 = completely confident).

**Perceptions of Use of Force (Appendix M).** I also asked participants to rate on a 9-point bipolar scale how justifiable they believe the officers' force to be (1 = completely justified, 9 = completely excessive).

**Jury Verdict (Appendix N).** As a group, juries were given 60 minutes to reach a unanimous decision regarding the defendant's guilt (or lack thereof). When a decision was made,

the jury foreperson indicated (on a verdict form) whether the jury found the defendant guilty or not guilty. If a unanimous decision wasn't made within 60 minutes, the jury was considered "hung." The 60-minute time limit for deliberation was chosen due to feasibility, and because previous deliberation research has used a 60-minute (or shorter) limit as well (e.g., MacCoun, 1990; Ruva & Guenther, 2015; Sommers, 2006).

**Individual (Post-deliberation) Verdict (Appendix L).** Following deliberation, I again asked participants to confidentially render their individual verdict, along with a rating on a 9-point bipolar scale of how confident they are in their verdict (1 = not at all confident, 9 = completely confident).

### **Procedure**

I used mass testing to collect a number of measures from participants prior to completing the in-person aspect of the study. Each Fall semester at Carleton University, a mass-testing questionnaire is completed by students enrolled in introductory psychology courses (PSYC1001, PSYC1002, PSYC 2001, PSCY 2002). Researchers interested in submitting for mass testing must email the Mass Testing Coordinator and Assistant with their particular scales in the summer. After the mass-testing session is complete, researchers are emailed a dataset and codebook including only the variables that they submitted. For the Fall 2019 mass-testing session, participants completed the Attitudes Towards Police Legitimacy Scale, Old-fashioned Prejudiced Attitudes toward Aboriginals Scale, Modern Prejudiced Attitudes toward Aboriginals Scale, Symbolic Racism Scale, feeling thermometers, and Indigenous CSC.

One-thousand, one-hundred, and sixty-seven participants completed the Fall 2019 mass-testing questionnaire. The following semester, I emailed these students an invitation code to sign-up for my in-person study through Carleton's SONA system. Participants were scheduled

for the in-person sessions in groups of up to 12. On the day of the session, participants were seated around a table by order of arrival. Groups were randomly assigned to view either the Indigenous or White victim condition. After giving consent, participants were presented with the audio-recorded trial transcript and video of UoF. Following the trial, I asked participants to complete the individual pre-deliberation verdict form as well as respond to the scale regarding the UoF depicted in the video. Participants were then given an hour to deliberate about the case as a group, with the ultimate goal of reaching a unanimous decision concerning the defendant's guilt. Juries that could not reach a unanimous verdict following an hour were considered "hung." Following deliberation, participants completed a questionnaire that included the individual post-deliberation verdict, the scale measuring their perceptions of the UoF depicted in the video, the Right-Wing Authoritarianism Scale, the General and Personal Beliefs in a Just World scales, and a number of measures concerning participant demographics. Once they had completed their questionnaire, participants were thanked, debriefed, and compensated with 2.5% course credit.

### **Study 1a**

The primary goal of Study 1a was to examine what factors predict jurors' individual verdicts and perceptions of the evidence in trials involving police UoF. Further, Study 1a involved a confirmatory factor analysis on participants' responses to the APLS scale.

### **Study 1a: Results**

#### **Continuous Variables**

I first examined descriptive statistics for my continuous measures (see Table 1), and then conducted bivariate correlations between them (see Table 2). Perceived police legitimacy was significantly positively correlated with the police feeling thermometer,  $r(75) = .85, p < .001$ . Consistent with Morrison et al. (2008), modern and old-fashioned measures of prejudice were

significantly positively correlated,  $r(74) = .53, p < .001$ . The modern measure of prejudice was also significantly positively correlated with general belief in a just world,  $r(70) = .29, p = .014$ , and significantly negatively correlated with the Indigenous feeling thermometer,  $r(73) = -.68, p < .001$ . The old-fashioned measure of prejudice was also significantly negatively correlated with the Indigenous feeling thermometer  $r(76) = -.56, p < .001$ . Authoritarianism had a significant positive correlation with general belief in a just world,  $r(72) = .29, p = .013$ , and was significantly negatively correlated with the Indigenous CSC,  $r(72) = -.50, p < .001$ . Similar to Dalbert (1999), the general and personal belief in a just world measures demonstrated a significant positive correlation,  $r(73) = .41, p < .001$ . Finally, general belief in a just world was significantly negatively correlated with both the Indigenous feeling thermometer,  $r(70) = -.28, p = .017$ , and the Indigenous CSC,  $r(70) = -.36, p = .002$ . The remaining bivariate correlations were non-significant.

Table 1

*Descriptive Statistics for Continuous Measures*

Variable	Mean (SD)	Min	Max	Scale Min	Scale Max
Police Legitimacy	4.81 (1.23)	1.32	6.88	1	7
Modern Prejudice	28.12 (9.38)	14.00	50.00	14	70
Old-Fashioned Prejudice	23.05 (6.49)	11.00	41.00	11	55
Authoritarianism	3.00 (.88)	1.80	7.00	1	7
General BJW	3.27 (.83)	1.33	4.83	1	6
Personal BJW	4.29 (.75)	2.00	5.86	1	6
Indigenous Feeling Thermometer	82.19 (16.02)	40.00	100.00	0	100
Indigenous CSC	4.53 (.78)	2.19	6.00	1	7
Police Feeling Thermometer	66.67 (24.23)	0	100	0	100

Table 2

*Bivariate Correlations Between Continuous Measures*

	Police Legit	Modern Prejudice	Old-fashioned Prejudice	Authoritarianism	General BJW	Personal BJW	Indigenous Feeling Thermometer	Indigenous CSC	Police Feeling Thermometer
Police Legit	1								
Modern Prejudice	.15	1							
Old-fashioned Prejudice	.02	.53**	1						
Authoritarianism	.11	.03	.16	1					
General BJW	.18	.29*	.25	.29*	1				
Personal BJW	.16	-.03	.08	.11	.41**	1			
Indigenous Feeling Thermometer	-.04	-.68**	-.56**	-.21	-.28*	-.17	1		
Indigenous CSC	-.13	-.15	-.03	-.50**	-.36**	.05	.17	1	
Police Feeling Thermometer	.85**	.14	.01	.13	.09	.04	.06	-.06	1

\*\*  $p < .01$ \*  $p < .05$ **Confirmatory Factor Analysis on Attitudes Towards Police Legitimacy Scale**

Using MPlus version 8.5 (Muthén and Muthén 1998-2017), I conducted a confirmatory factor analysis (CFA) on the APLS responses from the mass testing data. I used the chi-square goodness of fit test statistic, the root mean square error of approximation (RMSEA), standardized root-mean-square residual (SRMR), the comparative fit index (CFI), and the Tucker-Lewis index (TLI) to evaluate the model's fit. The chi-square test was significant,  $\chi^2(527, N = 1037) = 4460.29, p < .001$ . The RMSEA value (.09) indicated adequate fit (MacCallum, Browne, & Sugawara, 1996), although a value between .06 and .08 would suggest close fit. The SRMR (.03) indicated strong fit, as Hu and Bentler (1999) consider values below

.08 to demonstrate good fit. Finally, both the CFI (.96) and TLI (.95) met the .95 cut-off value that has been established to demonstrate strong fit (Hu & Bentler, 1999; Kenny, 2020). Together, the fit indices suggest that the model fits the mass testing data well. My indices are also comparable to those reported by Reynolds and colleagues (2018), who observed a significant chi-square test, an RMSEA of .05, an SRMR value of .02, a CFI of .95, and a TLI of .94. Standardized factor loadings are presented in Table 3. Every item had a strong, significant ( $p < .001$ ) loading onto the APLS. The majority of loadings were above .78. Item 23 had a loading that was substantially lower than the other items (.51) but was still significant. In their work, Reynolds et al. (2018) also observed a relatively weak loading for item 23 (.58) in comparison to the other items.

Table 3

*Factor Loadings and standard errors for the CFA*

Factor	Loading	Standard Error
APLS_1	.86***	.01
APLS_2	.80***	.01
APLS_3	.84***	.01
APLS_4	.84***	.01
APLS_5	.83***	.01
APLS_6	.83***	.01
APLS_7	.81***	.01
APLS_8	.81***	.01
APLS_9	.63***	.02
APLS_10	.86***	.01
APLS_11	.79***	.01
APLS_12	.84***	.01
APLS_13	.84***	.01
APLS_14	.79***	.01
APLS_15	.81***	.01
APLS_16	.79***	.01
APLS_17	.79***	.01
APLS_18	.83***	.01
APLS_19	.79***	.01
APLS_20	.68***	.02
APLS_21	.75***	.01
APLS_22	.82***	.01

APLS_23	.51***	.02
APLS_24	.84***	.01
APLS_25	.72***	.01
APLS_26	.84***	.01
APLS_27	.83***	.01
APLS_28	.79***	.01
APLS_29	.81***	.01
APLS_30	.83***	.01
APLS_31	.81***	.01
APLS_32	.83***	.01
APLS_33	.86***	.01
APLS_34	.83***	.01

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\*\*\*  $p < .001$

### Pre-Deliberation Measures

**Pre-Deliberation Verdicts.** Overall, 39 participants (50%) found the defendant not guilty, while 39 (50%) found him guilty prior to deliberation. Table 4 displays a breakdown of individual pre-deliberation verdicts by victim race. I then conducted a hierarchical binary logistic regression on individual pre-deliberation verdicts. Victim race was entered as a predictor variable in the first block, while police legitimacy, the police feeling thermometer, authoritarianism, personal belief in a just world, and general belief in a just world were entered in the second block. This analysis allowed me to test hypothesis 1a (jurors will be less likely to render guilty verdicts when the victim is Indigenous, as compared to when the victim is White), 2a (jurors who perceive the police as more legitimate will be less likely to convict the defendant), 3a (jurors high in authoritarianism will be less likely to convict the defendant), and 4a (jurors high in BJW will be less likely to convict the defendant). No variables were significant in either block of the regression. See Table 5 for a summary of the model, and Table 6 for a summary of the coefficients.

Table 4

*Pre-deliberation verdicts by victim race*

<b>Victim Race</b>	<b>Pre-Deliberation Verdict</b>	<b>Frequency</b>	<b>Percentage</b>
White	not guilty	16	45.71%
	guilty	19	54.28%
	total	35	100%
Indigenous	not guilty	23	53.49%
	guilty	20	46.51%
	total	43	100%

Table 5

*Model summary for hierarchical logistic regression on pre-deliberation verdicts*

<b>Block</b>	<b>-2 Log likelihood</b>	<b>Cox &amp; Snell R-squared</b>	<b>Nagelkerke R Square</b>
1	96.51	<.01	.01
2	89.23	.10	.14

Table 6

*Summary of coefficients for hierarchical logistic regression on pre-deliberation verdicts*

<b>Block</b>	<b>Variable</b>	<b>B</b>	<b>p</b>	<b>OR</b>
1	Victim Race	-.27	.581	1.31
2	Victim Race	-.35	.507	1.42
	Police Legitimacy	-.59	.177	1.80
	Police Feeling Thermometer	.02	.315	1.02
	General BJW	.32	.374	1.38
	Personal BJW	-.71	.074	2.04
	Authoritarianism	-.30	.372	1.35

To test hypothesis 1c (when the victim is Indigenous, jurors who hold negative attitudes towards Indigenous persons will be less likely to convict the defendant), I ran another binary logistic regression on pre-deliberation verdicts using the M-PATAS, O-PATAS, Indigenous CSC, and feeling thermometer concerning Indigenous peoples as the predictors. Analysis was limited to only the Indigenous victim condition, and all predictors were entered in a single block. The analysis revealed no significant predictors. See Table 7 for a summary of the model, and Table 8 for a summary of the coefficients.

Table 7

*Model summary for second binary logistic regression on pre-deliberation verdicts*

<b>Block</b>	<b>-2 Log likelihood</b>	<b>Cox &amp; Snell R-squared</b>	<b>Nagelkerke R Square</b>
1	53.66	.07	.09

Table 8

*Summary of coefficients for second binary logistic regression on pre-deliberation verdicts*

<b>Block</b>	<b>Variable</b>	<b>B</b>	<b>p</b>	<b>OR</b>
1	Modern Prejudice	.07	.170	1.07
	Old-fashioned Prejudice	-.02	.728	1.02
	Indigenous Feeling Thermometer	.04	.233	1.04
	Indigenous CSC	-.18	.634	1.20

**Pre-Deliberation Perceptions of Officer Use of Force.** Next, I ran a hierarchical linear regression on jurors' pre-deliberation perceptions of the defendant officer's UoF, using victim race, police legitimacy, police feeling thermometer, authoritarianism, personal belief in a just

world, and general belief in a just world as predictor variables. I entered victim race in the first block, and the remaining variables in the second block. This regression would allow me to test hypothesis 1b (jurors will perceive the officer's UoF as more justifiable when the victim is Indigenous as compared to White), 2b (jurors with more favourable perceptions of the police will perceive the officer's UoF as more justifiable), 3b (jurors high in authoritarianism will be more likely to perceive the officer's UoF as justifiable), and 4b (jurors high in BJW will be more likely to perceive the officer's UoF as justifiable). None of the variables significantly predicted jurors' pre-deliberation perceptions of the defendant officer's UoF. See Table 9 for a summary of the hierarchical models, and Table 10 for a summary of the models' coefficients.

Table 9

*Summary of hierarchical linear regression on pre-deliberation perceptions of officer's force*

<b>Model</b>	<b>R</b>	<b>R Square</b>	<b>Adjusted R Square</b>	<b>Standard Error of the Estimate</b>
1	.06	<.01	-.01	2.11
2	.24	.06	-.04	2.13

Table 10

*Coefficients for hierarchical linear regression on pre-deliberation perceptions of officer's force*

<b>Model</b>	<b>Predictor</b>	<b><i>b</i></b>	<b><i>p</i></b>	<b><i>sr</i><sup>2</sup></b>
1	Victim race	-.25	.625	<.01
2	Victim race	-.22	.661	<.01
	Police legitimacy	-.38	.348	.01
	Police Feeling Thermometer	.02	.456	.01
	Authoritarianism	-.24	.441	.01
	Personal BJW	-.37	.322	.01
	General BJW	.04	.909	< .01

To test hypothesis 1d (when the victim is Indigenous, jurors who hold negative attitudes towards racial minorities will be more likely to perceive the officer's UoF as more justifiable), I ran another linear regression on pre-deliberation perceptions of the UoF using the M-PATAS, O-PATAS, Indigenous CSC, and feeling thermometer concerning Indigenous peoples as the predictors. Analysis was limited to only the Indigenous victim condition, and all variables were entered in a single block. The Indigenous feeling thermometer ( $b = .07, p = .009, sr^2 = 0.17$ ) significantly predicted participants' pre-deliberation perceptions of the defendant officer's UoF. Jurors high in warmth towards Indigenous peoples were more likely to perceive the force against Indigenous victims as excessive. See Table 11 for a summary of the model, and Table 12 for a summary of the model's coefficients.

Table 11

*Summary of second hierarchical linear regression on pre-deliberation perceptions of officer's force*

<b>Model</b>	<b>R</b>	<b>R Square</b>	<b>Adjusted R Square</b>	<b>Standard Error of the Estimate</b>
1	.45	.21	.12	2.02

Table 12

*Coefficients for second hierarchical linear regression on pre-deliberation perceptions of officer's force*

<b>Model</b>	<b>Predictor</b>	<b>b</b>	<b>p</b>	<b>sr<sup>2</sup></b>
1	Modern prejudice	.09	.064	.08
	Old-fashioned prejudice	.07	.311	.02
	Indigenous feeling thermometer	.07	.009	.17
	Indigenous CSC	-.23	.542	.01

## Post-Deliberation Measures

**Post-Deliberation Verdicts.** For the post-deliberation verdict, 51 participants (66.23%) found the defendant not guilty, while 26 (33.76%) found him guilty. Table 13 displays a breakdown of individual post-deliberation verdicts by victim race. To further investigate hypothesis 1a, 2a, 3a, and 4a, I conducted a similar analysis to the one described above on jurors' individual post-deliberation verdicts. Because the assumption of independent observations is violated with the post-deliberation measures (i.e., jurors' responses following deliberation may have been influenced by other jurors), I used a generalized estimating equation to run binary logistic regressions, further specifying the models to cluster robust standard errors (see McNeish & Stapleton, 2016). First, I conducted a binary logistic regression on individual post-deliberation verdicts using victim race, police legitimacy, the police feeling thermometer, authoritarianism, personal belief in a just world, and general belief in a just world as the predictor variables. Victim race fell just short of reaching traditional cutoffs for statistical significance,  $b = -2.78$ ,  $p = .053$ , OR = 16.06. Right-wing authoritarianism was a significant predictor of post-deliberation verdicts,  $b = -1.26$ ,  $p < .001$ , OR = 3.52. Following deliberation, participants with higher scores of right-wing authoritarianism were significantly less likely to find the defendant guilty. General ( $b = .68$ ,  $p = .011$ , OR = 1.98) and personal ( $b = -.59$ ,  $p = .003$ ) BJW were also significant predictors, albeit in opposite directions. Participants with higher general BJW were significantly more likely to find the defendant guilty, while those with higher personal BJW were significantly less likely to find the defendant guilty. The remaining variables were non-significant. See Table 14 for a summary of the models' coefficients.

