Aboriginal Canadians in the Courtroom: Effects of Defendant and Eyewitness Race on Juror Decision-Making in a Criminal Trial

by

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Abstract

Negative stereotypes, some concerning alcohol use, about Aboriginal Canadians permeate Canadian society. This study explored whether racial bias affects jurors' perceptions of Aboriginal Canadian eyewitnesses, particularly when the eyewitness was intoxicated during the crime, as well as the effect of defendant race. Participants read a trial transcript in which eyewitness intoxication and both eyewitness/defendant race (Aboriginal Canadian/White) were manipulated, provided a verdict, and responded to a series of questions about the eyewitness. Although sober witnesses were perceived more favourably than intoxicated witnesses, intoxication had no effect on verdicts. Participants rated Aboriginal eyewitnesses as more accurate than White eyewitnesses, with no differences in credibility or deception. Finally, there was no effect of defendant race on verdicts. Although this study failed to demonstrate a convincing effect of racial bias, further work must be conducted in order to ensure that all citizens are subject to a fair trial by an impartial jury.

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Introduction

Imagine a courtroom case in which a single bystander witnessed the crime. During the trial, the prosecution's primary form of evidence is this eyewitness' testimony. However, it is revealed that the witness had consumed a large amount of alcohol around the time of the crime, and was intoxicated during the event that she is describing. Are jurors less likely to believe this intoxicated witness' testimony compared to if she had been sober when the crime took place? In addition, given racial stereotypes exist that relate to alcohol, would the race of this intoxicated witness influence jurors' perceptions of credibility?

In Canadian courtrooms, jurors are tasked with reaching a verdict regarding the guilt (or lack thereof) of a defendant. To make this decision, jurors are required to evaluate all of the relevant evidence that is presented during the trial. Jurors are instructed to engage in this process in an unbiased manner (Canadian Charter of Rights and Freedoms, 1982; National Judicial Institute, 2011).

Unfortunately, irrelevant, extralegal factors such as attractiveness and gender often affect jurors' decisions in the courtroom (Mazzella & Feingold, 1994; McKimmie, Newton, Terry, & Schuller, 2004). Specifically, researchers have identified race as a variable influencing jurors' courtroom perceptions (Devine & Caughlin, 2014; Jones & Kaplan, 2003; Maeder & Burdett; 2013; Maeder, Yamamoto, & Saliba, 2015).

It is well documented that Aboriginal Canadians are over-represented in the incarcerated population (LaPrairie, 2002; Roberts & Melchers, 2003; Perreault, 2009). For instance, Aboriginal Canadians accounted for 18% of the individuals held in provincial and federal custody between 2007 and 2008, yet only made up 3% of the

general population at that time (Perreault, 2009). This group's over-representation in the Canadian criminal system continues to grow. In 2013-2014, 24% of adults in provincial/territorial custody were Aboriginal, while still only accounting for 3% of the general population (Maxwell, 2014). During the same time period, Aboriginal adults represented 20% of those in federal correctional services (Maxwell, 2014). Even when controlling for education level and employment status, Aboriginal young adults are more likely to be incarcerated compared to non-Aboriginal young adults (Perreault, 2009). Initial experimental research has also indicated that prospective jurors discriminate against Aboriginal defendants in certain crime scenarios (Maeder & Burdett, 2013; Maeder et al., 2015).

Modern jury-decision making theory asserts that jurors utilize their pre-existing beliefs and expectations while attempting to reach a verdict (Devine, 2012). Thus, bias against Aboriginal defendants may be related to racial stereotypes that pertain to this particular group. A fair amount of research has indicated that within Canadian society, Aboriginal individuals are indeed perceived to possess negative characteristics (Haddock, Zanna, & Esses, 1994; Morrison, Morrison, Harriman, & Jewell, 2008). What is currently unknown is whether jurors exhibit a similar bias towards Aboriginal trial parties that are not the defendant, such as an eyewitness.

The present study aimed to advance empirical knowledge regarding Aboriginal Canadians in the courtroom. To do so, the author investigated mock Canadian jurors' evaluations of intoxicated and sober eyewitnesses who were either White or Aboriginal. Additionally, the study aimed to further examine the role defendant race plays in Canadian courtroom scenarios. There are a number of established psychological theories

and frameworks to support the prediction that defendant and witness race along with the witness' sobriety would indeed influence jurors' perceptions.

Stereotypes

Jurors' perceptions in the courtroom can be interpreted and explained using aspects of classic stereotype literature along with modern jury decision-making theory. Stereotypes are characteristics that an individual ascribes to members of a particular group. The act of stereotyping takes place when one's perception of another person depends on pre-existing beliefs regarding the other's group (Duncan, 1976; Larkin & Pines, 1979).

Some stereotypes are implicit, such that the individual is not aware of possessing or utilizing them to interpret a situation (Devine, 1989; Greenwald & Banaji, 1995). In comparison, explicit stereotypes are those that an individual consciously acknowledges. Explicit stereotyping takes place when the individual is cognizant of his or her biases, and knowingly applies them to a particular situation (Banaji, Hardin, & Rothman, 1993; Devine, 1989). In everyday life, stereotypes are utilized as a method of reducing mental effort to more efficiently analyze our social environment (Gaillot, Peruche, Plant, & Baumeister, 2009; Macrae, Milne, Bodenhausen, 1994). In situations with a high cognitive load, such as a criminal trial, information that is consistent with stereotypes is more likely to be freely recalled than stereotype-inconsistent information (Macrae, Hewstone, & Griffiths, 1993; Sherman & Frost, 2000). One of the primary ways that stereotypes are created, maintained, and transmitted within a society is through a process known as evaluative conditioning. Evaluative conditioning is the method of pairing a stimulus with something positive or negative to alter an individual's attitude about that

stimulus (De Houwer, Thomas, & Baeyens, 2001). In daily life, stereotypes and beliefs regarding members of a particular group are conditioned through media portrayals of, or salient personal experiences with, said group/group members. For example, Tan, Fujioka, and Lucht (1997) asked undergraduate students to list the attributes of Native Americans they had recently seen depicted in the media. The authors found that the students listed far more negative than positive attributes. Furthermore, Merskin (1998) surveyed Native Americans about their group's portrayal in the media. Over 1/3 of participants felt that TV depictions of Native Americans were negative and inaccurate, while 24% reported the same feelings with regards to film portrayals.

In a content analysis of Canadian newspapers, Jiwani (2009) found that Aboriginal Canadian victims of murder are often depicted as alcoholic or drug-addicted. Additionally, Harding (2005, 2006) concluded that Canadian news coverage is predominantly unsympathetic to Aboriginal interests, and that issues are presented in a manner that signifies Aboriginal Canadians as threats to the majority. Furthermore, most media coverage concerning Aboriginal Canadians portrays this group in conflict with non-Aboriginal society.

The media's negative representations of Aboriginal Canadians help to explain findings that unfavourable stereotypes concerning Aboriginals exist within Canadian society (Haddock et al., 1994; Morrison et al., 2008). In a series of studies examining predictors of attitudes towards Aboriginal Canadians, Haddock and colleagues (1994) asked undergraduate psychology students to complete an open-ended survey assessing their attitudes towards a number of specific groups (including Aboriginal Canadians). In the survey, participants described typical members of each group as well as how

seeing/thinking about a member of each group made them feel. “Alcoholic,” “lazy,” and “uneducated” were the three most common traits used to describe typical Aboriginal Canadians. When asked what type of feelings they experience when thinking about or seeing an individual who is Aboriginal Canadian, anger, uneasiness, and pride were the emotions most frequently cited.

The authors conducted two follow-up replication studies, both of which yielded very similar conclusions (Haddock et al., 1994). In study 2, the three most common characteristics that participants used to describe typical Aboriginal Canadians were “alcoholic,” “lazy,” and “poor.” Anger, pride, and sadness were the types of emotions most commonly felt by participants when seeing/thinking about Aboriginal Canadians. In study 3, the most common traits attributed to this group were “alcoholic,” “uneducated” and “lazy.” Finally, participants again reported feelings of anger, pride, and sadness when thinking about or seeing typical Aboriginal Canadians. Haddock and colleagues’ (1994) article provides initial evidence that in Canadian society, there are pervasive negative attitudes regarding the Aboriginal population. Specifically, this group is perceived to use alcohol on such a scale that “alcoholic” was the most commonly used characteristic to describe a typical member.

In more recent research, Morrison et al. (2008) had Canadian undergraduate psychology students complete a survey containing a modified version of the Cultural Stereotype Checklist (CSC). The researchers gave participants approximately 100 descriptors, and asked them to check off statements that fit the societal perception of Aboriginal men and women. After completing the CSC, participants selected five descriptors that they felt best represented society’s view towards this group. The

participants were then asked to indicate their own agreement with the five descriptors that they had selected using a 0-11 scale, referred to as the Personal Endorsement of Cultural Stereotype (PECS).

Morrison et al.'s (2008) results were consistent with previous research (Haddock et al., 1994). Male participants reported the most common societal beliefs concerning Aboriginal men were that they are "welfare dependent" (94%), "criminal" (91%), "alcoholic" (89%), and "poor" (85%). When asked about their own beliefs concerning Aboriginal men as alcoholics, the average PECS score was 6.31. Ninety-two percent of female participants reported that a cultural stereotype exists in Canada that asserts male Aboriginals are alcoholic. This was the most-commonly selected characteristic, followed by "welfare dependent" (89%), "criminal" (87%), and "uneducated" (82%). The average score for female participants' endorsement that Aboriginal men are alcoholic was 5.14 (Morrison et al., 2013).

The most frequent cultural stereotypes concerning Aboriginal women that male participants reported were "welfare dependent" (74%), "poor" (68%), "bad parents" (68%), and "uneducated" (58%). Forty-eight percent of male participants believed that Canadian society perceives Aboriginal women to be alcoholic. PECS scores for male participants regarding Aboriginal women as alcoholic were an average of 4.21. Finally, "welfare dependent" (90%), "uneducated" (86%), "poor" (82%), and "alcoholic" (76%) were the descriptors most commonly selected by female participants for Aboriginal women. The average PECS score for female participants' beliefs about stereotypes concerning Aboriginal women as alcoholics was 5.14.

Clearly, the vast majority of participants believed that in Canadian society, there are stereotypes that characterize Aboriginals as alcoholic. However, most of the PECS scores were near mid-point, suggesting the participants themselves did not necessarily sanction nor reject the stereotypes. This may potentially have been a product of response bias. Regardless, Morrison and colleagues' (2008) results substantiate the notion that negative attitudes and beliefs exist in Canadian society concerning Aboriginals and alcohol.

Aversive Racism

Research on racism has noted that explicit forms of discrimination have declined, mostly due to legislature making such acts illegal (Schuman, Steeh, Bobo, & Krysan, 1997). However, modern racism is often expressed in an indirect, covert manner. This concept has been dubbed "aversive racism" (Dovidio & Gaertner, 1996). The aversive racism framework suggests that many individuals implicitly possess negative attitudes about minority groups, although they believe themselves to be non-prejudiced. As such, discrimination does not occur in ways that would overtly threaten one's non-prejudiced self-image. Instead, racial bias is expressed in subtle forms when it can be rationalized and justified on the bases of other grounds (Dovidio & Gaertner, 1996, 2000). The aversive racism framework further proposes that racial discrimination is most likely to occur in ambiguous situations where right and wrong are not clearly defined, and when social norms dictating appropriate responses are absent (Dovidio & Gaertner, 2004). In such instances, one's behaviour is guided by implicit prejudice.

Director's Cut Model

Both aversive racism and stereotype theory are important in understanding a recently-proposed model for explaining juror decision making, known as the Director's Cut model (Devine, 2012). According to this theory, jurors acquire and comprehend information concerning the trial from both external (presented evidence, witness testimony, etc.) and internal (stereotypes, pre-existing knowledge and beliefs, etc.) sources. As the trial moves forward, jurors form a mental representation or a "story" of what most likely occurred or took place during the crime (Pennington & Hastie, 1992). With each additional piece of evidence, jurors update their stories in order to accommodate the newly acquired information (Devine, 2012).

The majority of each juror's story is constructed from the external information that they are presented with or exposed to during the trial. However, a portion of the story is also based upon individual jurors' pre-existing internal sources. There are two primary forms of internal information that jurors rely upon when creating their story: scripts and stereotypes. Scripts are cognitive structures or mental templates that concern different types of events (e.g., dining at a restaurant, attending a doctor's appointment, going out to the movies), whereas (as discussed earlier) stereotypes relate to individuals of a particular group (Bower, Black, & Turner, 1979). Each juror has individual scripts or stereotypes that have been acquired through his or her own personal life experience. As jurors are exposed to new evidence, it is constantly assessed against the jurors' pre-existing scripts and stereotypes. Evidence is more likely to be added to a juror's story if it is congruent with their pre-existing scripts and stereotypes (Devine, 2012).