Table 13

*Post-deliberation verdicts by victim race*

<b>Victim Race</b>	<b>Pre-Deliberation Verdict</b>	<b>Frequency</b>	<b>Percentage</b>
White	not guilty	14	41.18%
	guilty	20	58.82%
	total	34	100%
Indigenous	not guilty	37	86%
	guilty	6	14%
	total	43	100%

Table 14

*Summary of coefficients for binary logistic regression on post-deliberation verdicts*

<b>Variable</b>	<b>B</b>	<b>p</b>	<b>OR</b>
Victim Race	-2.78	.053	16.06
Police Legitimacy	-.25	.322	1.29
Police Feeling Thermometer	<.-01	.751	1.00
General BJW	.68	.011	1.97
Personal BJW	-.59	.003	1.81
Authoritarianism	-1.26	<.001	3.53

Using a generalized estimating equation, I ran a subsequent binary logistic regression on post-deliberation verdicts using the M-PATAS, O-PATAS, Indigenous CSC, and the feeling thermometer concerning Indigenous peoples as the predictors. Again, analysis was limited to only the Indigenous victim condition, and I entered the predictors in a single block. Similar to results concerning pre-deliberation verdicts, none of the predictors were significant. See Table 15 for a summary of the model's coefficients.

Table 15

*Summary of coefficients for second binary logistic regression on post-deliberation verdicts*

<b>Variable</b>	<b>B</b>	<b><i>p</i></b>	<b>OR</b>
Modern Prejudice	.02	.420	1.02
Old-fashioned Prejudice	-.05	.082	1.05
Indigenous Feeling Thermometer	.03	.066	1.03
Indigenous CSC	-.03	.972	1.03

**Post-Deliberation Perceptions of Officer Use of Force.** To further investigate hypothesis 1b, 2b, 3b, and 4b, I re-ran the analysis described above on jurors' individual post-deliberation perceptions of the officer's use of force. Specifically, I used a generalized estimating equation to conduct a linear regression on post-deliberation perceptions of force, entering victim race, police legitimacy, the police feeling thermometer, authoritarianism, personal belief in a just world, and general belief in a just world as the predictor variables. Jurors' levels of right-wing authoritarianism ( $b = -.45, p = .016$ ) and general BJW ( $b = .66, p = .015$ ) were both significantly related to their post-deliberation perceptions of the officer's force. Jurors high in authoritarianism and low in general BJW were significantly less likely to perceive the force as excessive. The remaining variables were non-significant predictors of post-deliberation perceptions of force. See Table 16 for a summary of the model's coefficients.

Table 16

*Summary of coefficients for hierarchical linear regression on post-deliberation perceptions of officer's force*

<b>Predictor</b>	<b><i>b</i></b>	<b><i>p</i></b>
Victim Race	-1.15	.119
Police Legitimacy	-.66	.131
Police Feeling Thermometer	.02	.391
Authoritarianism	-.45	.016
Personal BJW	-.48	.079
General BJW	.66	.015

To further investigate hypothesis 1d (when the victim is Indigenous, jurors who hold negative attitudes towards racial minorities will be more likely to perceive the officer's UoF as more justifiable), I used a general estimating equation to run another hierarchical linear regression on post-deliberation perceptions of the UoF using the M-PATAS, O-PATAS, and feeling thermometer concerning Indigenous peoples as the predictors. Analysis was limited to only the Indigenous victim condition. The M-PATAS ( $b = .10, p = .001$ ) and Indigenous feeling thermometer ( $b = .052, p = .014$ ) were both significantly related to participants' post-deliberation perceptions of force when the victim was Indigenous. The more warmth participants felt toward Indigenous peoples, the more excessive they perceived the officer's force to be when the victim was Indigenous. Surprisingly, a similar result was observed for the M-PATAS; the higher participants scored on the modern prejudice scale, the more excessive they perceived the force against the Indigenous victim to be. The remaining variables were non-significant predictors. See Table 17 for a summary of the model's coefficients.

Table 17

*Coefficients for second linear regression on post-deliberation perceptions of officer's force*

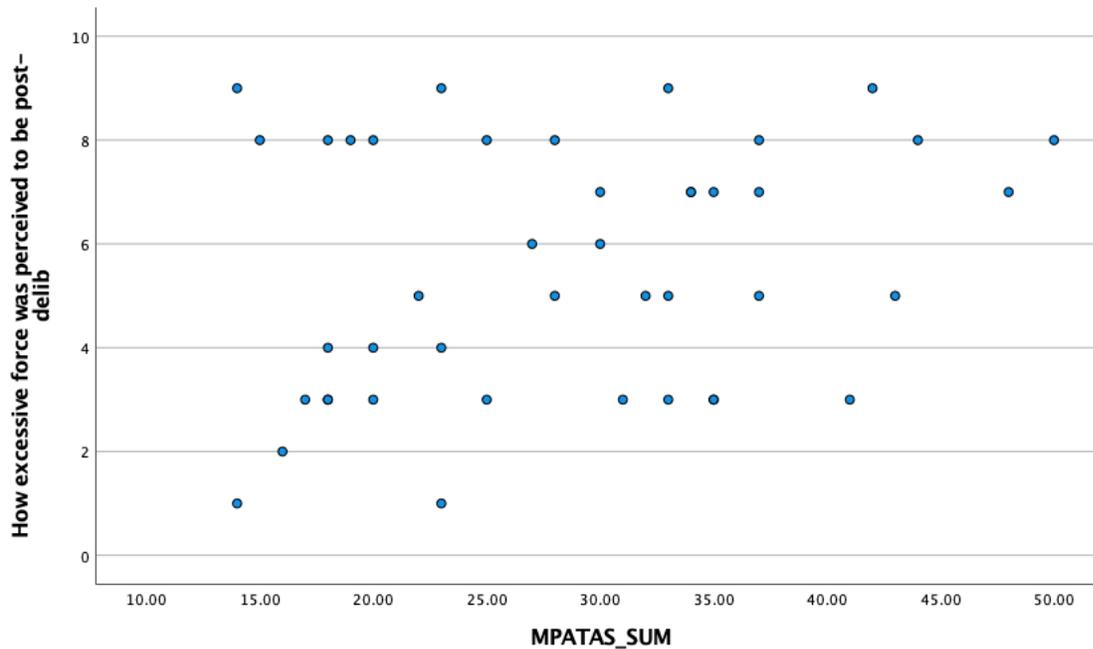
<b>Predictor</b>	<b><i>b</i></b>	<b><i>p</i></b>
Modern prejudice	.10	.001
Old-fashioned prejudice	.03	.662
Indigenous feeling thermometer	.05	.014
Indigenous CSC	-.08	.816

Because of the surprising relationship between the M-PATAS and perceptions of the officer's force, I used a scatterplot to visualize the relationship between these two variables (see Figure 1). Because the M-PATAS is comprised of a 5-point scale with 14 items, participant scores above 42 (the midpoint of the scale) would indicate a general agreement with the M-PATAS items. As seen in the figure, only four participants in the Indigenous victim conditions had a score that went above 35; most participants' scores were lower, suggesting a general disagreement with the M-PATAS items. Because of the low amount of variability on the scale coupled with most scores being below the mid-point, the significant association described above is potentially a Type I error.

Furthermore, the null relationship between APLS scores and verdicts as well as perceptions of the officer's force contradicts with previous research. I therefore used a histogram to examine the distribution participants' APLS responses, which revealed a moderate negative skew. I used a reflected square root transformation on the data (Tabachnick & Fidell, 2013), resulting in a distribution that appeared normal. I then re-ran all of the above analyses, using the transformed version of the APLS variable. All of the findings remained the same as with the original, untransformed variable.

Figure 1

*Participants' scores on the MPATAS compared to their post-deliberation perceived perceptions of officer UoF*



### Study 1a: Discussion

Study 1a aimed to validate a newly proposed measure of police legitimacy (Reynolds et al., 2018) on Canadian undergraduate students, and to investigate factors that predict individual juror verdicts in trials involving alleged excessive police UoF.

#### Attitudes Towards Police Legitimacy Scale

The confirmatory factor analysis on the APLS suggests that it is indeed a valid measure of Canadian undergraduate students' perceptions of police legitimacy. My observed loadings and model fit indices were consistent with those reported by Reynolds and colleagues (2018) in their initial creation of the scale. To the best of my knowledge, this is the first instance of using the APLS with a Canadian sample. Future replication studies should therefore be conducted using general community members (rather than undergraduate students) to increase the generalizability of Study 1a's findings. Once further validated, the APLS could be used in the future by Canadian

scholars and law enforcement agencies when conducting work that involves civilian perceptions of police legitimacy. The implementation of a single, standardized scale (and conceptualization of what actually comprises police legitimacy) would allow for proper comparisons between studies, as previous researchers have operationalized the construct of police legitimacy in a number of conflicting ways. These varying operationalizations and conceptions make proper comparisons difficult. Due to the conceptual and statistical issues involved with previous police legitimacy scales described earlier, I believe that the APLS should be the primary scale for measuring this construct in future research.

### **Victim Race**

My main hypotheses related to victim race; I hypothesized that participants would be significantly less likely to find the defendant officer guilty of manslaughter when the victim was Indigenous as opposed to White. Similarly, I predicted that jurors would perceive the officer's UoF to be significantly less excessive when the victim was Indigenous. There were no statistically significant effects of victim race on jurors' outcomes. However, the effect of victim race on jurors' individual post-deliberation verdicts was strong and just missed the traditional .05 significance cut-off. Following deliberation, participants appeared to be less likely to render a guilty verdict if the defendant was Indigenous as compared to White. The deliberation process may have increased extralegal bias relating to victim race. However, due to my small sample size, this pattern must be interpreted with caution. Similar results have been demonstrated by other jury researchers (e.g., Hulbert et al., 1999; Lynch & Haney, 2009; MacCoun, 1990). For example, Lynch and Haney (2009) also found that deliberation exacerbated racial bias in a mock jury study involving simulated capital trials. The authors observed no significant effect of defendant race on jurors' sentencing verdict prior to deliberation, but a marginally significant

effect on post-deliberation sentencing verdicts. When looking specifically at White male participants, Lynch and Haney (2009) demonstrated Black defendants were significantly more likely to be sentenced to death as compared to White defendants, but only after deliberation. Similarly, MacCoun (1990) only observed an effect of defendant attractiveness for *post*-deliberation verdicts in mock trials relating to an auto-theft; there was no such relationship prior to participants deliberating.

Examination of my pre- vs. post-deliberation verdict splits reveal an interesting pattern. Prior to deliberation, the verdict split is relatively even for both the Indigenous and White victim conditions. Following deliberation, participants became more lenient towards the defendant in conditions involving an Indigenous victim, yet the verdict split remained relatively even for White victims. Previous jury researchers have identified a “leniency asymmetry effect<sup>12</sup>,” such that juries who begin deliberation with a relatively even verdict split are more likely to acquit than convict the defendant (see Kerr & MacCoun, 2012; MacCoun & Kerr, 1988). Furthermore, the “leniency asymmetry effect” describes the finding that it is significantly more likely for pro-acquittal juries to reach a verdict of not guilty than it is for pro-conviction juries to reach a verdict of guilty. In my study, a leniency shift appears to happen during deliberation (i.e., participants are less likely to convict the defendant), but only when the victim is Indigenous. Given previous literature suggesting BIPOC victims are generally perceived with less “value” than White victims (e.g., Baldus & Woodworth, 2003; White et al., 2020; Williams & Holcomb, 2004), it is perhaps unsurprising that this leniency shift occurs when the victim is Indigenous, but not when he is White.

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<sup>12</sup> Also referred to as a “leniency bias”

Additionally, bias against Indigenous victims may have spread during deliberation. In their work investigating the effects of pretrial publicity (PTP), Ruva and Guenther (2017) observed that jurors exposed to PTP spread the biased information during deliberation to jurors who had not seen the PTP. In my study, participants may have initially corrected for their bias when rendering their pre-deliberation verdicts, possibly in an effort to respond in a socially desirable way (see Bagby et al., 1994). However, hearing a comment from another juror during deliberation that blamed the Indigenous victim or absolved the defendant officer may have “freed” them from controlling their bias, resulting in more post-deliberation acquittals in the Indigenous victim condition. Lynch and Haney (2009, p 493) suggest a similar explanation for their results, such that being exposed to other jurors “acting punitively toward the Black defendant would normalize and legitimize the death verdict, in turn, further liberating or giving permission others to select it as well.” Examining the content of my deliberations (i.e., Study 1b) will allow for a better understanding of how and why victim race may have a stronger influence on post-deliberation verdicts.

### **Stereotype Measures**

I additionally hypothesized that jurors who hold negative attitudes towards Indigenous peoples would be less likely to render a conviction and less likely to perceive the officer’s UoF as excessive when the victim was Indigenous. Of note, my sample size for these analyses ( $N = 43$ ) was quite small, causing me to be severely underpowered (see limitations section). The Indigenous feeling thermometer significantly predicted jurors’ pre- and post-deliberation perceptions of the officer’s UoF; participants who scored lower on the Indigenous feeling thermometer (i.e., reported less “warmth” towards Indigenous peoples) perceived the force against the Indigenous victim to be significantly less excessive than those who scored higher on

the thermometer. Surprisingly, participants' scores on the M-PATAS were positively related to post-deliberation perceptions of the officer's UoF when the victim was Indigenous. However, as described in the results section above, this is potentially the result of a Type I error. Furthermore, only four participants in the Indigenous victim condition scored above the midpoint on the M-PATAS, suggesting an overall disagreement with the scale's items. This may point towards the need for a new measure of modern, covert bias concerning Indigenous people that is able to capture more variable responses. Because of these issues, the observed relationship between the M-PATAS and perceived force warrants a great degree of caution and requires replication.

### **Police Legitimacy**

According to the Director's Cut model of jury decision-making (Devine, 2012), jurors' pre-existing beliefs and attitudes often influence their evaluation of the evidence and subsequent decisions made during trial. I therefore hypothesized that jurors' pre-existing attitudes towards the police would significantly predict my dependent measures. However, neither the APLS nor the police feeling thermometer were significantly related to jurors' verdicts or perceptions of the officer's UoF. This conflicts with previous jury research conducted by Ewanation, Maeder, and Yamamoto (2021), who found that the more legitimate participants believed the police to be, the more likely they were to find a defendant guilty of murdering a police officer. A key difference between my study and the work of Ewanation et al. (2021) relates to the incident described at trial; in their work, Ewanation and colleagues (2021) used a videotaped mock trial that involved a civilian accused of killing a police officer during a UoF incident. The defendant testified that the police were using excessive force during his attempted arrest and claimed to have killed the officer in an act of self-defence. In comparison, the trial stimulus I used in my project describes the opposite situation of an officer accused of using excessive force on a civilian, leading to a

charge of manslaughter. These conflicting findings may indicate that Canadians' perceptions of police legitimacy are more likely to influence decisions in trials involving police UoF when a civilian, as compared to an officer, is the defendant.

Study 1a's null results concerning the APLS and police feeling thermometer also conflict with more general research that has observed a relationship between perceived police legitimacy and perceptions of specific police UoF incidents (Bradford et al., 2017; Gerber & Jackson, 2017; Reynolds et al., 2018). Bradford et al. (2017) and Gerber and Jackson (2017) both demonstrated that participants' attitudes concerning police legitimacy significantly predicted their perceptions of police UoF in vignettes that described ambiguous situations; participants with favourable attitudes towards the police were more likely to believe that force in these situations would be justified. Similarly, Reynolds et al. (2018) reported that participants who viewed a videotaped lethal police shooting were more likely to indicate that the shooting was justified if they perceived the police to be legitimate. A central methodological difference between this research and my project is that these studies involved participants living in countries other than Canada; Bradford et al. (2017) recruited participants from England and Wales, while Gerber and Jackson (2017) and Reynolds et al. (2018) conducted their studies in the United States. Existing research concerning the role of perceived police legitimacy in Canada is extremely minimal. In fact, a Google Scholar search using the terms "police legitimacy" and "Canada" returns only two relevant studies (one co-authored by myself). Therefore, the previously established relationship between perceived police legitimacy and interactions with law enforcement may not be as strong or consistent in the Canadian context. Future research is required to gain a better understanding of perceived police legitimacy's relationship with behaviour in Canada.