In Canada, unfavourable stereotypes concerning Aboriginal Canadians exist (Haddock et al., 1994; Morrison et al., 2008). As such, Canadian jurors likely possess negative attitudes and beliefs regarding this racial group. When presented with an Aboriginal eyewitness, victim, or defendant, these biases concerning Aboriginal Canadians (specifically regarding alcohol use) will likely become activated and utilized by jurors in their evaluations. In accordance with the aversive racism framework, simply viewing (or reading) about Aboriginal Canadians will automatically trigger negative implicit attitudes, resulting in negative perceptions of the Aboriginal witnesses, victims, and defendants. (Pearson, Dovidio, & Gaertner, 2009). These negative perceptions will influence what is in jurors' final stories. In the case of an Aboriginal eyewitness, unfavourable perceptions might cause the testimony to be less likely added to jurors' stories, potentially affecting their decisions regarding guilt. As the current study is primarily focused on jurors' evaluations of eyewitnesses, it is important to review the relevant literature pertaining to this particular trial party.

Eyewitnesses

Perhaps unsurprisingly, eyewitness testimony is a frequently-presented form of evidence in the courtroom. After surveying American prosecutors, Goldstein, Chance, and Schneller (1989) estimated that eyewitness testimony is the primary piece of evidence in over 75,000 criminal cases annually. Eyewitnesses are able to report on details of the offense, as well as identify perpetrators and victims involved in the crime (Wells, Memon, & Penrod, 2006). As such, jurors are often left to make their decisions about the trial based on eyewitness testimony (Goldstein et al., 1989). However, a sizable number of cases involve individuals who were intoxicated as a result of alcohol

consumption at the time of the crime about which they are testifying (Evans, Schreiber Compo, & Russano, 2009; Palmer, Flowe, Takarangi, & Humphies, 2013).

Intoxicated Eyewitnesses

Evans et al. (2009) were some of the first to explore the prevalence of intoxicated eyewitnesses by interviewing American police officers, asking them about their encounters with these types of witnesses. More than half of officers (52.9%) answered that intoxicated witnesses were common, followed by 20.2% who believed them to be very common. Nearly 90% of the investigators indicated that during their career, they had questioned a witness who was drunk at the time of the crime. The majority responded that intoxicated witnesses had usually only consumed alcohol.

Building on Evans and colleagues' (2009) research, Palmer et al. (2013) carried out an archival analysis of police records from the Southwestern United States to gain a deeper understanding of the prevalence of intoxicated witnesses. Of the 639 cases that the researchers examined, 130 (20%) involved at least one witness who was intoxicated at the time of the crime. Furthermore, 170 (13%) of the 1307 witnesses included in the sample were intoxicated during the crime. In line with the previous research, 73% of the intoxicated witnesses were only under the influence of alcohol. Taken together, the work of Evans et al. (2009) and Palmer et al. (2013) suggests that it is rather common for eyewitnesses to have been intoxicated at the time of the crime they saw took place. As intoxicated eyewitnesses are frequent in real life, it is important to understand how accurate such individuals' recollection of the crime actually is.

A number of studies have demonstrated that alcohol impairs performance for simple memory tasks (Bisby, Leitz, Morgan, & Curran, 2010; Curran & Hildebrandt,

1999; Maylor, Rabbitt, & Kinston, 1987; Ray & Bates, 2006). For example, Bisby et al. (2010) found that a negative linear trend exists between alcohol consumption and ability to recall opposite word-pairs; the more alcohol participants consumed, the fewer correct paired words they remembered. In a similar study, participants recognized fewer target words to which they had been previously exposed when they were intoxicated as compared to when they were sober (Maylor, et al., 1987). However, a less clear pattern has emerged when examining alcohol's effect on eyewitness memory in forensic contexts.

Yuille and Tollestrup (1990) had sober and intoxicated participants witness a staged live theft involving two actors. Immediately following the theft, half of the participants were questioned using a standardized interview. Participants were initially asked to describe what took place during the event, and then subsequently asked to elaborate on the appearance of the actors, the stolen objects, and the setting of the theft. One week later, every participant was re-interviewed, following the same format. Interviews were transcribed and coded by a number of raters. After the delayed interview, participants were administered a simultaneous-presentation lineup, consisting of eight photographs. Half of the lineups included a picture of the thief, while the remaining half did not. Participants were instructed to either select the perpetrator or reject the lineup.

In the immediate interview, individuals who were intoxicated provided significantly less information during free recall than did those who were sober. Intoxicated participants also reported details with less accuracy than sober individuals, although this difference was quite small (91% vs. 93%). Furthermore, for participants who were only administered the delayed interview, alcohol also had a negative effect on

amount of information recalled, as well as the accuracy of the information recalled. Again, although the effect of alcohol on open-ended recall was significant, the size of the effect was quite small (88% of the information that intoxicated participants recalled in the delayed interview was accurate, compared to 91% of the information recalled by sober participants). In target-present lineups (those containing a picture of the thief), there was no significant difference in correct identifications between sober and intoxicated participants. Both groups selected the thief from the photo spread about 90% of the time. However, in target-absent lineups (those that did not contain a picture of the thief), alcohol had a significant effect on individuals' performance. Seventy-six percent of the sober participants correctly rejected the lineup, compared to only 61% of intoxicated participants (Yuille & Tollestrup, 1990).

Although Yuille and Tollestrup's (1990) work appears to indicate that individuals who are intoxicated at the time of an event have slightly less accurate memory concerning that event than those who were sober, the authors' study had an important limitation. After consuming their drink (alcoholic or non-alcoholic), every participant was informed that they would soon watch a staged live event. The participants were further instructed not to interrupt the event and were warned that they would be subsequently interviewed and tested on the event. As this is unlikely to occur prior to a real-life situation, the results of the study should be interpreted with some caution.

In a recent attempt to replicate Yuille and Tollestrup's (1990) results with a larger effect size, Schreiber Compo, Evans, Carol, Villalba, Ham, Garcia, and Rose (2012) conducted a study involving intoxicated, sober, and placebo groups of participants. Each participant was initially led to a bar, where they were given either alcoholic or non-

alcoholic drinks (individuals in the placebo condition were told that they were being given alcohol, although they were not). Participants' weight was used to calculate the alcoholic doses necessary to achieve a specific blood alcohol concentration (BAC) in the intoxicated condition. After finishing their drinks, the participants were moved to another room by a research assistant, where they were asked to write down every detail they could remember about the bar. While writing, a confederate came into the room and stole a laptop from the research assistant. The research assistant appeared to call the university technology department to report the stolen laptop. While describing the incident over the phone, the research assistant's description of the theft included 12 pieces of misinformation, and 6 pieces of correct information. Moments later, another confederate came to the room and identified himself as a university technology employee. This confederate then interviewed the participant about the laptop theft, using a series of open-ended questions (e.g., what did the thief's face look like?). During this interview, the research assistant waited outside.