### **Authoritarianism**

Authoritarianism was significantly related to jurors' post-deliberation verdicts and post-deliberation perceptions of the officer's force. Following deliberation, those high in authoritarianism were significantly less likely to find the defendant guilty of manslaughter and perceived the officer's force to be significantly less excessive. This finding directly conflicts with previous research suggesting overall, authoritarian jurors are typically more conviction prone and punitive (e.g., Miller et al., 2014; Narby et al., 1993; Werner et al., 1982). However, I predicted the observed relationship because people high in authoritarianism often align themselves with (and are submissive to) legal authorities (e.g., Adorno et al., 1950; Altemeyer, 1981). Authoritarian jurors may therefore have been less likely to convict the defendant in this particular instance because he was a police officer. Furthermore, authoritarians appear to be less punitive towards defendants who they perceive as similar to themselves (Mitchell & Byrne, 1973). In my study, jurors high in authoritarianism may have identified more with the police officer than the victim (who had stolen a car and was carrying an unlicensed firearm), leading to fewer convictions. Therefore, my results suggest that authoritarians may be more lenient, rather than punitive, in trials involving a defendant who holds some form of legal authority.

### **Belief in a Just World**

Following a tragic event, Lerner (1980) proposes that people who believe the world is just will try to restore justice to the situation in a variety of ways (Schuller et al., 1994). One method is to blame the victim in order to preserve their perception that bad things only happen to people who deserve them (Hafer & Begue, 2005; Lerner, 1980; Walster, 1966). In the context of a trial involving police UoF, I predicted that jurors high in BJW would be more likely to blame the victim, leading to significantly fewer guilty verdicts. Contrary to my hypotheses, none of my

pre-deliberation outcomes were significantly predicted by jurors' general or personal belief in a just world (BJW). However, jurors' personal BJW was negatively related to their post-deliberation verdicts; as predicted, jurors who scored high on the personal BJW measure were significantly less likely to find the defendant guilty. In comparison, jurors' general BJW was *positively* related to their post-deliberation verdicts and perceptions of the officer's force; jurors high in general BJW were significantly *more* likely to find the defendant guilty, and significantly *more* likely to perceive the officer's UoF as excessive. Therefore, my findings concerning general BJW are the opposite of what I predicted. Existing jury research concerning the relationship between peoples' BJW and their judgements of victims/perpetrators is mixed (e.g., Foley & Pigott, 2000; Halabi et al., 2015; Schuller et al., 1994), as the direction of relationship has not been consistent. For example, Kleinke and Meyer (1990) found that participants who watched an interview with a rape victim recommended significantly shorter prison sentences for the rapist if they had high BJW. In comparison, Schuller et al. (1994) demonstrated that jurors high in BJW were more likely to find the defendant guilty in a mock trial involving a battered woman accused of killing her husband (Schuller et al., 1994). Furthermore, other studies have found no direct influence of BJW on jurors' decision-making (e.g., Follingstad et al., 1996; Hammond et al., 2011; Kern et al., 2007). Kern and colleagues (2007) observed no significant difference in recommended sentence severity between jurors high and low in BJW in a mock trial involving a husband convicted of domestic violence. Similarly, Weir and Wrightsman (1990) failed to find an association between jurors' BJW and their verdicts in a simulated rape trial. The overall relationship between BJW and juror decision-making is therefore unclear.

One reason for the mixed findings may relate to how previous jury research has measured BJW. To the best of my knowledge, the majority of jury studies that involve participants' BJW

use a single, general measure of the construct, rather than differentiating between personal and general BJW, as many researchers have suggested (see Lerner & Miller, 1978; Furnham & Procter, 1989). Thus, the effect of BJW on jurors' decision-making may differ for personal as compared to general BJW. While personal BJW involves a particular focus on one's life being just, general BJW refers to a belief that others get what they deserve, and people who have experienced injustice will be properly compensated (Dalbert, 2009; Dalbert & Stoerber, 2006). The relationship between jurors' BJW and their legal decision-making may also depend upon a number of potential moderators. For instance, Foley and Pigott (2000) found that men with high BJW awarded significantly less money to a rape victim in a mock civil trial than men with low BJW, while the opposite pattern was observed for women (women high in BJW awarded significantly more money than women low in BJW). The authors suggested that the women may have identified with the victim and used monetary compensation as their way of restoring justice to the world. In my study, then, one possible explanation for the results concerning general BJW is that rather than blaming the victim, jurors high in general BJW tried to restore justice to the situation by condemning the officer's actions and finding him guilty of the manslaughter charge. In comparison, people high in personal BJW may not have identified with the victim in my trial (who had stolen a car and was in possession of an unlicensed firearm), potentially believing that they would have acted differently than the victim had they found themselves in a similar situation. Future jury research incorporating BJW should specifically measure both general and personal aspects of the construct in order to gain a better understanding of how it relates to jury decision-making.

### **Limitations**

Study 1a involved a number of limitations. One of the primary limitations relates to my

small sample size ( $N = 78$ ) and subsequent low power, which may have led to Type II errors. The small sample size is particularly problematic for my analyses of post-deliberation outcomes, which had to take into account the non-independent nature of the measures. Previous jury studies analyzing the effects of deliberation on individual outcomes have used sample sizes as large as 539 (e.g., Lynch & Haney, 2009). Thus, future research should consider recruiting a much larger sample.

Due to reasons primarily relating to feasibility and budget, Study 1a only involved explicit measures of racial bias without the use of any implicit measures. In an effort to respond in a socially desirable manner, participants' responses to these measures may not be accurate reflections of their actual attitudes (Fazio et al., 1995; Fazio & Olson, 2003). Implementing an implicit measure, such as an implicit association test (IAT), may overcome this issue as IATs are considerably resistant to social-desirability bias (e.g., Egloff & Schmukle, 2002). Some research indicates that implicit racial biases are related to jurors' decision-making (Levinson et al., 2014; Levinson et al., 2019; Smith et al., 2015). For instance, Levinson and colleagues (2014) demonstrated that mock jurors' implicit associations between race and "worth" were significantly related to sentencing decisions in a death penalty case. Jurors who implicitly valued White life more than Black life were significantly more likely to sentence a Black defendant to death. In comparison, recent meta-analyses have concluded that implicit measures are poor predictors of several behaviours, including racial discrimination (Carlsson & Agerström, 2016; Oswald et al., 2013; Oswald et al., 2015). Thus, it is unclear whether using an implicit measure would necessarily augment the current study. Many of the additional limitations relating to Study 1a are also relevant to Study 1b; these limitations will therefore be reviewed in the "General Discussion" section below.

## Study 1b

Study 1b involved a quantitative examination of the jury's deliberation content (using the same participants from study 1a). I aimed to determine what jurors discuss during deliberations in trials involving police UoF, and whether the deliberation content differs depending upon the race of the victim. Thus, I conducted a directed content analysis on jurors' transcribed deliberations. Hseih and Shannon (2005) identify three general approaches to performing a content analysis: conventional, directed, and summative approaches. One of the fundamental differences between these methods relates to the way that the coding scheme for the data is initially created. In a directed content analysis, the researcher uses previously established theory to create a codebook prior to the collection of data (Boyatzis, 1998; Hseih & Shannon, 2005). Because of existing research concerning perceptions of police legitimacy (e.g., Reynolds et al., 2018; Tankebe et al., 2016; Tyler, 1990) victim race in the courtroom (Baldus & Woodworth, 2003; Bottoms et al., 2004; Wuensch et al., 2004), and jury deliberations in general (e.g., Devine, 2012; Sommers, 2006; Yamamoto, 2019), I used this directed approach to create my codebook (Appendix O) and subsequently analyze the data.

## Study 1b: Results

### Jury Descriptive and Demographic Information

Table 18 displays a summary of the descriptive statistics for each jury. As seen in the table, juries ranged from 5 to 12 people in size. The majority of juries (60%) came to a decision of not guilty. A single jury (10%; Jury I) found the defendant guilty, while the remaining juries (30%) were unable to reach a unanimous decision and were declared "hung." Of note, most jurors in the juries that came to a guilty or not guilty decision rendered post-deliberation verdicts that were consistent with the group's outcome. Although Jury J came to a not guilty decision,

there was one juror who rendered a guilty post-deliberation verdict. Table 19 further summarizes the juries' demographic information. Juries' mean age ranged from 18.14 to 23.17 years old, and women were the majority in every jury. Every jury also had at least one participant who identified as a race other than White.

Table 18

*Jury Descriptive Statistics*

<b>Jury</b>	<b>Size</b>	<b>Victim Race</b>	<b>Outcome</b>	<b>Number of Utterances</b>	<b>Proportion of Guilty Post-Deliberation Verdicts</b>
Jury A	12	White	Hung	404	.75
Jury B	12	Indigenous	Not Guilty	222	.00
Jury C	7	Indigenous	Not Guilty	224	.00
Jury D	7	Indigenous	Not Guilty	60	.00
Jury E	5	White	Hung	241	.80
Jury F	8	Indigenous	Not Guilty	139	.00
Jury G	6	White	Not Guilty	126	.00
Jury H	9	Indigenous	Hung	681	.67
Jury I	6	White	Guilty	393	1.00
Jury J	6	White	Not Guilty	172	.17

Table 19

*Jury Demographics*

<b>Jury</b>	<b>Age</b>		<b>Gender</b>			<b>Racial Composition</b>	
	<b>Mean (SD)</b>	<b>Man</b>	<b>Woman</b>	<b>Prefer not to Disclose</b>	<b>White</b>	<b>Another Race</b>	
Jury A	18.67 (1.16)	2 (16.67%)	10 (83.33%)	0	6 (50.00%)	6 (50.00%)	
Jury B	18.33 (0.65)	4 (33.33%)	8 (66.67%)	0	6 (50.00%)	6 (50.00%)	
Jury C	19.00 (1.00)	2 (28.57%)	5 (71.43%)	0	5 (71.43%)	2 (28.57%)	
Jury D	18.14 (0.38)	0	7 (100.00%)	0	4 (57.14%)	3 (42.86%)	
Jury E	18.60 (0.89)	0	5 (100.00%)	0	4 (80.00%)	1 (20.00%)	
Jury F	21.25 (8.05)	1 (12.50%)	7 (87.50%)	0	6 (75.00%)	2 (25.00%)	
Jury G	18.33 (0.52)	2 (33.33%)	4 (66.67%)	0	5 (83.33%)	1 (16.67%)	
Jury H	18.90 (1.62)	0	8 (88.89%)	1 (11.11%)	5 (55.56%)	4 (44.44%)	
Jury I	20.67 (5.13)	1 (16.67%)	5 (83.33%)	0	3 (50.00%)	3 (50.00%)	
Jury J	23.17 (10.74)	1 (16.67%)	5 (83.33%)	0	3 (50.00%)	3 (50.00%)	

## **Deliberation Content**

I had the videotaped deliberations transcribed by the professional transcription service Way With Words. I then segmented the transcriptions into individual utterances, using the concept of Greene et al.'s (2008) "idea unit:" a complete, uninterrupted utterance on a single topic. Utterances ranged from a few words to a number of sentences; they could be of any length as long as they related to a single topic spoken by one juror. To analyze the utterances, I created a codebook prior to data collection that was eventually revised after reviewing the first three deliberations (see Appendix O). Three coders (myself and two volunteers) independently coded three deliberations selected at random. The volunteers were blind to victim race condition (although this may have been ascertained by reading the transcription) as well as my specific hypotheses. Each utterance was given a single content code (general police statements, previous police shootings, victim race, victim's behaviour, defendant officer's behaviour, second officer's behaviour, pathologist testimony, law/deliberation process). Any utterance that did not explicitly involve one of the specified content codes was coded as "other." Each utterance coded as "general police statements" or "previous police shootings" was given a second code relating to police positionality (pro police, anti-police, and neutral). Each utterance coded as "victim behaviour," "defendant officer's behaviour," "second officer's behaviour," "pathologist testimony," or "law/deliberation process" was given a second code relating to case positionality (pro prosecution, pro defence, neutral).

I used Fleiss' Kappa to assess the inter-rater reliability of our coding for the three initial deliberations. Researchers have proposed a number of different kappa cut-offs in terms of what values indicate acceptable agreement. For instance, both Cohen (1960) and Landis and Koch (1977) suggest that values between .41 and .60 indicate moderate agreement, .61-.80 indicate

substantial agreement, and anything higher than .80 indicates almost perfect agreement. More recently, McHugh (2012) argues that these recommendations are too liberal, instead suggesting that values ranging from .6-.79 indicate moderate agreement, .8-.9 indicate strong agreement, and .91 – 1 indicate near perfect agreement. Of note, the number of categories affects an overall kappa value (fewer categories typically leads to higher kappa values), and the frequency of a particular code can influence its specific kappa value (researchers may observe particularly low kappa values for infrequent codes even if there was high agreement between the coders). In line with these guidelines, I aimed to achieve overall kappa values at or above .60. After the initial round of coding, many of my individual kappa values (as well as the overall agreement values) were below .60. The volunteers and I attempted to solve disagreements through discussion and revision of the codes' definitions. A second round of coding revealed overall kappa levels that met the threshold of .60 (see Tables 20, 21, and 22). Having met the acceptable cut-off for reliability of the coding scheme, I coded the remaining seven transcripts myself (as per Sommers, 2006).

Table 20

*Fleiss' Kappa values for content code*

<b>Content Code</b>	<b>Fleiss' Kappa</b>
General police statements	.63
Previous police shootings	.75
Victim race	.86
Victim behaviour	.80
Defendant officer's behaviour	.82
Second officer's behaviour	.78
Pathologist testimony	.90
Law/deliberation process	.71
Other	.64

**Overall agreement** .71

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Table 21

*Fleiss' Kappa values for police positionality code*

<b>Police Positionality Code</b>	<b>Fleiss' Kappa</b>
Pro police statements	-.01
Anti-police statements	.69
Neutral statements	.63
<b>Overall agreement</b>	<b>.64</b>

Table 22

*Fleiss' Kappa values for case positionality code*

<b>Case Positionality Code</b>	<b>Fleiss' Kappa</b>
Pro prosecution statements	.68
Pro defence statements	.63
Neutral statements	.54
<b>Overall agreement</b>	<b>.61</b>

Tables 23, 24, and 25 display the frequencies for the utterance content, police positionality codes, and case positionality codes, respectively. Apart from the “other” code, the topic most frequently discussed during deliberations was the defendant officer’s behaviour (26.78%), followed by the law/deliberation process (18.78%), and the victim’s behaviour (14.54%). Previous police shootings (0.23%) and the pathologist’s testimony (0.26%) were the least discussed topics. The majority of police positionality codes were neutral (84.21%). Nine of the police positionality codes were considered anti-police (11.84%), while three of them were considered to be pro police (3.95%). With regards to the case positionality code, most utterances

were coded as neutral (60.51%), 25.15% were coded as pro prosecution, and 13.34% were coded as pro defence.

Table 23

*Utterance content frequency table*

<b>Utterance Content</b>	<b>Frequency</b>	<b>Percent</b>	<b>Exemplar</b>
General police statements	72	2.70%	“And there’s like, a history of the officers being racist, especially during traffic stops. So that contributes a lot to it.”
Previous police shootings	6	0.23%	“Like, there are some cases where they don’t even, like, people don’t even have guns and they get shot.”
Victim race	24	0.90%	“I think he was a First Nation person. He could have an innate fear of, like...”
Victim behaviour	387	14.54%	“Even if he was reaching for his wallet he shouldn’t of [sic] because he should have...”
Defendant officer’s behaviour	713	26.78%	“He could’ve shot him in the leg though, right?”
Second officer’s behaviour	123	4.62%	“The officer said he couldn’t see anything, hear anything.”
Pathologist testimony	7	0.26%	“Maybe, did he say it was on the right hand or the left hand?”
Law/deliberation process	500	18.78%	“Let’s just talk one by one, very calmly, let’s not have a row.”
Other	830	31.18%	“No, this is a trial for that video.”
<b>Total</b>	<b>2662</b>	<b>100.00%</b>	

Table 24

*Police positionality frequency table*

<b>Police Positionality</b>	<b>Frequency</b>	<b>Percent</b>	<b>Exemplar</b>
Pro police	3	3.95%	“Obviously, like, officers protect people.”
Anti-police	9	11.84%	“But, when you’re looking at the actual police officer code, and like, going up to code, like I do think the code is messed up”
Neutral	64	84.21%	“You always have to stay one side of the car. If there’s two people, you have to stay each side of the car.”

Table 25

*Case positionality frequency table*

<b>Case Positionality</b>	<b>Frequency</b>	<b>Percent</b>	<b>Exemplar</b>
Pro prosecution	453	26.15%	“And he used excessive force, which we all agreed upon and yes, guilty.”
Pro defence	231	13.34%	“Why would he grab on it while he’s telling you to put your hands on the wheel?”
Neutral	1048	60.51%	“Did they say where in the waistband, or just in the waistband? So, it could be anywhere.”
<b>Total</b>	1732	100.00%	

To test hypothesis 1 (jurors’ APLS scores will relate to frequency of pro- and anti-police statements), I planned on conducting two negative binomial regressions using jurors’ APLS scores as the predictor variable and their frequencies of pro- and anti-police statements as my outcomes, respectively. Unfortunately, the extremely low number of pro-police utterances ( $n = 3$ ) did not allow me to run a proper analysis. To examine anti-police statements (e.g., “But, when

you're looking at the actual police officer code, and like, going up to code, like I do think the code is messed up;"), I used a negative binomial model due to my dependent variable involving count data with a number of zeroes. Because the assumption of independent observations is violated with this data, I further specified the model to cluster robust standard errors. I observed no significant relationship between jurors' APLS scores and their frequency of anti-police statements ( $b = -.16, p = .558$ ).