Participants' responses were coded for number of correct and incorrect pieces of information. Incorrect information was also further analyzed to check for misinformation (incorrect details that the research assistant reported in her phone call). Surprisingly, there were no differences in the number of correct and incorrect responses between participants who were intoxicated, sober, or believed they were intoxicated (the placebo condition). Additionally, the amount of misinformation that participants reported was no different among the three conditions. Schreiber Compo and colleagues' (2012) research suggests that in a forensic situation, intoxicated eyewitnesses are no less accurate than those who are sober, and are also no more vulnerable to suggestibility/misinformation.

In further research examining intoxicated witness' lineup performance, Hagsand, Roos-af-Hjelmsater, Granhag, Fahlke, and Soderpalm-Gordh (2013) had sober, mildly intoxicated, and highly intoxicated participants watch a video involving a staged kidnapping. Again, participants' BACs across the three conditions were carefully monitored and controlled. A week after viewing the video, participants were administered simultaneous lineups that were either target-present or target-absent. Overall, there were no differences in accuracy among the three intoxication conditions (sober, mildly intoxicated, and highly intoxicated) for either the target-present or target-absent lineups.

Harvey, Kneller, and Campbell (2013) found results similar to those of Schreiber Compo et al. (2012) and Hagsand et al. (2013). Participants viewed a slideshow of photographs depicting a man entering a room, finding a rucksack, and removing a cell phone from the bag before exiting the room. Prior to viewing the slideshow, half of the participants drank alcohol, while the remaining participants were given orange juice. A day after this encoding phase, participants were administered either a target-absent or target-present simultaneous-presentation lineup, and were asked a series of true/false questions about the slideshow they had seen. Half of the recognition questions were true, while the rest were false.

In both target-present and target-absent lineups, there was no difference in accuracy between participants who were intoxicated and those who were sober. Individuals who were sober were more confident in their lineup responses than intoxicated participants. For the true and false statements, there was no overall difference between the groups with regards to accuracy. Suggestibility was investigated by

examining the number of "true" responses given by participants for the statements that were actually false. Consistent with the previous research of Schreiber Compo et al. (2012), intoxicated witnesses were no more likely to acquiesce to incorrect information than those who were sober. As such, the findings of Harvey and colleagues (2013) lend further evidence that there is no difference in eyewitness accuracy between intoxicated and sober individuals. Unfortunately, research concerning jury decision-making illustrates that jurors do not seem to acknowledge this, and instead hold negative evaluations of intoxicated witnesses (Evans & Schreiber Compo, 2010).

Juror's Perceptions of Intoxicated Eyewitnesses

In 2010, Evans and Schreiber Compo conducted a study to investigate mock jurors' perceptions of intoxicated eyewitness testimony. Participants read a trial transcript involving a witness who was either sober, mildly intoxicated, or severely intoxicated. Participants were asked to rate how impaired the witness was and how credible they believed her to be, and to provide a verdict.

Results indicated that witnesses' levels of intoxication were significantly related to jurors' perceptions of their impairment. Moderate and severely intoxicated witnesses were regarded as more impaired than those who were sober. However, there were no differences in perceived impairment between the two intoxication conditions. Additionally, more impaired witnesses were believed to have provided less credible identifications. Finally, credibility ratings were associated with participants' verdicts. When witnesses were perceived as more credible, the likelihood of the defendant being found guilty increased. It seems that jurors perceive intoxicated individuals as less believable eyewitnesses than those who are sober, and this perception is related to their

verdict decision.

However, it appears that jurors are not the only ones in the courtroom who believe intoxicated and sober witnesses differ in terms of credibility. Kassin, Tubb, Hosch, and Memon (2001) conducted a study where a number of psychologists considered to be "eyewitness experts" were asked to respond to a survey containing 30 statements about eyewitness testimony. One of these statements described alcoholic intoxication as impairing a witness's later ability to recall details of events. Kassin et al. (2001) found that 90% of the experts believed that the statement regarding intoxicated eyewitnesses was reliable enough to be presented in court. Furthermore, 95% of the experts reported that based on common sense, jurors would believe intoxicated witnesses are less reliable than those who were sober. These results suggest that eyewitness experts not only believe jurors will perceive intoxicated witnesses as less accurate, but that the experts themselves regard alcohol as having detrimental effects to a witness's memory. What should be noted is that Kassin et al.'s (2001) study was published prior to the more-recent work of Schreiber Compo and colleagues (2012); it is unclear whether experts would now be more aware of the effect of intoxication on eyewitness memory.

Eyewitness Race

Along with the witness' level of intoxication, initial research suggests that mock jurors perceive witnesses differently based on their race. Abshire and Bornstein (2003) asked participants to listen to an audiotape of a simulated trial wherein witness race was manipulated to be either Black or White. Black eyewitnesses were rated as more credible than were the White eyewitnesses. However, as expected by aversive racism theory, eyewitness race had no effect on dichotomous guilt verdict, which is a judgment that has

clearly defined norms and expectations.

In 2007, Frumkin conducted a study where American mock jurors (the majority being of Western-European descent) viewed a videotape of a female eyewitness testifying about a burglary that resulted in a non-fatal shooting. The witness's ethnicity was manipulated as German, Mexican, or Lebanese. In a separate pilot study, German, Mexican, and Lebanese groups were found to have high, medium, and low levels of perceived favourability respectively. After viewing the testimony, participants evaluated the witness on a number of variables, including credibility, accuracy, deception, and prestige. Frumkin (2007) found that ethnic background had an effect on witness perceptions; both German and Mexican witnesses were viewed as more credible than those who were Lebanese. The author also observed that jurors rendered more guilty verdicts when the witness was Mexican as compared to Lebanese. This study reveals that individuals who belong to negatively-perceived ethnic groups have the potential to be viewed by jurors as unfavourable eyewitnesses. In some cases, this can lead to differences in verdicts. Although the research on the effects of eyewitness race in the courtroom is rather limited, an abundance of studies have been conducted examining racial effects in other trial parties, such as the defendant.