To test hypothesis 2a (jurors' BJW will predict their frequency of utterances involving victim blame), I created a "victim blame" variable. Utterances that were initially given the "victim behaviour" utterance code and "pro-defence" case positionality code (e.g., "He's like, he's like, put your hands on the wheel. Like, why wouldn't you do it?") were coded as 1 ( $n = 64$ ); all other utterances were coded as 0. I then conducted another negative binomial regression using jurors' personal and general BJW scores as predictors, and frequency of victim-blame utterances as the outcome variable. I further specified the model to cluster robust standard errors. Neither personal ( $b = .15, p = 4.24$ ) nor general ( $b = -.07, p = .673$ ) BJW scores were significantly related to the frequency of utterances involving victim blame.

To test hypothesis 2b (jurors will express more utterances concerning victim blame when the victim is Indigenous vs. White), I conducted a negative binomial regression using victim race as the predictor and frequency of victim-blame utterances as the outcome variable. I further specified the model to cluster robust standard errors. Results indicated no effect of victim race on the likelihood of an utterance involving victim blame ( $b = -.13, p = .819$ ). Table 26 displays a breakdown of utterances concerning victim blame by victim race condition.

Table 26

*Frequencies of utterances involving victim blame by victim race*

<b>Victim Race</b>	<b>Utterance involves victim blame</b>	<b>Utterance does not involve victim blame</b>	<b>Total</b>
Indigenous	34	1292	1326
White	30	1306	1336
<b>Total</b>	64	2598	2662

To test hypothesis 3 (that jurors will express more utterances concerning victim race when the victim is Indigenous vs. White), I created a “victim race” variable. For this new variable, utterances that were initially given the “victim race” utterance code (e.g., “Hmm-mm. It’s the Crown, did they mention it in their thing and try to bring up the whole Indigenous thing?”) were coded as 1 ( $n = 25$ ), and all other utterances as 0. Table 27 displays a breakdown of utterances concerning victim race by victim race condition. I then conducted a negative binomial regression using victim race as the predictor variable and the victim race utterance variable as my outcome, further specifying the model to cluster robust standard errors. The analysis revealed a significant effect of victim race ( $b = -1.67, p = .008$ ), indicating that the likelihood of an utterance mentioning victim race was significantly higher in deliberations involving an Indigenous as compared to a White victim.

Table 27

*Frequencies of utterances involving victim race by victim race*

<b>Victim Race</b>	<b>Utterance involves victim race</b>	<b>Utterance does not involve victim race</b>	<b>Total</b>
Indigenous	21	1305	1326
White	4	1333	1336
<b>Total</b>	25	2638	2662

To test hypothesis 4 (jurors will utter statements relating to previous police shootings more often in the Indigenous as compared to White conditions), I created a “previous police shooting” variable; I coded all utterances that had initially been given the “previous police

shootings” utterance code as 1 ( $n = 6$ ) (e.g., “I know one guy was shot like, 20 times. Like, the whole leg and knee, gone.”), and all other utterances as 0. See Table 28 for a comparison of these utterances by victim race condition. I then attempted to conduct a negative binomial regression using victim race as the predictor variable and the previous police shootings variable as my outcome, further specifying the model to cluster robust standard errors. However, because there are zero “previous police shooting” utterances in the White condition, SPSS returned an error relating to the Hessian matrix being singular and convergence criteria not being satisfied, resulting in no output. I was therefore unable to perform a proper parametric test on this outcome variable.

Table 28

*Frequencies of utterances involving previous police shootings by victim race*

<b>Victim Race</b>	<b>Utterance involves previous police shootings</b>	<b>Utterance does not involve previous police shootings</b>	<b>Total</b>
Indigenous	6	1320	1326
White	0	1336	1336
<b>Total</b>	6	2656	2662

To test hypothesis 5a (that jurors will make more pro-defendant utterances in conditions involving an Indigenous vs. White victim), I created a “pro-defendant” variable. For this new variable, utterances that had initially been given the “defendant officer’s behaviour” utterance code and the “pro-defence” positionality code were given a code of 1 ( $n = 73$ ) (e.g., “I think that he acted more reasonably than the person in the car, and that’s why I think that he’s not guilty.”), and all other utterances a code of 0. See Table 29 for a display of pro-defendant utterances by victim race. I then conducted a negative binomial regression using victim race as the predictor variable and the pro-defendant utterance variable as my outcome, further specifying the model to

cluster robust standard errors. Results indicate no effect of victim race on the likelihood of a pro-defendant utterance ( $b = -.37, p = .614$ ).

Table 29

*Frequencies of pro-defendant utterances by victim race*

<b>Victim Race</b>	<b>Utterance is pro-defendant</b>	<b>Utterance is not pro-defendant</b>	<b>Total</b>
Indigenous	43	1283	1326
White	30	1306	1336
<b>Total</b>	73	2589	2662

To test hypothesis 5b (that jurors will make more anti-defendant utterances in conditions involving a White vs. Indigenous victim), I created an “anti-defendant” variable. Utterances which were initially given the “defendant officer’s behaviour” utterance code and the “pro-prosecution” positionality code were subsequently coded as 1 ( $n = 299$ ; e.g., “A reasonable person, if they were going into that situation, would not just shoot the guy”), and all other utterances as 0. See Table 30 for a display of anti-defendant utterances by victim race. I then conducted a negative binomial regression using victim race as the predictor variable and the pro-defendant utterance variable as my outcome, further specifying the model to cluster robust standard errors. Results indicate a significant effect of victim race on the likelihood of an anti-defendant utterance ( $b = .43, p = .017$ ). The likelihood of an anti-defendant utterance was significantly higher in conditions involving a White as compared to Indigenous victim.

Table 30

*Frequencies of anti-defendant utterances by victim race*

<b>Victim Race</b>	<b>Utterance is anti-defendant</b>	<b>Utterance is not anti-defendant</b>	<b>Total</b>
Indigenous	117	1209	1326
White	182	1154	1336
<b>Total</b>	299	2363	2762

To test hypotheses 5c and 5d (jurors' APLS scores will relate to frequency of pro- and anti-defendant statements), I conducted another set of two negative binomial regressions using jurors' APLS scores as the predictor variable and their frequencies of pro- and anti-defendant statements as my outcomes, respectively. I further specified the model to cluster robust standard errors. Participants' APLS scores did not significantly predict the frequency of pro-defendant utterances ( $b = .08, p = .540$ ), but did predict the frequency of anti-defendant utterances ( $b = -.20, p = .004$ ). Jurors with negative perceptions of police were significantly more likely to utter anti-defendant utterances.

To explore whether jurors make more pro-victim utterances when the victim is White as opposed to Indigenous, I created a "pro-victim" variable. Utterances that we had given the "victim behaviour" utterance code and "pro-prosecution" positionality code (e.g., "Yeah, but he's sitting in his car, trying to get his wallet out and he got shot three times.") were given a value of 1 ( $n = 68$ ) and all other utterances were coded as 0. See Table 31 for a display of pro-victim utterances by victim race. I then conducted a negative binomial regression using victim race as the predictor variable and the pro-defendant utterance variable as my outcome, further specifying the model to cluster robust standard errors. Results indicate a non-significant effect of victim race on the likelihood of a pro-victim utterance ( $b = .47, p = .380$ ).

Table 31

*Frequencies of pro-victim utterances by victim race*

<b>Victim Race</b>	<b>Utterance is pro-victim</b>	<b>Utterance is not pro-victim</b>	<b>Total</b>
Indigenous	26	1300	1326
White	42	1294	1336
<b>Total</b>	<b>68</b>	<b>2594</b>	<b>2662</b>

Finally, I created overall “pro-prosecution” and “pro-defence” variables using my case positionality variable. For the “pro-prosecution” variable, utterances that had been coded as “pro-prosecution” were given a value of 1 ( $n = 453$ ; e.g., “I mean, I think he’s guilty”), while remaining utterances were given a value of 0. For the “pro-defence” variable, utterances that had been coded as “pro-defence” were given a value of 1 ( $n = 231$ ; “So, not guilty, yeah?”), while the remaining utterances were given a value of 0. See Table 32 for a display of overall pro-prosecution utterances by victim race, and Table 33 for a display of overall pro-defence utterances by victim race. I then conducted two negative binomial regressions using victim race as the predictor variable and the “pro-prosecution” and “pro-defence” variables as my outcomes, further specifying the models to cluster robust standard errors. Results indicate a significant effect of victim race on pro-prosecution utterances ( $b = .45, p = .023$ ), such that the likelihood of a pro-prosecution utterance was significantly higher when the victim was White as compared to Indigenous. In comparison, victim race was not significantly related to the frequency of pro-defence utterances ( $b = -.09, p = .848$ ).

Table 32

*Frequencies of overall pro-prosecution utterances by victim race*

<b>Victim Race</b>	<b>Utterance is pro-prosecution</b>	<b>Utterance is not pro-prosecution</b>	<b>Total</b>
Indigenous	176	1150	1326
White	277	1059	1336
<b>Total</b>	453	2209	2662

Table 33

*Frequencies of overall pro-defence utterances by victim race*

<b>Victim Race</b>	<b>Utterance is pro-defence</b>	<b>Utterance is not pro-defence</b>	<b>Total</b>
Indigenous	120	1206	1326
White	111	1225	1336
<b>Total</b>	231	2431	2662

Because there was a relatively manageable number of utterances that related to victim race in the Indigenous victim conditions ( $n = 21$ ), I decided to examine the specific content of these utterances (see Table 34). Most of these utterances ( $n = 13$ ) appear to mention race in a somewhat ambiguous manner without a clear context (e.g., “Shall we talk about like...I feel like they really highlighted that he was Indigenous, shall we talk about that?”). A handful of utterances ( $n = 2$ ) discussed the notion that the victim’s race may have prejudiced the officer (e.g., “If he had been a white man, they would maybe not have shot him like...”), while some utterances ( $n = 2$ ) relate to the poor relationship between the police and Indigenous peoples (e.g., “Because like also they, they feel more intimidated by like the justice system so, and not a good relationship”). Furthermore, two utterances concerned the officers’ ability to identify the race of the driver (e.g., “The other police officer, he was clearly able to identify that he was Indigenous man,”), and two utterances appeared to suggest that the Crown’s mention of Indigeneity was an attempt to “play the race card” (“Hmm-mm. It’s the Crown, did they mention it in their thing and try to bring up the whole Indigenous thing?”).

Table 34

*Utterances concerning victim race in the Indigenous victim conditions*

<b>Utterance</b>	<b>Category</b>
Remember the point when he talked about how, especially Indigenous people are very...	Ambiguous
That thing, I was thinking about that. Like, as soon as they mentioned that he was an indigenous man, I was like, okay. But there was nothing.	Ambiguous
Like, was race mentioned again? And I was like, did they do that on purpose or are we not supposed to...?	Ambiguous
They didn’t mention race. That’s actually a good thing.	Ambiguous

Yeah. But they... Indigenous people are...	Ambiguous
Yes, First Nation's...	Ambiguous
I noticed that his partner mentioned, like, he said the word Indigenous, like, a lot. It was just, kind of, like, it's not really important.	Ambiguous
And then the racial...	Ambiguous
Shall we talk about like...I feel like they really highlighted that he was indigenous, shall we talk about that?	Ambiguous
An Indigenous man, an Indigenous man.	Ambiguous
Like the, the people don't state anything about it, except that he was Indigenous. Which probably would have been the same if he was white, they would have said it was a white man.	Ambiguous
That doesn't make someone Indigenous. [Overtalking]	Ambiguous
Yeah, like there was so many [unclear] that they draw for us, like his race, like his...[Overtalking]	Ambiguous
As soon as they mention race, it's like they're trying to, like, [inaudible].	Race Card
Hmm-mm. It's the Crown, did they mention it in their thing and try to bring up the whole Indigenous thing?	Race Card
I think he was a First Nation person. He could have an innate fear of, like...	Relationship with Police/Legal System
Because like also they, they feel more intimidated by like the justice system so, and not a good relationship.	Relationship with Police/Legal System
It's also possible that the officer had racial prejudice.	Officer Prejudice

If he had been a White man, they would maybe not have shot him like...[Overtalking]	Officer Prejudice
If you can tell if they're an Indigenous person by looking through a window, you can tell if they're holding a gun or not.	Officer Identifying Race of Driver
The other police officer, he was clearly able to identify that he was Indigenous man,	Officer Identifying Race of Driver

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### Study 1b: Discussion

The primary goal of Study 1b was to investigate how victim race and police legitimacy relate to deliberation content in a trial involving police UoF. Of my specified codes, the topics most discussed during deliberations were the defendant officer's behaviour, the victim's behaviour, and the law/deliberation process. Jurors made relatively few utterances that related to previous police shootings or to the police in general.

### Perceptions of Police Legitimacy

The extremely low number of pro-police utterances did not allow me to properly examine the relationship between perceptions of police legitimacy and frequency of these types of statements (Hypothesis 1). However, I observed no significant relationship between perceptions of police legitimacy and the frequency of anti-police statements (Hypothesis 2). Jurors' perceptions of police were also not significantly related to the frequency of pro-defendant statements (Hypothesis 5). However, jurors with negative perceptions concerning police legitimacy were significantly more likely to make "anti-defendant" statements (i.e., discuss the defendant officer's behaviour in a manner favourable to the prosecution; Hypothesis 5). This finding is in line with the Director's Cut Model of jury decision-making (Devine, 2012), which argues that jurors' evaluations of the evidence are sometimes influenced by pre-existing attitudes. In my study, it seems that how jurors deliberated about the defendant officer's actions

depended upon their general beliefs about police legitimacy (despite all hearing the same trial evidence). In similar mock jury research, Ewanation et al. (2021) found that perceptions of police legitimacy influenced jurors' decisions in a self-defence trial that involved police UoF; the more legitimate that participants believed the police to be, the more likely they were to find the defendant guilty of murdering a police officer. Together, these results suggest that jurors' perceptions of police legitimacy play an important role in legal decision-making when the trial involves police UoF. Jurors' pre-existing attitudes towards police may be something to consider screening for/measuring during voir dire process, as people with particularly extreme attitudes may be too biased to objectively assess case facts.

The significant relationship I observed between perceptions of police legitimacy and frequency of anti-defendant statements is also consistent with existing literature that has identified a link between perceptions of police legitimacy and evaluations of specific police UoF incidents (Bradford et al., 2017; Gerber & Jackson, 2017; Reynolds et al., 2018). In general, psychologists have demonstrated that people perceive officer force as more justifiable when they believe police to be legitimate. Currently, most of this research involves samples from the United States or United Kingdom, with a minimal focus on the Canadian context. This dissertation therefore serves as a first step in conducting research in Canada to gain a better understanding of how police legitimacy influences decisions in trials involving police UoF.

### **Victim Race**

As predicted, jurors were significantly more likely to reference the victim's race in the Indigenous as compared to White victim condition (Hypothesis 3). Unfortunately, the low number of utterances relating to previous police shootings did not allow me to examine whether the frequency of these type of utterances relate to victim race (Hypothesis 4). However, all six

utterances that mentioned previous police shootings were made in the Indigenous victim conditions. It is not surprising that jurors would refer to previous police shootings more often in the Indigenous victim condition; because high-profile police shootings often involve BIPOC victims, I predicted that watching and listening to a trial involving a BIPOC victim would activate jurors' memories for the previous incidents, potentially drawing comparisons to the current trial.

Furthermore, there were no significant differences in the number of pro-victim or victim-blame utterances between the Indigenous and White victim conditions. With regards to discussing the defendant officer's behaviour, there were significantly more "anti-defendant" utterances when the victim was White as opposed to Indigenous (Hypothesis 6). In comparison, there was no difference in the amount of "pro-defendant" utterances (i.e., utterances that discussed the defendant's behaviour in a manner that was favourable to the defence; Hypothesis 6). Further explorations of the effect of victim race on utterance type revealed that jurors were significantly more likely to render utterances favourable to the prosecution when the victim was White as opposed to Indigenous. Conversely, there was no difference in the number of pro-defence utterances across victim race.

Together, these results suggest that juries deliberate about some evidence in UoF trials differently depending on the race of the victim. Specifically, jurors from my study appear to be more critical of an officer's actions and decision to use lethal force when the victim is White as opposed to Indigenous. Interestingly, jurors did not discuss the *victim's* behaviour differently as a function of race. Due to social desirability, jurors may have been worried about explicitly discriminating against an Indigenous victim, instead focusing on the defendant officer's actions as a way to champion their views/verdict preference. Jurors may have also made more "anti-

defendant” statements when the victim was White because of differences in the victim’s perceived social value.