Defendant Race

A substantial amount of research has demonstrated that a defendant's race plays a role in the courtroom (Devine & Caughlin, 2014; Maeder & Burdett, 2013; Nemeth & Sosis, 1973; Pfeifer & Ogloff, 2003; Ugwuegbu, 1978). Empirical examination of the influence of defendant race on legal decisions was initially conducted in the United States. Utilizing mock jurors, Nemeth and Sosis (1973) found no difference in juror

verdicts between a Black and White defendant accused of negligent homicide. In contrast, Feild (1979) discovered that in a simulated rape trial, jurors were more punitive towards Black offenders compared to those who were White. Furthermore, DeSantis and Kayson (1997) demonstrated that Black defendants were given harsher sentences than White defendants in a mock burglary trial. As these findings all involve different crimes, it may be that case type moderates the effect of defendant race on decision-making.

Indeed, a meta-analysis conducted by Mazzella and Feingold (1994) found an interaction between type of crime and defendant race on mock jurors' sentencing recommendations. Mock jurors assigned longer sentences to Black defendants compared to White defendants when the charge was negligent homicide. However, for cases involving fraud, White defendants were given more punitive sentences than Black defendants. More recently, Jones and Kaplan (2003) observed that mock jurors were more likely to find White defendants guilty than not guilty when the charge was embezzlement, but found no difference in verdicts for Black defendants. In comparison, Black defendants were more often found guilty compared to not guilty in cases involving grand theft auto, while there was a greater number of not guilty verdicts than guilty verdicts for White defendants.

Another factor moderating the effect of defendant race on jury decision-making is juror race. A number of experimental studies involving mock trials have proposed that a racial similarity-leniency bias exists within juror-decision making; jurors perceive defendants of the same race more positively than other-race defendants (Devine & Caughlin, 2014; Kerr, Hymes, Anderson, & Weathers, 1995; Ugwuegbu, 1978; Wuensch, Campbell, Kesler, & Moore, 2002). In a study involving Black and White participants,

Ugwuegbu (1978) found that the defendant was perceived to be more culpable when he was of a different race than that of the juror. Recent meta-analyses have discovered small but significant racial effects on juror assessments of defendant guilt, such that jurors perceive same-race defendants to be less guilty than defendants who are of a different race (Devine & Caughlin, 2014; Mitchell, Haw, Pfeifer, & Meissner 2005). Devine and Caughlin (2014) further identified case type as a moderator of racial out-group severity bias. There were next to no differences in determinations of guilt between defendant races for violent crimes or murders. However, there was a fair amount of racial bias against out-group defendants in cases that involved property crimes or adult sexual assault. As the current study involved a predominantly White sample (reflecting national demographics – 77% of Canadians are White according to Statistics Canada, 2013), juror race was not examined. With such a sample, however, the similarity-leniency bias would predict more punitive decisions for Aboriginal defendants compared to those who are White.

Struckman-Johnson and colleagues (2008) carried out one of the first studies to examine racial bias directed towards Native Americans in the courtroom. Nearly 300 undergraduate students read a newspaper article about a crime, and then responded to a series of questions about the article. The articles involved either a Caucasian or Native American defendant. Additionally, half of the articles included information that the defendant strongly smelled of alcohol, and had an extremely high BAC level upon arrest. Once participants had read the article, they were asked to provide a verdict.

The authors found that jurors assigned higher ratings of guilt to intoxicated Native American defendants compared to Native American defendants who were not

intoxicated. However, there was no effect of intoxication for White defendants. These findings provide evidence indicating that in the United States, jurors may be prejudiced against Native American defendants who fit the "drunken Indian" stereotype (Struckman-Johnson et al., 2008). As negative stereotypes exist in Canadian society regarding Aboriginals and alcohol (Haddock et al., 1994; Morrison et al., 2008), these findings potentially extend to Canadian courtrooms as well.

Research conducted in Canada regarding defendant race has discovered findings similar to those of the American studies. Archival analysis by Avio (1987; 1988) demonstrated that in murder trials between 1926 and 1957, Aboriginal Canadian defendants were over 6 times more likely to be sentenced to death than Anglo Canadians. Pfeifer and Ogloff (1991) were amongst the first to examine the role of defendant race in Canada using controlled laboratory experiments. Participants acted as mock jurors while reading a trial transcript depicting a rape case. The race of the defendant and victim was manipulated (Black vs. White), and participants were either asked to assess the defendant's guilt using a dichotomous guilty/not guilty response, or a 1-7 continuous scale (1 being not guilty, 7 being extremely guilty). Half of the participants were also given judicial instructions.

For participants who were not given judicial instructions, Black defendants were perceived to be more guilty than White defendants, but only when the victim was White. This held true for both dichotomous and continuous scale guilt measurements. However, when participants were given specific instructions, there were no significant differences in assessments of guilt (Pfeifer & Ogloff, 1991). This finding is explained by aversive

racism theory, which proposes that discrimination is most likely to occur in ambiguous situations with weak social norms (Dovidio & Gaertner, 2004).

Bagby, Parker, Rector and Kalemba (1994) also found differences in guilt based upon the defendant's race, but in the opposite direction of Pfeifer and Ogloff (1991). The researchers had White participants act as jurors while viewing a videotaped rape trial. The race of the defendant and victim was manipulated to be either White or Black. After viewing the trial, participants were asked to fill out a questionnaire concerning the defendant and victim's favourability, and also indicate whether they believed the defendant was guilty or innocent. Bagby and colleagues (1994) discovered that Black defendants were perceived more favourably (more attractive, kind, smart) than defendants who were White. Similarly, Black defendants were found guilty less often than those who were White. In a hierarchical regression, the authors found that defendant favourability explained more variance in the determination of guilt than the defendant's race. The research conducted by Pfeifer and Ogloff (1991) and Bagby et al. (1994) seems to indicate that Black and White defendants are treated differently in the Canadian courtroom, although the direction of the difference is unclear.

Building on their initial work, Pfeifer and Ogloff (2003) instructed participants to read a sexual assault trial transcript where defendant and victim ethnicity were manipulated to be English Canadian, French Canadian, or Aboriginal Canadian. Following the transcript, participants were asked to indicate whether the defendant was guilty or innocent based on legal standards, and to rate his guilt on a 1-7 scale (1 being not guilty, 7 being extremely guilty). Participants also responded to a questionnaire concerning their attitudes toward the victim and defendant.

English Canadians were perceived more favourably than French and Aboriginal Canadians with regards to intelligence, wealth, attractiveness, and laziness. When race of the victim was controlled, participants rated the Aboriginal defendant as having higher guilt than the English and French defendants. However, a different pattern emerged when examining the dichotomous guilty/not guilty rating. Regardless of victim or defendant ethnicity, the participants assigned a similar verdict (Pfeifer & Ogloff, 2003). Again, the aversive racism framework would expect this finding, as discrimination is not likely to take place in situations that have clear, explicit expectations and norms.

More recently, Maeder and Burdett (2013) investigated how a defendant's alleged gang membership along with his race would affect mock jurors' decision making in a robbery trial. Participants were presented with a trial transcript in which the defendant was White, Black, or Aboriginal. In half of the transcripts, an officer testified that the defendant was a known gang member. Overall, Aboriginal defendants were more likely to be found guilty than those who were White, although there was no difference between White and Black defendants (Maeder & Burdett, 2013).

In further research, Maeder and colleagues (2015) manipulated defendant race and victim attractiveness in a sexual assault trial transcript read by mock jurors. Participants' verdicts and perceptions of defendant responsibility were no different between White, Black, and Aboriginal defendants. However, defendants found guilty of sexual assault were given harsher sentence recommendations if they were Aboriginal as compared to White or Black. As previously discussed, aversive racism would predict that a guilty/not guilty verdict is a clearly defined decision, with legal instructions primarily

guiding jurors' decision-making processes. In comparison, when recommending a sentence for the defendant, the participant is in a rather ambiguous situation.

Taken together, the studies conducted on defendant race indicate that this extralegal variable appears to have some influence on jury decision-making. The magnitude and direction of this effect depends on a number of aspects, such as race of the juror, presence of juror instructions, and the type of crime involved in the case (Devine & Caughlin, 2014; Mitchell et al., 2005).

Current Study

There is a gap in the present empirical literature concerning Aboriginal Canadians in the criminal justice system. Social psychological research has demonstrated that negative attitudes and beliefs exist regarding Aboriginal Canadians (Haddock, et al., 1994; Morrison et al., 2008). Specifically, these negative stereotypes often relate to alcohol use. Although there is initial evidence to suggest that Aboriginal defendants are discriminated against (Avio, 1987, 1988; Maeder & Burdett, 2013; Maeder et al., 2015), it is unknown how other trial parties belonging to this racial group are treated in the courtroom. Therefore, the primary purpose of the current study was to investigate whether jurors possess racial bias regarding Aboriginal Canadian eyewitnesses, particularly when the eyewitness was intoxicated at the time of the crime. Additionally, the role that defendant race plays in the Canadian courtroom was further examined.

Hypotheses

H1: In accordance with previous literature, I predicted that Aboriginal Canadians would be culturally stereotyped as more criminal than White Canadians (Morrison et al., 2008; Haddock et al., 1994).

H2a: I hypothesized that intoxicated witnesses would be perceived by jurors as less credible than sober witnesses (Devine, 2012; Evans & Schreiber Compo, 2010)

H2b: I additionally predicted that more guilty verdicts would be rendered in trials involving sober witnesses compared to intoxicated witnesses (Devine, 2012; Evans & Schreiber Compo, 2010).

H3a: Furthermore, I hypothesized that jurors would utilize their prejudice to assess the Aboriginal witness' testimony, resulting in decreased perceived credibility compared to White witnesses (Devine, 2012; Morrison et al., 2008).

H3b: Following Frumkin's (2007) findings that witness race can affect dichotomous verdicts, I believed jurors presented with a White witness would be more likely to render a guilty verdict compared to those presented with an Aboriginal witness (Morrison et al., 2008).

H4a: I additionally hypothesized that intoxicated Aboriginal witnesses would be viewed as less credible than intoxicated White witnesses (Devine, 2012; Morrison et al., 2008).

H4b: I predicted that mock jurors would be more likely to render a guilty verdict when presented with an intoxicated White witness compared to an intoxicated Aboriginal witness (Devine, 2012; Morrison et al., 2008).

H5: The aversive racism framework suggests that the influence of defendant race is lessened or removed for dichotomous verdicts, but present in sentencing decisions (Dovidio & Gaertner, 2004; Pfeifer & Ogloff, 2003). It has also been demonstrated that defendant racial effects are nearly non-existent in studies involving a violent crime with White, Black, and/or Hispanic defendants (Devine & Caughlin, 2014).

However, the similarity-leniency effect predicts that a predominantly White sample would be more likely to find an Aboriginal defendant guilty compared to a White defendant (Devine & Caughlin, 2014). Previous research involving Aboriginal Canadian defendants has also found support for this (Maeder & Burdett, 2013). As such, my examination of defendant race tested these two competing frameworks.

Method

Pilot Study

Prior to the main study, I conducted a pilot study in an effort to create a trial transcript that would result in a relatively even split of verdicts. This was done to combat floor or ceiling effects in the main study.

Participants

Participants were recruited from the author's list of Facebook friends. The final pilot study included 26 participants. All participants were eligible for Canadian jury duty: they were at least 18 years old, resided in Canada, were fluent in English, had no indictable offenses, and possessed Canadian citizenship.

Materials

Screening forms. Prior to participating in the pilot, participants were screened to ensure that they met jury-eligibility requirements (Canadian citizens over the age of 18 with no indictable convictions, see Appendix A).

Juror instructions. Before reading the trial transcript, participants were given judicial instructions informing them of their duties, the burden of proof, and the standard of reasonable doubt (see Appendix B). After completing the transcript, participants read a second set of instructions reminding them of their duties, the burden of proof, and the

standard of reasonable doubt, as well as detailing the charges of failure to remain at the scene of the crime and dangerous operation of a motor vehicle (see Appendix C). Both sets of instructions were adapted from the National Judicial Council's jury instructions along with the Criminal Code of Canada.

Trial transcript. Participants read a trial transcript involving a defendant charged with failure to stop at the scene of an accident and dangerous operation of a motor vehicle (See Appendix D). This specific crime was used as the primary goal of this study was to investigate jurors' evaluations of eyewitnesses independent of any perceived cross-racial identification effects. As such, the scenario described in the transcript could not involve the eyewitness identifying an individual based on facial features or appearance. Rather, a single witness testified that he saw the defendant's car drive through a stop sign and hit the victim, continuing on without stopping. In the pilot transcript, defendant race (White), witness race (White), victim race (White) and witness were constant. The case involved a victim who was walking through his neighbourhood late at night. While crossing the road at a stop sign, a car hit the victim and drove off. Meanwhile, a witness observed the accident occur, and called the police with a specific description of the vehicle. Minutes later, a car matching the witness' description drove through a police sobriety checkstop that was located near the accident. The police arrested and charged the driver of the vehicle with failure to stop at the scene of an accident. The defendant claimed that the witness was either mistaken in his description of the vehicle, or that another car similar to his was involved in the accident. The transcript included opening and closing statements by both the Crown and Defence. Along with the victim, defendant, and eyewitness, the

arresting officer as well as the officer who took the eyewitness' statement provided testimony.