Existing research suggests that society tends to “value” White victims over those who are BIPOC (Elmasry & el-Nawawy, 2020; Langford & Speight, 2015; White et al., 2020). In fact, the primary argument made by one of the most notable modern social movements, Black Lives Matter, is that BIPOC lives are systematically devalued in comparison to White lives (White et al., 2021). In Canada, several researchers have criticized the type and amount of media attention devoted to missing and murdered Indigenous women (e.g., Cripps, 2021; Drache et al., 2016; Gilchrist, 2010). For instance, Gilchrist (2010) demonstrated that missing Indigenous women receive three and a half times less coverage as compared to missing White women, suggesting Indigenous victims are devalued in Canadian society. In the context of legal decision-making, scholars have consistently demonstrated that death sentences are significantly more likely when the defendant has murdered a White as opposed to Black victim (e.g., Baldus et al., 1990; Hawkins, 1987; Pierce et al., 2017). In my study, participants appeared to place more value on the White victim by rendering more “anti-defendant” statements during deliberation.

Recent work by Sommers (2006) indicates that a jury’s racial composition affects how a jury deliberates; racially diverse juries often discuss a wider range of topics than all-White juries, in particular being more open to discussions of racial prejudice and race-related issues. Analysis of juror race/jury racial composition was outside of the scope of my project, but nevertheless is an important consideration for future research. It may be the case that including Indigenous jurors in juries would minimize or eliminate the effects of victim race observed in this study.

### **Belief in a Just World**

I hypothesized that jurors high in personal and general BJW would be more likely to make utterances blaming the victim (Hypothesis 2). This was because according to the just world hypothesis, people often believe that tragic events (in this case, being killed during a police traffic stop) only happen to those who deserve them (e.g., Lerner, 1980). Contrary to my predictions, neither personal nor general levels of belief in a just world significantly related to the frequency of utterances relating to victim blame. These results may suggest that jurors' levels of BJW do not have a significant relationship with deliberation content for trials involving police UoF. In general, it is noted that jurors seemed hesitant to blame the victim; there were relatively few utterances overall that involved blaming the victim (i.e., out of the 2662 total utterances, only 64 involved blaming the victim). This relatively low frequency of utterances may have limited the ability to detect a relationship if one indeed exists. I may therefore be committing a Type II error.

### **Limitations**

Study 1b involved a number of limitations. To begin, many aspects of the simulated deliberation were considerably different as compared to what occurs in an actual trial. For example, although participants in my study were given up to an hour to deliberate, real deliberations in Canada have lasted as long as 18 days (e.g., Magder, 2016). Recent research examining federal criminal trials in the United States indicates that juries deliberate for an average of 176 minutes (Meitl et al., 2017). Thus, mock jurors in my study had substantially less time to come to a unanimous decision as compared to an actual jury. However, most juries came to a decision prior to the 60-minute time limit. Furthermore, the physical space that deliberations took place in contained a one-way mirror, microphones, and video cameras. These would not be

present in an actual deliberation and may have impacted the results of my study; research across many fields has demonstrated an observer effect (also known as reactivity), such that participants' behaviour changes when they know they are being watched (e.g., French & Sutton, 2010; Kazdin, 1982; Klentz et al., 1979). Thus, although the observation tools were necessary to complete my study, they may have influenced participants' behaviour during deliberation, threatening my ecological validity.

Additionally, although Canadian juries are required to have a minimum of 10 members (Criminal Code, 1985), mine ranged in size from 5-12 people. While some research has found no relationship between jury size and outcomes (Davis et al., 1975; Saks & Marti, 1997), other work has demonstrated that larger juries are more likely to consist of BIPOC members (Diamond et al., 2009; Saks & Marti, 1997), deliberate longer (Davis et al., 1975; Saks & Marti, 1997), discuss more probative information (Horowitz & Bordens, 2002), and are less likely to reach a unanimous decision (Saks & Marti, 1997; Roper, 1980). Therefore, it must be noted that my results may have differed if all juries had consisted of 12 members.

Furthermore, I do not have adequate power to examine final group outcomes. To do so would require an impressively large sample, which would not have been feasible to collect for the purposes and scope of my project. Nevertheless, future research should consider examining the relationship between victim race and jury verdict decisions. Relatedly, the low incidence of a number of my content codes (e.g., pro- and anti-police statements, previous police shootings) prohibited me from conducting proper parametric tests and/or drawing meaningful conclusions for some of my hypotheses. Because the frequencies of these utterances were so low (e.g., only 6 utterances relating to previous police shootings), it is unclear if collecting further data from more juries would have mitigated this issue.

Finally, my results may have been affected by my approach to coding, particularly with regards to how I segmented my utterances. As described in the results section, I did not set a particular utterance length or “grain size” (see Chi, 1997) when segmenting my data. Rather, I employed Greene et al.’s (2008) concept of an “idea unit.” Because of this, there was considerable variability in utterance length (e.g., some utterances were several sentences about the same topic, while others were only a handful of words). Although there is no theoretical reason to believe grain size would impact my findings, it is still possible that results may have differed if I had chosen another method to segment the data.

### **General Discussion**

This dissertation aimed to gain a better understanding of jury decision-making in trials involving police UoF and a police officer as the defendant. Study 1a primarily investigated the role of victim race and pre-existing attitudes on jurors’ individual pre- and post-deliberation verdicts after watching and listening to a trial involving a police officer charged with manslaughter. Additionally, Study 1a aimed to validate a newly proposed measure of police legitimacy, the attitudes towards police legitimacy scale (Reynolds et al., 2018), using a Canadian undergraduate sample. For Study 1b, I completed a quantitative content analysis on mock jury deliberations to examine whether deliberation content depends upon the race of the victim and/or pre-existing attitudes of the jurors. Together, the results from these studies paint a worrisome picture with regards to Indigenous victims in Canadian courtrooms.

Prior to deliberation, there was no significant effect of victim race on individual verdicts. However, the odds of jurors rendering a not guilty post-deliberation verdict was more than 16 times higher if the victim was Indigenous as compared to White. This finding suggests that

jurors' individual verdicts in trials involving police UoF may be related to victim race, although future research implementing larger samples is required to increase the confidence in my results. My findings from Study 1a concerning victim race and individual verdicts seem to be at least partially explained by my analysis of deliberation content between juries who heard about an Indigenous as compared to White victim; juries' deliberations involved significantly more "anti-defendant" and "pro-prosecution" utterances in the conditions involving a victim who was White. As noted previously, it is interesting that the victim's race did not influence how jurors discussed *his* behaviour, but rather that of the defendant officer. Due to reasons relating to social desirability, jurors may not have wanted to speak unfavourably about a victim who had been fatally shot by the police, regardless of race. However, jurors spoke about the defendant officer's behaviour in a less favourable manner when it was a White victim he had shot. Said differently, jurors deliberating about an Indigenous victim were significantly less likely to discuss the defendant officer unfavourably as compared to jurors in the White victim condition. This finding seems to relate to aspects of aversive racism (Dovidio & Gaertner, 1986; 1998) which suggest that individuals do not want to engage in behaviour that could threaten their egalitarian self-image, such as speaking discouragingly about an Indigenous victim of police violence. Instead, aversive racists will discriminate in a covert manner that can be rationalized or justified. Typically, aversive racism allows for discrimination because the behaviour can be rationalized or justified based on other means. In my study, however, it appears that the ambiguous situation allowed jurors to *not* engage in a particular behaviour with a BIPOC target, which led to discrimination. In other words, because of the trial's ambiguity (as demonstrated by the 50/50 verdict pre-deliberation verdict split), it seems perfectly acceptable for jurors in the Indigenous

conditions to simply *not* speak out against the officer – as jurors had done in the White victim conditions.

According to social identity theory (SIT), an individual's self-esteem is directly related to evaluations of ingroups (Tajfel & Turner, 1979). Thus, SIT would suggest that a predominantly White sample of participants may have convicted more often and spoken more negatively about the defendant when the victim was White to enhance their own self-esteem. Overall, the findings relating to victim race suggest that, in trials involving police UoF, both jurors' individual verdicts and the jury's discussion of the evidence may depend upon whether the victim is White or Indigenous. Unfortunately, my small sample size prohibited me from examining the effect of victim race on group outcomes (i.e., jury verdict), which future research should investigate. My findings mirror a general pattern of results observed across a variety of fields that suggests society places higher value on White as compared to BIPOC lives (e.g., Baldus et al., 1990; Gilchrist, 2010; Girgenti, 2015). Extensive research conducted in the United States indicates that jurors' decisions in capital trials are significantly related to the race of the victim; death sentences are most likely to occur when the victim is White (Baldus et al., 1990; Pierce & Radelet, 2011; Pierce et al., 2017).

Tragically, there is a long history of Canadian society devaluing and repressing Indigenous peoples, particularly victims. National reports routinely demonstrate that victims of violence are disproportionately Indigenous women (e.g., Boyce, 2016; Royal Canadian Mounted Police, 2014). Furthermore, Canada is experiencing a “national crisis of murdered and missing Indigenous women and girls” (Palmater, 2016, p.254). A report from the Royal Canadian Mounted Police (2014) indicated that although Indigenous women account for approximately 2% of the general population in Canada, 16% of women who are missing or murdered are

Indigenous. These disparities are even more pronounced in particular provinces and territories (Department of Justice, 2017). For years, both the government and law enforcement agencies largely ignored the issue of missing and murdered Indigenous women, despite various groups' calls for action (see Hansen & Dim, 2019).

In 2014, Prime Minister Trudeau finally ordered a national inquiry, The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), to investigate these issues relating to missing and murdered Indigenous women and girls. The MMIWG inquiry delivered its final report in 2019, which concluded “persistent and deliberate human and Indigenous rights violations and abuses are the root cause behind Canada’s staggering rates of violence against Indigenous women.” Specifically, some have identified law enforcement’s inadequate response to cases involving Indigenous victims as one of the reasons for these disproportionate rates (McCarthy, 2016; Schmallegger & Volk, 2013; Walsh, 2017).

As mentioned in a previous discussion section, scholars have also documented a lack of media coverage devoted to missing Indigenous women in particular (Cripps, 2021; Drache et al., 2016; Gilchrist, 2010), and Indigenous issues in general (Harding, 2005; 2006). When the media does discuss Indigenous victims, they are often portrayed in a negative manner (Jiwani, 2009; Jiwani & Young, 2006). Furthermore, recent data from both Canada and the United States suggests that Indigenous persons are overrepresented amongst victims killed by the police (Edwards et al., 2019; Lett et al., 2021; Singh, 2020). Lett and colleagues (2021) report that, between 2015 and 2020, Native Americans were significantly more likely to be killed by the police than those who were White. Similar work by the Canadian Broadcasting Corporation’s research librarians indicate that Indigenous persons are disproportionately killed by the police when compared to the country’s general population (Singh, 2020). Results from my study

comport with this overall pattern, providing additional evidence that Canadian society systematically perceives Indigenous life as less valuable.

Somewhat surprisingly, jurors' pre-existing perceptions of police legitimacy were not significantly related to individual verdicts but did predict frequency of "anti-defendant" utterances during deliberations; jurors who held negative perceptions of the police made more "anti-defendant" utterances than those with positive perceptions. These results lend partial support to the Director's Cut Model (Devine, 2012) of jury decision-making, which posits that a jury's decision-making process is partly influenced by the pre-existing attitudes and beliefs of the jurors. However, the null relationship between perceptions of legitimacy and individual verdicts conflicts with not only the Director's Cut Model, but also previous research that has observed effects of these attitudes in both the courtroom (Ewanation et al., 2021) and in general evaluations of police use of force (Bradford et al., 2017; Gerber & Jackson, 2017; Reynolds et al., 2018). As mentioned in Study 1a, responses to the Attitudes Towards Police Legitimacy Scale were negatively skewed, although analyses using a transformed version of the variable continued to reveal non-significant relationships with individual juror responses. Overall, participants' attitudes towards police were positive (the mean APLS score was 4.81, while the scale's maximum was 7). Previous research that has found a relationship between police legitimacy and perceptions of police UoF may have had samples with more negative or varied perceptions of legitimacy. Additionally, these null results may be Type II errors, particularly due to the study's small sample size ( $N = 78$ ). Future work (using properly powered designs) is therefore needed to understand the role that police legitimacy has in Canadian courtrooms.

Although previous research has found jurors high in authoritarianism to be more likely to render guilty verdicts (e.g., Bray & Noble, 1978; Miller et al., 2014), my results demonstrate the

opposite pattern. Following deliberation, jurors high in authoritarianism were significantly less likely to convict the police officer of manslaughter, as compared to those with low levels of authoritarianism. Additionally, jurors high in authoritarianism were less likely to perceive the officer's force as excessive. My observed pattern of results is likely related to research demonstrating authoritarians' submission to legal authorities (Adorno et al., 1950; Allport, 1955; Altemeyer, 1981), as the defendant in my study was a police officer. Furthermore, my findings are in line with existing literature that suggests authoritarianism is positively related to perceptions of police legitimacy (Reynolds et al., 2018). Together, results from my project indicate authoritarian jurors may not always be more punitive; authoritarian jurors appear to be *less* conviction-prone in trials involving a legal authority as the defendant. My study also suggests that general, pre-existing attitudes can influence juror decision-making, lending support to Devine's Director's Cut model (Devine, 2012).

I observed opposite patterns of results between jurors' general and personal belief in a just world. Jurors high in personal BJW were less likely to render a guilty verdict. In comparison, jurors high in general BJW were more likely to find the officer guilty and perceived his force to be significantly more excessive. As mentioned in a previous discussion section, existing research concerning BJW and jurors' decision-making is inconsistent. Some researchers have found those high in BJW to be more likely to convict (e.g., Schuller et al., 1994), while others have demonstrated the opposite (Kleinke & Meyer, 1990). In comparison, some studies have found no relationship between jurors' BJW and their verdicts (Follingstad et al., 1996; Hammond et al., 2011; Kern et al., 2007). These contradictory findings may be a result of failing to differentiate between personal and general BJW. As such, my studies highlight the utility of measuring both personal and general BJW, as these two constructs appear to operate differently

with regards to juror decision-making. Future research should continue to implement measures of both personal and general BJW.

I found evidence to suggest that jurors' beliefs concerning Indigenous peoples can influence perceptions of evidence during a trial. In conditions involving an Indigenous victim, the Indigenous feeling thermometer was significantly related to jurors' pre- and post-deliberation ratings of the defendant officer's UoF. The more "warmth" participants felt towards Indigenous peoples, the more excessive they perceived the officer's UoF to be. I observed this significant association both before and after deliberation. Again, this finding (along with others discussed above) lends evidence to support the Director's Cut model of jury decision-making, which posits that jurors' existing beliefs and attitudes can influence their decisions and perceptions of the evidence (Devine, 2012). Surprisingly, neither the modern nor old-fashioned measures of prejudice demonstrated this relationship. As seen in results for Study 1a, the Indigenous feeling thermometer captured a wider range of responses as compared to both the M-PATAS and O-PATAS. Participants may not have been as concerned with responding in a socially desirable manner with the feeling thermometer, particularly because of the ambiguity involved in assigning levels of "warmth" to a particular group. According to aversive racism, individuals are less concerned about maintaining an egalitarian image in ambiguous situations (Dovidio & Gaertner, 1986; 1998). The Indigenous feeling thermometer is also relatively shorter (a single item) than the M-PATAS (14 items) and O-PATAS (11 items) other measures. For these reasons, future research may want to consider the use of a feeling thermometer rather than traditional scales to measure participants' attitudes towards particular racial groups.

Results from my dissertation underscore the value of implementing deliberations when conducting research on mock juror decisions. Apart from increasing the project's external

validity, the deliberation component revealed effects that would have been missed if I had simply analyzed individual juror responses without giving participants the opportunity to discuss the case; as mentioned above, the apparent effect of victim race on individual verdicts was only present *following* deliberation. Without deliberation, my results would have suggested that victim race does not play a meaningful role in trials involving police UoF. A number of other predictor variables, such as authoritarianism and BJW, were also only significantly related to post-deliberation verdicts. Although this pattern conflicts with some research that suggests deliberation can correct biased decision-making (Kaplan & Miller, 1978; London & Nuñez, 2000), it complements other studies which have found that deliberation strengthens jurors' bias (Hulbert et al., 1999; Lynch & Haney, 2009; 2011). Haegerich and colleagues (2013) suggest that accentuated bias following jury deliberation may be due to the group polarization effect (Bray & Noble, 1978; Myers & Kaplan, 1976; Myers & Lamm, 1976). In describing this effect, Myers and Lamm (1976, p.603) state, "the average postgroup response will tend to be more extreme in the same direction as the average of the pregroup responses." Research has observed group polarization effects across a variety of contexts and deliberation paradigms (e.g., Isenberg, 1986; Sieber & Ziegler, 2019; Sunstein, 1999). Study 1a's results concerning victim race and pre- and post-deliberation verdicts appear to demonstrate group polarization. Although pre-deliberation verdicts showed a slight tendency to convict more often in the White victim condition, this pattern was greatly exacerbated in the post-deliberation verdicts. However, as mentioned previously, future research should replicate my project's design using a larger sample size (which would also equate to more juries) in order to be more confident in this observed pattern of results.

A lack of deliberation component may explain why several previous jury studies involving individual juror responses have failed to observe the expected effects of race on verdict (e.g., Ewanation & Maeder, 2018; Maeder et al., 2015). Implementing deliberations may be necessary in simulated jury research in order to properly observe the effects of particular experimental manipulations, especially those relating to race. In addition to providing a more complete picture of individual-level measures, the deliberation aspect of my project allowed for a glimpse into the process concerning how and why jurors reach their decisions. With my deliberation data, I was able to examine potential explanations for my effects on individual verdicts, particularly those relating to victim race. The deliberation allowed me to gather information that is simply unavailable from individual responses. Furthermore, jury research typically relies on self-report data when measuring perceptions of trial parties. In the context of my project, I was able to investigate how jurors spontaneously discussed the trial parties, rather than rely on self-report data. For instance, I found no significant association between self-report measures of racial prejudice and individual verdicts in Study 1a. However, my deliberations indicated that jurors' perceptions of the defendant officer were indeed influenced by victim race, as they systematically discussed his behaviour differently in the White vs. Indigenous victim conditions.

Moving forward, I suggest that future simulated jury research should attempt to implement deliberations as much as possible. This is not necessarily a new argument, as many jury researchers have previously identified the lack of deliberations as a major threat to the ecological validity of the field (e.g., Diamond, 1997; Nuñez et al., 2011). For instance, Nuñez et al., (2011) argue that one of the biggest problems faced by jury research is its failure to properly study deliberating jurors and juries. According to the authors, some of the foundational theories

and underpinnings in the field of jury decision-making may be different had researchers studied deliberating *juries* rather than individual jurors.

Furthermore, both Canadian and American courts have been reluctant to accept findings from social psychological research in general, but simulated jury research specifically (see Bornstein & McCabe, 2005; Tanford, 1990; *R v. Williams*, 1998). Courts appear to be particularly dismissive of research that examines individual participant responses without group deliberation. In *R v. Williams*, the court noted “Studies of mock juries run into external validity problems because they cannot recreate an authentic trial experience.” In both *Lockhart v. McCree* (1986) and *State v. Deck* (1999), the court rejected research on capital trial data that involved mock jurors, specifically citing a lack of deliberation component as one of its main issues with the research. In *State v. Deck* (1999), the court wrote:

Dr. Weiner's study, however, must be discounted because the people interviewed for the study did not act as jurors. They were given hypothetical facts that were different than the facts in this case, and they did not hear the testimony of witnesses, observe physical evidence or *deliberate with eleven other jurors* [emphasis added].

In comparison to the above cases, the court in *Ballew v. Georgia* (1978) referenced findings from several empirical jury studies involving deliberations and jury size when making its decision. As such, courts may perceive results from simulated jury research with a deliberation component as more legitimate, increasing the likelihood that such research could be presented at trial and/or considered in judicial decisions. This is yet another reason why deliberations should be implemented in future research as often as possible.

### **Future Directions**

My project has revealed a number of exciting future directions for researchers who want to study jury decision-making in trials involving police UoF. To begin, although it was outside the scope of my current project, researchers should consider using an exploratory qualitative approach to analyze the content of deliberations in trials involving police UoF. Although qualitative analysis involves a broad range of approaches, the overarching focus is to describe and interpret complex phenomena (Vaismoradi et al., 2016). Conducting qualitative analyses would allow for a richer and more nuanced understanding of what jurors discuss during deliberation and how particular verdicts are reached (see White & Marsh, 2006, for a useful comparison of the qualitative and quantitative approach to content analysis). Indeed, a handful of jury studies have implemented qualitative analyses to examine deliberation data (e.g., Barner, 2014; Charron & Woodhams, 2010, Yamamoto & Maeder, 2021). For example, Meyers and colleagues (2010) used qualitative analysis to investigate particular argument structures in the sentencing phase of a capital deliberation. Similarly, Lynch and Haney (2015) applied the qualitative approach to identify and describe themes in relation to jurors' emotionality during capital deliberations.

Additionally, future research should examine methods to minimize or outright reduce the effects of victim race that I observed in the current project. Research in the United States suggests that White jurors' racial bias can be greatly minimized by making race salient (e.g., Cohn et al., 2009; Bucolo & Cohn, 2010; Sommers & Ellsworth, 2000). Researchers have used the aversive racism framework (Dovidio & Gaertner, 1986) to explain the effectiveness of race salience. Aversive racism posits that individuals want to be perceived by others as egalitarian. As such, White jurors will therefore be explicitly motivated to correct for racial discrimination in

trials where racial issues have been emphasized and made prominent (Cohn et al., 2009). When race is not salient, White jurors may be less cognizant of the potential to appear biased, relying on stereotypes or other heuristics to make their verdict decision. However, research conducted in Canada suggests that race salience may not be effective for reducing racial bias in Canadian courtrooms (Maeder et al., 2015). In a study using mock jurors, Maeder and colleagues (2015) found that participants were more likely to render convictions for defendants who were Black or Indigenous as compared to White. This relationship held regardless of the authors' race salience manipulation. This tactic may not have been effective partly because many Canadians believe Canada to be free of racism (e.g., James, 2008, Inniss, 2007), and are thus not as concerned about appearing biased when race is made salient.

As mentioned in a previous discussion section, work by Sommers (2006) suggests that racially diverse juries in the United States demonstrate less racial bias than those which are all-White. Interestingly, differences in deliberation content between the heterogenous and homogenous juries were primarily attributed to White participants in the heterogenous groups citing more case facts and being less resistant to discussions of potential racism. Additional research indicates that racially diverse jury deliberations cause White jurors to experience more cognitive depletion (Peter-Hagene, 2019) and engage in more self-monitoring (Stevenson et al., 2017) as compared to all-White juries. Peter-Hagene (2019) further demonstrated that, compared to all-White juries, racially diverse juries' deliberation content is less affected by the race of the defendant. Together, these studies suggest that White jurors' cognitive processing and discussion of the trial evidence is influenced by the racial composition of the jury. Future researcher should consider replicating these findings in the Canadian context.

Furthermore, jurors in my study made frequent reference to the training that police officers receive concerning force, or the protocols which police are supposed to follow when interacting with the public. With the help of a subject-matter-expert (i.e., a police UoF expert) or police training manual, future researchers could code these instances to determine whether they are accurate or not. If jurors' beliefs and understanding about police UoF training is inaccurate, this would suggest a need for some mechanism to properly educate them, such as expert testimony.

In my project, the only variable I manipulated was the race of the victim. In the field of juror decision-making, an abundance of research has examined the combined effects of juror, defendant, and/or victim race (e.g., Brewer, 2004; Forsterlee et al., 2006; Maeder & Yamamoto, 2019). For instance, a number of studies investigating the interaction between defendant and victim race report that capital trials involving Black defendants and White victims are most likely to result in a death sentence (Baldus et al., 1983; Lynch & Haney, 2000; Paternoster & Brame, 2008). As such, future research should consider replicating the current project's design with the addition of a defendant race manipulation and a racially diverse sample of participants. It may be the case that defendant and/or juror race moderates my dissertation's observed effects of victim race.

Finally, I completed data collection for this project in early 2020. Although police violence against racial minorities was a somewhat salient topic at the time (e.g., Carney, 2016; Lopez, 2018; Scott, 2018), this issue gained unprecedented attention in later months, following the deaths of George Floyd and Breonna Taylor (among other BIPOC individuals). These lethal instances of police UoF led to massive public protests and civil unrest on an international scale. According to the New York Times, these protests were likely the largest in the history of the

United States (Buchanan et al., 2020). The Armed Conflict Location & Event Data Project (ACLED) at Princeton University recorded more than 7,750 demonstrations relating to the Black Lives Matter movement between May and August 22, 2020 (ACLED, 2020). Further, the media captured and circulated many videos depicting police acting violently towards protestors during the demonstrations. A report from Amnesty International identified 125 independent instances of police violence against protestors between May 26 and June 5, 2020 (Amnesty International, 2020). As discussed in the introduction, highly publicized police UoF incidents can influence the public's perceptions of police UoF (Weitzer, 2002). Indeed, Reny and Newman (2021) indicate that following Floyd's murder, liberal Americans had significantly less favourable views of the police. These events may therefore affect how the public (i.e., jurors) perceive police UoF when the victim is BIPOC. Therefore, the current study should be replicated and/or extended to investigate the influence recent events may have had on the current study's findings. It may be the case that, following the events of summer 2020, jurors would be particularly punitive when the victim is Indigenous as a method of correcting for racial discrimination in the justice system.

However, many Canadians are either unaware of, or do not acknowledge, the discrimination faced by Indigenous peoples in Canada (Mackey, 2005; Urban Aboriginal Peoples Study, 2010). Indeed, Canada is often viewed and depicted as a "cultural mosaic" that is relatively free of racism (Inniss, 2007). If jurors do not believe discrimination occurs in the Canadian justice system, recent events may have a negligible impact on my study's findings. However, in 2021, the unmarked graves of more than 1,000 children were discovered near the sites of former residential schools across Canada. Many Indigenous leaders have called for criminal investigations into the sites (e.g., CTV News, 2021; Mitchell, 2021), while the government of Ontario recently committed \$10 million to "support the identification,

investigation, protection and commemoration” of residential school burial sites (Carter, 2021). Following the discoveries, several vigils and protests occurred to raise awareness about the victims of residential schools in Canada (Bean, 2021; CBC, 2021; Ottawa Citizen, 2021). In particular, many groups advocated for the cancellation of Canada Day celebrations, with #cancelcanadaday becoming a trending hashtag on social media (Gollom & Walji, 2021). Recent public surveys conducted by Ipsos (2020; 2021) suggest that the majority of Canadians believe that racism is a current problem in Canada and support designating a National Day of Remembrance for victims of residential schools. Further, 60% of respondents indicated that the recent burial site discoveries have made them learn more about residential schools in Canada. Due to the heightened media and political attention that these discoveries have received, Canadians may start to become more aware of the discrimination surrounding Indigenous victims.

### **Limitations**

My project had a number of limitations to ecological validity shared by most jury research that employs a mock trial paradigm. To begin, I used a simulated, audio recorded trial (based on the Philando Castile shooting) as my primary stimulus. The trial was approximately 30 minutes in length, which is not reflective of the majority of real trials (e.g., Meitl et al., 2017). For instance, the trial of Jeronimo Yanez (the officer who shot Philando Castile), involved more than two weeks of testimony (Ellis & Kirkos, 2017). Therefore, participants in my study were exposed to considerably less information than what would be typical of real jurors. Furthermore, my results may have been different had participants believed their decisions carried real-life consequences. Although a number of jury studies have manipulated consequentiality, no clear pattern of results has emerged (see Bornstein & McCabe, 2005). Some research indicates that

real juries are less likely than mock juries to render convictions (Diamond & Zeisel, 1974), while other studies have found evidence to suggest the opposite (e.g., Wilson & Donnerstein, 1977; Sivasubramaniam et al., 2020). Further still, several studies have observed no significant effect of consequentiality (Kaplan & Krupa, 1986; Kerr et al., 1979; Suggs & Berman, 1979). In other research areas that study human decision-making (such as the literature surrounding risk-taking), the use of hypothetical or simulated situations is common and accepted (e.g., Magar et al., 2008, Schultz et al., 2010; Wiseman & Levin, 1996).

Studying real juries would overcome many of the above listed ecological limitations but would bring with it a host of additional issues related to feasibility and confounding variables. Furthermore, psychologists and legal scholars have identified a number of strengths related to conducting simulated jury research (e.g., Bornstein et al., 2017; Bornstein, 1999). For example, Bornstein and colleagues (2017) argue that a benefit of conducting simulated research is that it allows for the study of both the jury *process* (i.e., how jurors come to decisions) as well as jury/juror *outcomes* (i.e., verdicts). According to Section 649 of the Canadian Criminal Code, jurors are legally prohibited from discussing the trial or what took place during deliberations (*Criminal Code*, R.S.C., 1985, c. C-46). A simulated methodology was therefore necessary to examine hypotheses related to Study 1b and what jurors discuss during deliberations in trials involving police UoF; I simply would not have been able to investigate this using real juries. Furthermore, given the general lack of data concerning race in the Canadian justice system (see Kong & Beattie, 2005; Wortley, 1999; Owusu-Bempah & Millar, 2010), I would not have been able to conduct this study using archival research.

Although each participant was eligible for jury duty in Canada, they were all undergraduate psychology students, causing further potential concern for generalizability. In

particular, Canadian students' perceptions of the police may be less favourable than the general public; a recent poll from Angus Reid (2020) indicates that 37% of respondents between the age of 18-24 perceive local police unfavourably, compared to just 11% of those 65 and older. In his analysis of public attitudes towards the police in Saskatoon, Cheng (2015) found that older participants were significantly more satisfied with police and were more likely to believe that the police are fair toward the public, as compared to younger participants. Additionally, some research argues that university students possess less racial bias than the general community (e.g., Mitchell et al., 2005). It may therefore be the case that the observed findings related to victim race would be exacerbated if the study was replicated using a community sample. Despite these potential concerns, jury studies that have directly compared community and student samples have observed inconsistent results (see Bornstein et al., 2017; Maeder et al., 2018; Nuñez et al., 2011). In a meta-analysis involving 53 jury studies and more than 17,000 participants, Bornstein et al. (2017) found no effect of sample type on jurors' verdicts, culpability ratings, or the damages awarded. In Canadian research, Maeder et al. (2018) observed that students were significantly more likely than community members to render convictions. However, sample type did not moderate the effect of defendant race on mock jurors' verdicts.

In a related concern, more than 80% of my participants were women, which is not reflective of the general Canadian adult population that actual jurors are selected from (Statistics Canada, 2020). Existing jury research has identified effects of gender on legal decision-making (e.g., Bowers et al., 2001; Lynch & Haney, 2015; Najdowski & Weintraub, 2020) and general perceptions of police UoF (Girgenti-Malone et al., 2017; Halim & Styles, 2001; Thompson & Lee, 2004). For instance, women appear to be more conviction-prone in certain cases (Najdowski & Weintraub, 2020), while men tend to be more approving of police UoF (e.g., Girgenti-Malone

et al., 2017). In comparison to the above research, other juror studies examining gender have observed no significant differences in conviction rates (e.g., Duke & DeForges, 2007; Mossiere & Dalby, 2008). Additional research has specifically examined the role of gender in the context of jury deliberations (e.g., Benlevy, 1999; Golding et al., 2007; Salerno & Peter-Hagene, 2015). Work by Golding and colleagues (2007) indicates that men make significantly more pro-defence as compared to pro-prosecution utterances and are less likely to change their verdicts during deliberations. Research also suggests that men tend to be perceived by other jurors as more influential and speak more often during jury deliberations than women (Hastie et al., 1983; Marcus et al., 2000; Mills & Bohannon, 1980). Unfortunately, I did not have the proper sample size to investigate the role that participant gender may have had on my dependent variables. It is therefore important to note that my results concerning both individual verdict as well as group deliberations may have been different with a more gender balanced sample.

### **Conclusion**

Results from my dissertation suggest that jurors render more convictions, and speak more unfavourably about the defendant, in police UoF trials when the victim is White as compared to Indigenous. These findings are deeply concerning, as they suggest that jurors may not perceive Indigenous victims to be as valuable or worthy as those who are White. Furthermore, my project highlights the value of implementing deliberations into simulated jury research, particularly in studies examining effects of race. It is my sincere hope that this dissertation can be an initial step towards future research that ensures all victims of police violence receive proper justice, regardless of their race.

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**Appendix A – Trial Transcript**

R. v. Anderson

Charge: Manslaughter

Victim: Lukas Pierce

Defendant: Michael Anderson

**Judge:** Members of the jury, you have been chosen to hear this case. Such a duty requires that you listen closely to the evidence that will be presented and to decide this case solely on that evidence. The defendant has pleaded not guilty to the charge of manslaughter. The defendant enters the proceedings presumed to be innocent, and the presumption of innocence remains throughout the case unless the Crown, on the evidence put before you, satisfies you beyond a reasonable doubt that he is guilty. The burden of proof rests with the Crown and never shifts. There is no burden on the defendant to prove that he is innocent. He does not have to prove anything.

It is virtually impossible to prove anything to an absolute certainty, and the Crown is not required to do so. However, the standard of proof beyond a reasonable doubt falls much closer to absolute certainty than to probable guilt. You must not find the defendant guilty unless you are sure he is guilty. To make your decision, you must consider carefully, and with an open mind, all the evidence presented during the trial. You must consider the evidence and make your decision without sympathy, prejudice or fear. You must not be influenced by public opinion. Your duty as jurors is to assess the evidence impartially.

The defendant is charged with manslaughter. You must find the defendant not guilty of manslaughter, unless the Crown has

proven beyond a reasonable doubt each of the following essential elements:

1. That the defendant committed an unlawful act
2. That the defendant's unlawful act was dangerous; and
3. That the defendant's unlawful act caused the victim's death.

Unless you are satisfied beyond a reasonable doubt that the Crown has proven all of these essential elements, you must find the defendant not guilty of manslaughter. If you are satisfied beyond a reasonable doubt of all of these essential elements, then you must find the defendant guilty of manslaughter.