Juror questionnaire. After reading the instructions, participants were asked to make a dichotomous guilty/not guilty verdict decision regarding the failure to stop at the scene of an accident charge, as well as the dangerous operation of a motor vehicle charge (see Appendix E).

Results

The percentage of guilty/not guilty verdicts for the two charges was examined using a descriptive analysis. Ten (38%) of the participants rendered a guilty verdict for the dangerous driving charge, while 16 (62%) voted not guilty. For the hit and run charge, 11 (42%) of the participants believed the defendant was guilty, while 15 (58%) decided that he was not guilty. As this verdict split was fairly even, the project continued to the main study.

Main Study

Participants

Participants in the main study were gathered from an online sample using a Qualtrics panel. Nine hundred and eighty-seven participants responded to the survey. One hundred and eighty-eight participants failed manipulation checks, while 112 were ineligible for jury duty. One hundred and fifty-four participants did not consent to participate or have their data retained, while 16 completed the study too quickly. Furthermore, 97 participants exited the study before finishing. This resulted in a final sample size of 420. All of the final participants (N = 420) were eligible for Canadian jury duty: they were at least 18 years old, resided in Canada, were fluent in English, had no

indictable offenses, and possessed Canadian citizenship. Of the participants who provided gender information, 142 (35.7%) were men, while 256 (64.3%) were women. Participants' ages ranged from 18 to 86 years old (M = 45.82, SD = 15.35). Of the participants who reported information regarding their race, 240 (80.8%) were White, 26 (8.8%) were Asian, 7 (2.4%) were Aboriginal, 5 (1.7%) were Black, 1 (0.3%) was Hispanic, and 18 (6.1%) selected "other." This demographic information was provided by Qualtrics.

Materials

Juror instructions. The juror instructions were the same as in the pilot study described above.

Trial transcript. Participants read one of 8 versions of a trial transcript (see Appendix F). The transcript was the same as in the pilot study described above. However, defendant race (Aboriginal, White), witness race (Aboriginal, White), and witness intoxication (sober, intoxicated) were manipulated in each transcript. Race of the defendant and witness was varied by including a colour photograph of both parties in the transcript, along with varying their names (e.g., Thomas Jones for a White individual, Justin Whiteduck for an Aboriginal individual). These photographs were previously pilot tested to match for perceived age, attractiveness, and likeability. In the intoxicated witness condition, the witness was described as having consumed 10 beers inside a bar prior to walking home. In the sober witness condition, the witness testified that he was walking home from the gym when he saw the defendant hit the victim.

Juror questionnaire. After reading the instructions, participants responded to a questionnaire (see Appendix G). Participants were first required to make a dichotomous

guilty/not guilty verdict decision regarding the failure to stop at the scene of an accident charge. If a guilty verdict was reached, participants were asked how harshly they believe the defendant should be punished for this crime, ranging from 1 (minimum punishment allowed) to 9 (maximum punishment allowed). . These questions were then repeated for the second charge, dangerous operation of a motor vehicle. Following the verdicts, participants responded to a series of questions regarding the eyewitness. Similar to Frumkin's (2007) study on perceptions of minority witnesses, participants were asked:

a) How credible they believe the witness to be

b) How accurately the witness was relaying the information from the night of the crime

c) How deceptive the witness was thought to be.

Participants answered using a rating scale from 1 (not at all) to 9 (very much). After providing witness ratings, participants were given two cultural criminality stereotype checklists to complete. The checklists were used as a measure of racial stereotypes. They required participants to indicate the degree (on a scale of 1 – not at all to 7 – very much) to which a number of criminality-related words (e.g. hostile, cruel, alcohol user) represented the cultural stereotypes of Aboriginal and White Canadians. To prevent ordering effects, the presentation of the two checklists (White, Aboriginal) was randomized. Cultural rather than personal stereotypes were utilized due to potential response bias that is inherent in explicit personal stereotype measures (Aberson, Shoemaker, & Tomolillo, 2004; Brauer, Wasel, & Niedenthal, 2000).

At the end of the juror questionnaire, participants responded to a series of multiple-choice questions regarding the race of the defendant and witness, the crime involved, and whether the witness was intoxicated or sober. These questions were used as manipulation checks to ensure the participant was paying attention while reading the transcript. As previously mentioned, participants who were included in the statistical analyses correctly responded to all of the manipulation checks.

Procedure

Participants were recruited from a Qualtrics panel. A Qualtrics panel is a crowd-sourcing platform that randomly selects participants from the Qualtrics database to participate in a study. The Qualtrics database is made up of 3000 Canadian workers who were recruited through online advertising. Qualtrics provided an online link to participants who were interested in completing the study. Participants were told that the study broadly concerned "jury decision-making," but were not specifically informed about the research questions or manipulations. Once participants had given their informed consent, they were screened to ensure that they met jury-eligibility requirements (Canadian citizens over the age of 18 with no indictable convictions, see Appendix A). If ineligible, participants were informed that the study is looking to recruit jury-eligible participants. Participants who are eligible to participate were randomly assigned to one of 8 trial transcripts. Jurors were given relevant legal instructions both before and after reading the transcript. Following the post-transcript instructions, participants responded to a juror questionnaire as well as a number of manipulation checks. Upon completion, participants were debriefed and thanked for their participation.

Design

A 2 (Witness race: Aboriginal, White) x 2 (Defendant race: Aboriginal, White) x 2 (Witness intoxication: Sober, Intoxicated) factorial design was implemented in this study.

Results

Criminality Stereotypes

In order to test hypothesis 1 (that Aboriginals are culturally stereotyped to be more criminal than Whites), responses to the criminality stereotype checklists were examined. Participants' ratings for the White Canadian and Aboriginal Canadian checklists were averaged to create Aboriginal and White criminality measures. Only fully completed checklists were utilized for these measures. Prior to performing any parametric tests, z scores for the averaged responses were computed. One observation for the Aboriginal checklist was above the recommended cut-off of +/- 3.3 (Tabachnick & Fidell, 2007), suggesting it was an outlier. Three observations for the White checklist were also above this cutoff. Parametric testing performed with and without these cases led to the same pattern of results. As such, results from the retained dataset are reported here. A paired-samples t-test comparing the Aboriginal and White criminal checklists indicated that participants believe Canadian culture stereotypes Aboriginal Canadians as more criminal ($M = 4.19$, $SD = 1.15$) than White Canadians ($M = 3.13$, $SD = .89$), $t(384) = 14.678$, $p < .001$, lending support to the hypothesis.