I will now instruct you on the issue of the protection of persons administering and enforcing the law, as the defendant is a peace officer. Under the Criminal Code section 25, subsection 1, everyone who is required or authorized by law to do anything in the administration or enforcement of the law is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose. According to section 25 of the Criminal Code, subsection 3, subject to subsections (4), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the

preservation of any one under that person's protection from death or grievous bodily harm. However, according to subsection 4, a peace officer is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested if,

- a) The peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;
- b) The offence for which the person to be arrested is one for which that person may be arrested without warrant;
- c) The person to be arrested takes flight to avoid arrest;
- d) The peace officer believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer or any other person from imminent or future death or grievous bodily harm; and
- e) The flight cannot be prevented by reasonable means in a less violent manner.

If you believe any of these to be true, you must find the defendant not guilty. We will now proceed to opening statements. **(opening statements)**

**Crown:** Good morning everyone, my name is Ian Foster, and I will be representing the Crown in this case. On the evening of July 23, 2018, the defendant, Constable Michael Anderson of the Calgary Police Service, shot and killed Lukas Pierce during what should have been a routine traffic stop. Admittedly, Lukas had made some poor choices that day. However, in no way, shape, or form should these choices have led to his death. There is no question that Michael Anderson used inappropriate, unreasonable, and ultimately excessive force in his line of duty. No question at all. If Constable Anderson had acted appropriately and in line with his training, it is obvious that Lukas Pierce would be alive and well today. By the end of this trial, we will ask you to return the only appropriate verdict: guilty of manslaughter.

**Defence:** Ladies and gentlemen of the jury, good morning. My name is Eric James and I am here to represent the defendant, Constable Michael Anderson, and be sure that you are able to appreciate the complexity of the situation that my defendant found himself in on that tragic July evening. As you will all understand by the end of this trial, it is completely reasonable for Constable Anderson to have believed that he was in danger of facing death or grievous bodily harm. Lukas Pierce had stolen a vehicle and was in unlawful possession of a firearm. He was ready to do anything in order to escape from the law. In such a situation, the only appropriate response from an officer is to use lethal force. The loss of any life is in no way negligible. Lukas Pierce's death is indeed a tragedy. However, Constable Anderson's use of force was completely reasonable and appropriate when the entirety of the situation is taken into account. As such, we will ask that you return a verdict of not guilty.

**(the Crown begins its case)**

**Crown:** We would like to begin by presenting the jury with Exhibit A - video footage of the final moments of Lukas Pierce's life. We apologize for the graphic nature of what you are about to see, however we believe that it is of utmost importance for you to view for yourself what occurred. Unfortunately, the audio file has been corrupted and there is therefore no sound.

**(The Crown calls their first witness to the stand)**

**Crown:** The Crown calls Dr. John Williams to the stand. Could you please state your name and credentials, sir?

**Williams:** Yes, certainly. My name is Dr. John Williams. I'm a Fellow of the Royal College of Pathologists, specializing in anatomical pathology. I currently work in the Department of Health as chief medical examiner.

**Crown:** And you performed the medical examination on the victim, Lukas Pierce?

**Williams:** Indeed.

**Crown:** Dr. Williams, can you describe your assessment of Lukas Pierce?

**Williams:** The victim was deceased at the time of my initial assessment. I identified three gunshot wounds, two of which penetrated the heart causing unsurvivable trauma. The third shot was sustained on the tip of the victim's right index finger.

**Crown:** Thank you Doctor, those are all of my questions.

**(Defence cross-examination)**

**Defence:** Dr. Williams, did you also perform a toxicology analysis on the victim, Lukas Pierce?

**Williams:** Yes, as is standard procedure in any police-involved shooting.

**Defence:** And what was the result of this toxicology report?

**Williams:** The analysis tested positive for THC in the victim's blood. However, I-

**Defence:** Sorry before we go further, can we just clarify for the court. THC, that is the, the main active substance in marijuana, correct?

**Williams:** Yes, it is the chemical compound which induces psychoactive effects. As I was saying, however – THC found in postmortem blood samples cannot be used to reliably determine when a person last consumed marijuana. THC is completely different than, say, alcohol. It's stored in the body's fat tissue. Upon death, those tissues begin to rapidly decompose, leaching the THC into the bloodstream. What this results in is an unreliable reading.

**Defence:** Okay, well I'll ask this – are you able to say that Lukas Pierce was not under the influence of marijuana at the time of his death?

**Williams:** Well, no. It is completely possible due to the presence of THC in his bloodstream. It is also possible, however, that the victim was not impaired when he died.

**Defence:** Thank you Dr., those are all of my questions.

**(the Defence calls their first witness to the stand)**

**Defence:** The Defence calls Brian Lackey to the stand. Good afternoon sir, can you please state your name and occupation for the court?

**Lackey:** My name is Brian Lackey, and I'm a Constable with the Calgary Police Service. I was conducting the traffic stop in question along with Constable Anderson.

**Defence:** Constable Lackey, I know this will be difficult, but I need you to take me through what occurred that evening in July.

**Lackey:** We- sorry, Constable Anderson and I, had received a radio call reporting a white stolen sedan-

**Defence:** Sorry to interrupt Constable, but can you just clarify and state for the court who was driving the police vehicle at this point?

**Lackey:** Constable Anderson was driving while I was in the passenger seat.

**Defence:** Thank you, please continue.

**Lackey:** So we received a report about a stolen white sedan with a burnt-out taillight near the Bowness neighbourhood. It had been taken from a strip mall parking lot. Anderson and I happened to be nearby so we decided to circle around the area a few times. At approximately 7:47pm, we noticed a sedan matching the description being driven by a lone white male make a right turn onto 36 Avenue Northwest, so we initiated a traffic stop, pulling over the car.

**Defence:** Okay, so you pull the car over. What happens next?

**Lackey:** Honestly, things happened fairly quickly. I began to approach the passenger side of the vehicle. Constable Anderson

was ahead of me, and walked up to the driver's side. I saw the driver of the vehicle roll down his window and I heard Constable Anderson begin to explain that we had pulled the vehicle over because it had a burnt out taillight

**Defence:** Okay, and at this point, where are you?

**Lackey:** I've gotten about a meter or so away from the passenger side of the car. And now I can hear Constable Anderson asking the driver for his license and registration.

**Defence:** Okay, and can you see into the car at this point? Can you, I mean, do you have a good view of the driver?

**Lackey:** Well I could tell it was a white male and that there was no one else in the car, but I couldn't actually see inside the vehicle itself very well.

**Defence:** Okay. So now you hear Constable Anderson asking for the driver's license and vehicle registration. What happens next?

**Lackey:** The driver produced a piece of paper from what looked like his car console and handed it through the window to Constable Anderson. As this was happening, I heard the driver mention that he had a firearm in the car that he was permitted to carry. Constable Anderson-

**Defence:** Sorry Constable, can you just clarify the laws surrounding carrying a firearm?

**Lackey:** In particular instances, people can apply for a legal permit to openly carry a firearm, typically in wilderness areas to defend against wildlife. So, although rare, we do come across individuals who have legitimate licenses to be carrying firearms.

**Defence:** Thank you Constable, please continue.

**Lackey:** Right, so I hear the driver tell Constable Anderson that he has a firearm in the car. Anderson immediately ordered the driver to put his hands on the steering wheel, and asked where the firearm was located in the vehicle.

**Defence:** And did the driver comply?

**Lackey:** I honestly cannot say. I saw some movement inside the vehicle. As this was happening, Constable Anderson un-holstered his firearm and shot inside the car multiple times.

**Defence:** After Constable Anderson fires the shots, what happens?

**Lackey:** I immediately called for medical and operational backup, indicating that an officer had shot his firearm while conducting a traffic stop. As this was happening, I heard Constable Anderson yelling out.

**Defence:** Do you remember what Constable Anderson was saying?

**Lackey:** It was something along the lines of "I shot him, I told him not to do it but he did." He was visibly distraught and swearing, but he began to administer CPR to the subject.

**Defence:** And how did he do that? Did he go inside the car?

**Lackey:** No, he had removed the subject from the vehicle and had placed him on the side of the road. After only a minute or two

of Anderson performing CPR, emergency responders showed up to the site. They immediately moved him into an ambulance to be transported to the hospital.

**Defence:** Okay. And while the paramedics are on scene, do you find anything on Mr. Pierce or inside his pockets?

**Lackey:** We found a 9mm handgun tucked under the waistband of Mr. Pierce's belt. We also found approximately four grams of marijuana inside Mr. Pierce's back right pocket.

**Defence:** And did Mr. Pierce indeed have a permit for the firearm?

**Lackey:** No, it was unregistered to any owner.

**Defence:** Okay. And this traffic stop was initially conducted because the vehicle matched the description of a stolen car? Were investigators able to determine whether this car was that which was stolen?

**Lackey:** This was indeed the stolen vehicle that had been taken from the strip mall approximately an hour earlier.

**Defence:** Thank you, Constable Lackey. I know this has been difficult for you. Those are all of our questions.

**(Crown cross-examination)**

**Crown:** Constable Lackey, we only have a few quick questions for you. Did you explicitly see a firearm on Mr. Pierce during the traffic stop, when you were beside the vehicle?

**Lackey:** As I stated before, I had a difficult time making out much detail of anything inside the car.

**Crown:** So you cannot say whether the victim, Lukas Pierce, was reaching for a firearm, or simply trying to retrieve his driver's license from his wallet? Which was what Constable Anderson had indeed asked him for when this whole thing began.

**Lackey:** I could only see motion inside the vehicle, I'm not able to say with any certainty how exactly the subject was moving, or where his hands were at the time of the shooting.

**Crown:** Was there anything else other than the handgun that was recovered from Lukas Pierce's body?

**Lackey:** Yes, while moving the subject's body to the ambulance, emergency responders also found a wallet in Mr. Pierce's pants pocket.

**Crown:** And do you know what colour the wallet was?

**Lackey:** I believe it was black.

**Crown:** Last question, Constable – Would you have fired your gun at Lukas Pierce if you were in Constable Anderson's shoes?

**Lackey:** I believe that Constable Anderson followed proper protocol.

**Crown:** You didn't answer the question, sir.

**Lackey:** All I can say is that taking the totality of the situation into account, I believe that Constable Anderson acted with reasonable and appropriate force. I'm unable to comment on

what I personally would have done, although I have complete faith in my partner's decisions that evening.

**Crown:** Thank you, those are all of my questions.

**(the Defence calls their second witness to the stand)**

**Defence:** The Defence calls Michael Anderson to the stand. Sir, can you please state your name and occupation for the court?

**Anderson:** My name is Michael Anderson, and I'm a Constable with the Calgary Police Service.

**Defence:** Constable Anderson, we've already heard testimony from your partner, Constable Lackey, about what took place on the evening of July 23<sup>rd</sup>. However, I'd like you to recount for the court, in your own words, what exactly occurred when you first saw the white sedan matching the description of the stolen vehicle.

**Anderson:** Okay, well, we see a white sedan with a burnt-out taillight. This matched the description of a vehicle that had been reported stolen earlier, so we initiated a traffic stop.

**Defence:** Okay, and how does the traffic stop proceed?

**Anderson:** I approached the driver's side of the vehicle, ahead of Lackey who was coming up the passenger side. As the driver rolled his window down, I could immediately smell burnt marijuana coming from the car. I began explaining to the driver, a white male, that he had a burnt out taillight, and that I'd need to see his license and registration. He reached over and handed me the registration to his vehicle.

**Defence:** Okay, continue

**Anderson:** So as I'm looking at his registration, waiting for him to get his driver's license to me, he tells me that he has a firearm in the car, but that he has a permit for it. And smelling the burnt marijuana, I'm thinking "this guy's high, he might not be all there right now." Following protocol, I immediately asked him where the firearm was located, and for him to slowly put his hands on the wheel of the car.

**Defence:** And does Lukas Pierce listen?

**Anderson:** No. He starts to move his hands toward his waist and at this point, here, right then I'm thinking he might be reaching for his gun.

**Defence:** Do you say anything?

**Anderson:** So I again yell at him this time to stop moving and to get his hands up on the steering wheel. But he's still not listening. He's — sure enough I look down and see him gripping some type of handgun that was tucked under his waist. I honestly thought I was going to die. I did not want to shoot Mr. Pierce, those were not my intentions. But at that point, I had no other choice. I engaged my firearm, and shot at him multiple times.

**Defence:** What happens next?

**Anderson:** I honestly have a hard time remembering, as I was in a state of shock. When I realized what had happened, I immediately

began delivering CPR to the subject. Paramedics arrived almost immediately, and I was brought aside to give a statement to my commanding officer, who had also shown up.

**Defence:** Constable Anderson, I can appreciate how hard this whole experience has been for you. Thank you for answering our questions, that is all.

**(Crown cross-examination)**

**Crown:** Constable Anderson, you say that you were able to see Lukas Pierce's hands on his firearm before you made the decision to shoot and kill him?

**Anderson:** Yes.

**Crown:** Is it not possible that Lukas Pierce was simply reaching for his wallet? To retrieve the driver's license you had just asked him for, moments prior?

**Anderson:** No. I had instructed Mr. Pierce to put his hands on the steering wheel, which he completely disregarded. I then explicitly saw him grab his gun.

**Crown:** But Constable Anderson, the victim, Lukas Pierce, had a on him a black wallet at the time of the shooting. It would be easy to mistake a dark object like that for a handgun, especially in the heat of the moment. I can certainly understand someone making that mistake in such an intense situation.

**Anderson:** Absolutely not. Lukas Pierce was gripping a handgun that was tucked into his waistband when I engaged my firearm.

**Crown:** Constable, I guess I'm just confused about part of your statement you initially gave to your commanding officer immediately after the shooting. I'd like to read out loud Exhibit B, an excerpt from this statement: "And the driver continued to move his hands after I ordered him to place them on the steering wheel. It looked like he had a handgun. I engaged my firearm." So at first, you were never explicitly able to state that you saw a gun in the victim's hands. Yet today, as you sit here in court, you claim that you were indeed able to perceive the victim holding a handgun?

**Anderson:** I think there is some confusion in the wording of that first statement. What I meant was that I didn't actually know where Pierce's firearm was at first. However, I then saw him gripping it in his hand.

**Crown:** As you say, Constable Anderson. Unfortunately for you, I don't think the evidence points that way. Those are all of my questions, thank you.

**(closing statements)**

**Crown:** Members of the jury, I urge you to provide justice to the family of Lukas Pierce. The only way to do this is to and find his killer, Constable Anderson, guilty of manslaughter. This case is as clear cut as it is tragic. Although Constable Anderson may have feared for his life, his fear was unjust and unreasonable, and ultimately led to the use of excessive force.

Remember, Lukas Pierce was shot and killed. He was not trying to get his gun or harm a police officer; he was simply reaching for his wallet to get his driver's license – something that the police had literally just instructed him to do. The evidence laid before you only fits one story. Don't let another officer get away with excessive use of force; find Constable Anderson guilty.

**Defence:** Ladies and gentlemen, this is a tragic, tragic situation. No matter how we put it, a young man lost his life. However, you need to remember the facts. Lukas Pierce was in possession of a stolen vehicle, had marijuana in the car, and was unlawfully carrying an unregistered firearm. He knew that he'd be arrested, and was willing to do anything, including shooting at a police officer, in order to get away. Constable Anderson followed protocol during the entire incident. It's perfectly reasonable for Constable Anderson to perceive a legitimate threat to his life in such a situation, which requires the use of lethal force. The Crown has not proven beyond a reasonable doubt that Constable Anderson's decision to use lethal force was either unjustified or unreasonable. In fact, it is clear that Constable Anderson acted completely within his legal right as a sworn peace officer. Because of that, I ask you to render the proper decision: find Constable Anderson not guilty.

**Crown:** The Defence is twisting some obvious explanations into an unlikely story. Yes, Lukas was in possession of a stolen vehicle – but is that seriously a legitimate reason to die? It's clear that Lukas Pierce was simply doing what Constable Anderson had initially asked him to do – provide the officer with his driver's license. Constable Anderson felt threatened. Why? Because of the smell of marijuana? Because he was dealing with a stolen vehicle? Let's face the facts folks, he had no justifiable reason to shoot Lukas Pierce, he was simply scared and in over his head. Constable Anderson did not do his job as a police officer. Not only that, but Constable Anderson is an unreliable witness. In his initial statement, he was only able to say he believed, or that he thought that Lukas Pierce had a gun in his hand. Only now is he miraculously able to say with complete certainty that he indeed saw a gun before shooting Mr. Pierce. He knows he acted unlawfully, and he is hoping that you won't question that. Do the right thing, find Constable Anderson guilty of manslaughter.

**Judge:** The defendant has pleaded not guilty to the charge. The defendant enters the proceedings presumed to be innocent, and the presumption of innocence remains throughout the case unless the Crown, on the evidence put before you, satisfies you beyond a reasonable doubt that he is guilty. The burden of proof rests with the Crown and never shifts. There is no burden on the

defendant to prove that he is innocent. He does not have to prove anything. You will soon leave this courtroom and start discussing this case in the jury room. It is time for me to tell you about the law you must follow in making your decision. When we started this case, I told you about several rules of law that apply in general, or to some of the evidence as it was received. Those instructions still apply. Now I am going to give you further instructions. These instructions will cover a number of topics. Consider them as a whole. Do not single out some as more important and pay less or no attention to others. I am giving them to help you make a decision, not to tell you what decision to make.

The defendant is charged with manslaughter. You must find the defendant not guilty of manslaughter, unless the Crown has proven beyond a reasonable doubt each of the following essential elements:

1. That the defendant committed an unlawful act
2. That the defendant's unlawful act was dangerous; and
3. That the defendant's unlawful act caused the victim's death.

Unless you are satisfied beyond a reasonable doubt that the Crown has proven all of these essential elements, you must find the defendant not guilty of manslaughter. However, the defendant is a peace officer. According to the Criminal Code, a peace officer is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested if,

The peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;

The offence for which the person to be arrested is one for which that person may be arrested without warrant;

The person to be arrested takes flight to avoid arrest;

The peace officer believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer or any other person from imminent or future death or grievous bodily harm; and

The flight cannot be prevented by reasonable means in a less violent manner.

If you believe any of these to be true, you must not find the defendant guilty.

I will ask you to choose one juror to act as your foreperson. The foreperson will chair your discussions, and announce your verdict at the end of the case. Get to know each other a little before you choose your foreperson. A verdict, whether of guilty or not guilty is the unanimous decision of the jury. To return a verdict on a count requires that all of you agree on your verdict. While your verdict on any count must be unanimous, your route to the verdict need not be. You should make every

reasonable effort, however, to reach a verdict. Consult with one another. Express your own views. Listen to the views of others. Discuss your differences with an open mind. Try your best to decide this case.

We will provide you with a verdict sheet. If you reach a unanimous verdict your foreperson should record it on your verdict sheet and notify me. Someone will come back to receive it. If you cannot reach a unanimous verdict you should notify me in writing. It is your duty to consult with one another and to try to reach a just verdict according to the law. Your foreperson will preside and assist you in the orderly discussion of the issues. You should each have the opportunity to express your own points of view without being unnecessarily repetitive. When you are discussing the issues, you should listen attentively to what your fellow jurors have to say. Approach your duties in a rational way and put your own points of view forward in a calm and reasonable manner. Avoid taking firm positions too early in your deliberations. Consider the views of your fellow jurors with an open mind before reaching your own decision. We will not have a written transcript of the evidence available for you to review when you discuss your decision in this case. I think you will find that your collective memory of the evidence is good.

**Appendix B – Use of Force Video**

<https://youtu.be/JRnA-DXF2D8>

**Appendix C – Attitudes Towards Police Legitimacy Scale**

1. Police officers usually make fair decisions when enforcing laws.
2. Police officers usually have a reason when they stop or arrest people.
3. Police do their best to be fair to everyone.
4. Police officers treat people with respect.
5. Police officers communicate well with people.
6. The presence of police makes me feel safe.
7. Police officers are generally kind.
8. If I have a problem, I feel confident that the police can help me solve it.
9. I'm not afraid to call the police when I need to.
10. People should trust the police to help.
11. I feel that police officers are willing to listen to me when I come into contact with them.
12. I believe what police officers tell me.
13. I can rely on police officers to ensure my safety.
14. I feel relieved to see police officers when I am out in the community.
15. Police officers desire justice.
16. People become police officers to serve their communities.
17. The explanations that police officers give for a stop are typically reasonable.
18. Police officers take their duty to protect and serve seriously.
19. People become police officers to help others.
20. People become police officers because they want to maintain order.
21. Law enforcement agencies hire the best people available.
22. People should be confident that police officers are only there to help.
23. Police officers are held to higher standards than regular citizens.
24. For the most part, police do a good job maintaining order in society.
25. Police officers are respected by the communities they serve.
26. Police officers' interactions with others makes me feel like they are part of my community.
27. Police officers' goals are to protect the community.
28. Police officers are a welcomed presence at community events.
29. My community is a better place because of the police.
30. Most police officers care about the communities they work in.
31. Most police officers define right and wrong the same way that I do.
32. Police officers uphold values that are important to me.
33. The police usually act in ways consistent with my ideas about what is right and wrong.
34. The police and I have many values and beliefs in common.

### Feeling Thermometer for Police

How do you feel about the police?

Extremely Cold

Extremely  
Warm

1

50

100

### Appendix D – Attitudes towards Indigenous Peoples

#### Old-Fashioned Prejudice Items

1. Most Indigenous people can NOT take care of their children.
2. Most Indigenous people sound intoxicated (drunk).
3. Most Indigenous people are on welfare.
4. Most Indigenous people need classes on how to be better parents.
5. Indigenous people have way too many children.
6. Indigenous people have no sense of time.
7. High standards of hygiene are NOT valued in Indigenous culture.
8. Diseases that affect Indigenous people are simply due to the lifestyle they lead.
9. Drug abuse is a key problem among Indigenous people.
10. Poverty on reserves is a direct result of Indigenous people abusing drugs.
11. Few Indigenous people seem to take much pride in their personal appearance.

#### Modern Prejudice Items (items marked with an asterisk require reverse-coding)

1. Canada needs to stop apologizing for events that happened to Indigenous people many years ago.
2. Indigenous people still need to protest for equal rights.\*
3. Indigenous people should stop complaining about the way they are treated and simply get on with their lives.
4. Indigenous people should simply get over past generations' experiences at residential schools.
5. Indigenous people seem to use their cultural traditions to secure special rights denied to non-Indigenous Canadians.
6. Many of the requests made by Indigenous people to the Canadian government are excessive.
7. Special places in academic programmes should NOT be set aside for Indigenous students.

8. Indigenous people should be satisfied with what the government has given them.
9. It is now unnecessary to honour treaties established with Indigenous people.
10. Indigenous people should NOT have reserved placements in universities unless they are qualified.
11. Indigenous people should pay taxes just like everyone else.
12. The government should support programmes designed to place Indigenous people in positions of power.\*
13. Non-Indigenous people need to become sensitive to the needs of Indigenous people.\*
14. Government agencies should make every effort to meet the needs of Indigenous people.\*

**Appendix E – Feeling Thermometer for Indigenous Peoples**

How do you feel about Indigenous Peoples?

Extremely Cold

Extremely Warm

1

50

100

**Appendix F – Cultural Stereotype Checklists**

Below is a list of adjectives. We would like you to indicate the degree to which the words below represent part of the **cultural stereotype** of Indigenous peoples (what is the culturally-held stereotype about this group, NOT your personal beliefs)

	Not at all						Very Much	
Honest	1	2	3	4	5	6	7	
Deceitful	1	2	3	4	5	6	7	
Radical	1	2	3	4	5	6	7	
Faithful	1	2	3	4	5	6	7	
Suspicious	1	2	3	4	5	6	7	
Uneducated	1	2	3	4	5	6	7	
Courteous	1	2	3	4	5	6	7	
Impulsive	1	2	3	4	5	6	7	
Hostile	1	2	3	4	5	6	7	
Ambitious	1	2	3	4	5	6	7	
Friendly	1	2	3	4	5	6	7	

Cruel	1	2	3	4	5	6	7
Dangerous	1	2	3	4	5	6	7
Addict	1	2	3	4	5	6	7
Alcohol User	1	2	3	4	5	6	7
Kind	1	2	3	4	5	6	7
Violent	1	2	3	4	5	6	7
Quick-tempered	1	2	3	4	5	6	7
Aggressive	1	2	3	4	5	6	7
Criminal	1	2	3	4	5	6	7
Phony	1	2	3	4	5	6	7

Below is a list of adjectives. We would like you to indicate the degree to which the words below represent part of the **cultural stereotype** of Black Canadians (what is the culturally-held stereotype about this group, NOT your personal beliefs)

	Not at all					Very Much	
Honest	1	2	3	4	5	6	7
Deceitful	1	2	3	4	5	6	7
Radical	1	2	3	4	5	6	7
Faithful	1	2	3	4	5	6	7
Suspicious	1	2	3	4	5	6	7
Uneducated	1	2	3	4	5	6	7
Courteous	1	2	3	4	5	6	7
Impulsive	1	2	3	4	5	6	7
Hostile	1	2	3	4	5	6	7
Ambitious	1	2	3	4	5	6	7
Friendly	1	2	3	4	5	6	7
Cruel	1	2	3	4	5	6	7
Dangerous	1	2	3	4	5	6	7
Addict	1	2	3	4	5	6	7
Alcohol User	1	2	3	4	5	6	7
Kind	1	2	3	4	5	6	7
Violent	1	2	3	4	5	6	7
Quick-tempered	1	2	3	4	5	6	7
Aggressive	1	2	3	4	5	6	7
Criminal	1	2	3	4	5	6	7
Phony	1	2	3	4	5	6	7

Below is a list of adjectives. We would like you to indicate the degree to which the words below represent part of the **cultural stereotype** of White Canadians (what is the culturally-held stereotype about this group, NOT your personal beliefs)

	Not at all					Very Much	
Honest	1	2	3	4	5	6	7
Deceitful	1	2	3	4	5	6	7

Radical	1	2	3	4	5	6	7
Faithful	1	2	3	4	5	6	7
Suspicious	1	2	3	4	5	6	7
Uneducated	1	2	3	4	5	6	7
Courteous	1	2	3	4	5	6	7
Impulsive	1	2	3	4	5	6	7
Hostile	1	2	3	4	5	6	7
Ambitious	1	2	3	4	5	6	7
Friendly	1	2	3	4	5	6	7
Cruel	1	2	3	4	5	6	7
Dangerous	1	2	3	4	5	6	7
Addict	1	2	3	4	5	6	7
Alcohol User	1	2	3	4	5	6	7
Kind	1	2	3	4	5	6	7
Violent	1	2	3	4	5	6	7
Quick-tempered	1	2	3	4	5	6	7
Aggressive	1	2	3	4	5	6	7
Criminal	1	2	3	4	5	6	7
Phony	1	2	3	4	5	6	7

**Appendix G – Right-Wing Authoritarianism Scale (Short)**

1. Our country needs a powerful leader, in order to destroy the radical and immoral currents prevailing in society today.
2. Our country needs free thinkers, who will have the courage to stand up against traditional ways, even if this upsets many people.
3. The “old-fashioned ways” and “old-fashioned values” still show the best way to live.
4. Our society would be better off if we showed tolerance and understanding for untraditional values and opinions.
5. God’s laws about abortion, pornography and marriage must be strictly followed before it is too late, violations must be punished.
6. The society needs to show openness towards people thinking differently, rather than a strong leader, the world is not particularly evil or dangerous.
7. It would be best if newspapers were censored so that people would not be able to get hold of destructive and disgusting material.
8. Many good people challenge the state, criticize the church and ignore “the normal way of living”.
9. Our forefathers ought to be honored more for the way they have built our society, at the same time we ought to put an end to those forces destroying it.
10. People ought to put less attention to the Bible and religion, instead they ought to develop their own moral standards.
11. There are many radical, immoral people trying to ruin things; the society ought to stop them.
12. It is better to accept bad literature than to censor it.
13. Facts show that we have to be harder against crime and sexual immorality, in order to uphold law and order.
14. The situation in the society of today would be improved if troublemakers were treated with reason and humanity.
15. If the society so wants, it is the duty of every true citizen to help eliminate the evil that poisons our country from within.

### Appendix H – Belief in A Just World Scale

Please read each statement carefully and decide to what extent you either personally agree or disagree with it.

1. I believe that, by and large, I deserve what happens to me.

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

2. I am usually treated fairly.

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

3. I believe that I usually get what I deserve.

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

4. Overall, events in my life are just.

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

5. In my life injustice is the exception rather than the rule

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

6. I believe that most of the things that happen in my life are fair

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

7. I think that important decisions that are made concerning me are usually just

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

8. I think basically the world is a just place

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

9. I believe that, by and large, people get what they deserve

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

10. I am confident that justice always prevails over injustice

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

11. I am convinced that in the long run people will be compensated for injustices

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

12. I firmly believe that injustice in all areas of life (e.g., professional, family, politics) are the exception rather than the rule

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

13. I think people try to be fair when making important decisions

Strongly Disagree						Strongly Agree
1	2	3	4	5	6	

### Appendix I – Demographics Questionnaire

Finally, we would like to ask you some questions about yourself, so we can get a sense of who the people in our study are.

**1. What is your age?** \_\_\_\_\_

**2. What is your gender?**

- Man
- Woman
- Trans
- Prefer not to disclose
- Or please specify: \_\_\_\_\_

**3. What is the highest level of education that you have obtained?**

- Doctoral or professional degree
- Master's degree
- Bachelor's degree
- Associate's degree
- Postsecondary non-degree award
- Some college, no degree
- High school diploma or equivalent
- Less than high school

**4. Please indicate what your present religion is, if any.**

- Protestant (Baptist, Methodist, Non-denominational, Lutheran, Presbyterian, Pentecostal, Episcopalian, Reformed, Church of Christ, etc.)
- Roman Catholic (Catholic)

- Mormon (Church of Jesus Christ of Latter-day Saints/LDS)
- Orthodox (Greek, Russian, or another orthodox church)
- Jewish (Judaism)
- Muslim (Islam)
- Buddhist
- Hindu
- Atheist (do not believe in God)
- Agnostic (not committed to believing in existence or non-existence of God)
- Nothing in particular
- Or please specify: \_\_\_\_\_

**5. What is your racial/ethnic background?**

- Chinese
- South Asian (e.g., East Indian, Pakistani, Sri Lankan, etc.)
- Black
- Filipino
- West Asian (e.g., Iranian, Afghan, etc.)
- Latin American
- Arab
- White
- Southeast Asian (e.g., Vietnamese, Cambodian, Laotian, Thai, etc.)  Indigenous Peoples of  
Canada
- Korean
- Japanese
- None of these options are applicable. Please elaborate below:

---

**6. Please indicate where your political beliefs fall, using the scale below.**

**Liberal**

**Conservative**

0    1    2    3    4    5    6    7    8    9    10

**What, if applicable, is your political affiliation? \_\_\_\_\_**

**7. Are you a Canadian citizen?**

Yes

No

**8. Can you read, write, and understand the English language?**

Yes

No

**9. Have you ever been convicted of an indictable offence? Note: If you have been convicted but you received a formal pardon, please select 'No'. Indictable offences are different from more minor "summary" offences (which carry sentences of fewer than 6 months and fines of less than \$2000). Examples of indictable offences include theft, treason, murder, piracy, and robbery.**

Yes

No



**Appendix L – Jury Verdict Form**

DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_

VERDICT FORM

**COUNT ONE**

1. Manslaughter

- Guilty
- Not Guilty
- Unable to reach a unanimous verdict

*If applicable, please indicate final verdict split:*

Guilty votes: \_\_\_\_\_  
Not guilty votes: \_\_\_\_\_  
Undecided: \_\_\_\_\_

**Please sign the form and tell the assistant that the jury has reached a verdict:**

\_\_\_\_\_  
Signature

## Appendix M - CODEBOOK

Code/Category	Positionality	Police	Definition
General Police Statements	-	Pro Police	Utterances concerning the police in general (not the defendant or second officer) that are favourable towards the police
	-	Anti-police	Utterances concerning the police in general (not the defendant or second officer) that are unfavourable towards the police
	-	Neutral	Utterances concerning the police in general (not the defendant or second officer) that are neither favourable nor unfavourable towards the police
Victim's Behaviour	Pro Defence	-	Utterances concerning the victim/victim's behaviour that are in favour of the defence
	Pro Prosecution	-	Utterances concerning the victim/victim's behaviour that are in favour of the prosecution
	Neutral	-	General utterances concerning the victim/victim's behaviour that are not in favour of the prosecution or defence
Victim Race	-	-	Utterances concerning the victim's race
Previous Police Shootings	-	Pro Police	Utterances concerning previous police shootings (not the shooting under question) that are favourable towards the police
	-	Anti Police	Utterances concerning previous police shootings (not the shooting under question) that are unfavourable towards the police
	-	Neutral	Utterances concerning previous police shootings (not the shooting under question) that are neither favourable nor unfavourable towards the police
Law/Deliberation Process	-	-	Utterance concerning the law (e.g., reasonable doubt) or the process of deliberation
Pathologist Testimony	Pro Defence	-	Utterances concerning the pathologist's testimony that are in favour of the defence
	Pro Prosecution	-	Utterances concerning the pathologist's testimony that are in favour of the prosecution
	Neutral	-	General utterances concerning the pathologist's testimony that are not in favour of the prosecution or defence

Defendant Officer's Behaviour	Pro Defence	-	Utterances concerning the officer/officer's behaviour that are in favour of the defence
	Pro Prosecution	-	Utterances concerning the officer/officer's behaviour that are in favour of the prosecution
	Neutral	-	General utterances concerning the officer/officer's behaviour that are not in favour of the defence or prosecution
Second Officer's Behaviour	Pro Defence	-	Utterances concerning the second officer's behaviour that are in favour of the defence
	Pro Prosecution	-	Utterances concerning the second officer's behaviour that are in favour of the prosecution
	Neutral	-	General utterances concerning the second officer's behaviour that are not in favour of the defence or prosecution
Other	-	-	Utterances that do not fit into the above codes