Examining Juror Perceptions of the Eyewitness

Table 1 describes the means and standard deviations for the three continuous witness perception ratings (credibility, accuracy, and deception). To test hypothesis 2

(intoxicated witnesses would be perceived less positively than sober witnesses, leading to more guilty verdicts), hypothesis 3 (Aboriginal witnesses would be perceived less positively than White witnesses, leading to more guilty verdicts), and hypothesis #4 (intoxicated Aboriginal witnesses would be perceived less positively than intoxicated White witnesses), a series of hierarchical and logistic regressions were conducted. These also allowed for the witness/defendant race relationship to be explored.

Table 1 - *Summary of witness ratings (credibility, accuracy, deception) across conditions*

Defendant Race	Witness Race	Witness Intoxication	Credibility		Accuracy		Deception	
			Mean	SD	Mean	SD	Mean	SD
Aboriginal	Aboriginal	Sober	7.53	1.70	7.63	1.77	2.75	2.33
		Intoxicated	5.10	2.47	6.02	2.44	3.42	2.61
	White	Sober	7.10	1.66	7.08	1.72	4.00	2.89
		Intoxicated	4.22	2.48	4.94	2.61	3.50	2.47
White	Aboriginal	Sober	7.29	1.72	7.45	1.72	2.84	2.36
		Intoxicated	4.72	2.23	5.85	2.39	3.94	2.58
	White	Sober	7.15	2.11	7.27	1.99	3.00	2.57
		Intoxicated	4.92	2.24	5.64	2.37	3.64	2.46

Prior to performing any regressions, witness intoxication (0 = sober, 1 = intoxicated), witness race (0 = Aboriginal, 1 = White), and defendant race (0 = Aboriginal, 1 = White) were dummy-coded into categorical variables. Additionally, participant ratings for the witnesses' credibility, accuracy, and deception were analyzed using Cronbach's alpha to examine if the three variables could be combined as a single

witness perception measure. As the Cronbach's alpha (.659) was below the recommended threshold of .7 (Kaplan & Saccuzzo, 1982; Nunnally & Bernstein, 1994), these three ratings (deception, credibility, and accuracy) were examined as distinct criterion variables in three separate hierarchical multiple regressions.

The normality of these three witness ratings was assessed through visual inspection of histograms and Q-Q plots. As seen in Figure 1 and Figure 2, the ratings for witness accuracy and witness credibility were quite positively skewed, while Figure 3 demonstrates that the deception ratings were severely positively skewed. In an attempt to reduce the non-normality of the variables, both log-10 and inverse transformations were performed, as recommended by Tabachnick and Fidell (2007). Unfortunately, the data still appeared to be non-normal following these transformations**.** In some cases, the transformations caused the data to become even more skewed. As such, statistical analyses testing this project's hypotheses were all conducted on the original raw data. Z scores for the three witness ratings were computed to investigate the presence of outliers. Because there were no scores outside of the +/- 3.3 cutoff (Tabachnick & Fidell, 2007), all observations were retained for the following analyses.

Figure 1 - *Distribution of participant ratings for witness credibility*

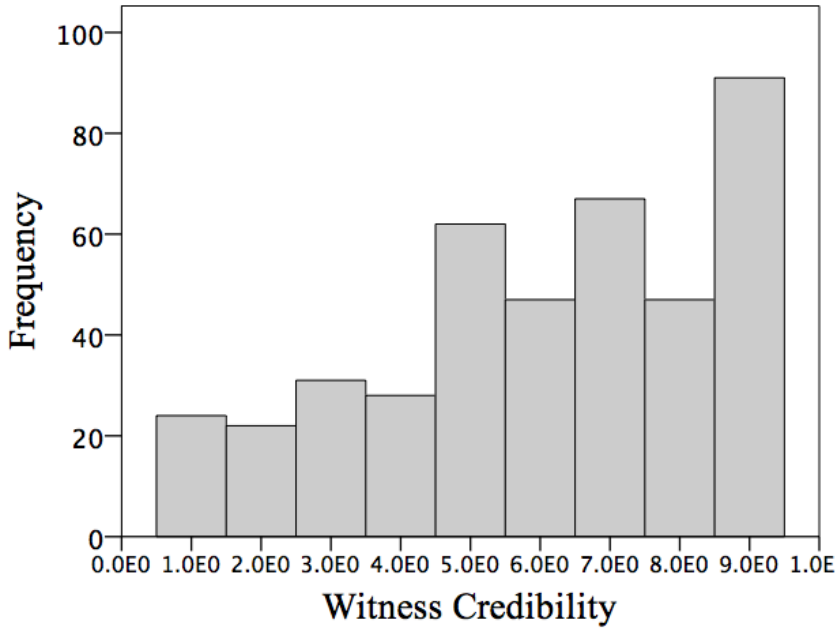


Figure 2 - *Distribution of participant ratings for witness accuracy*

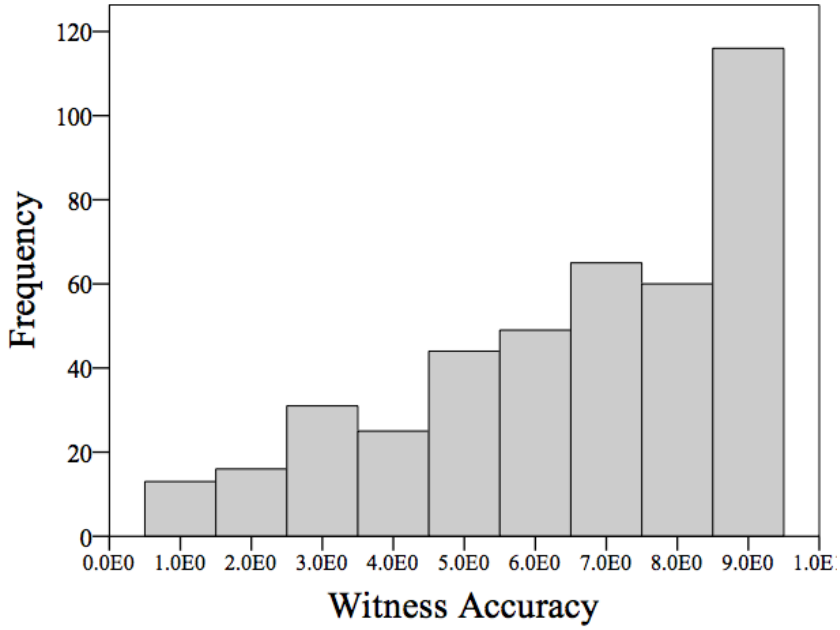
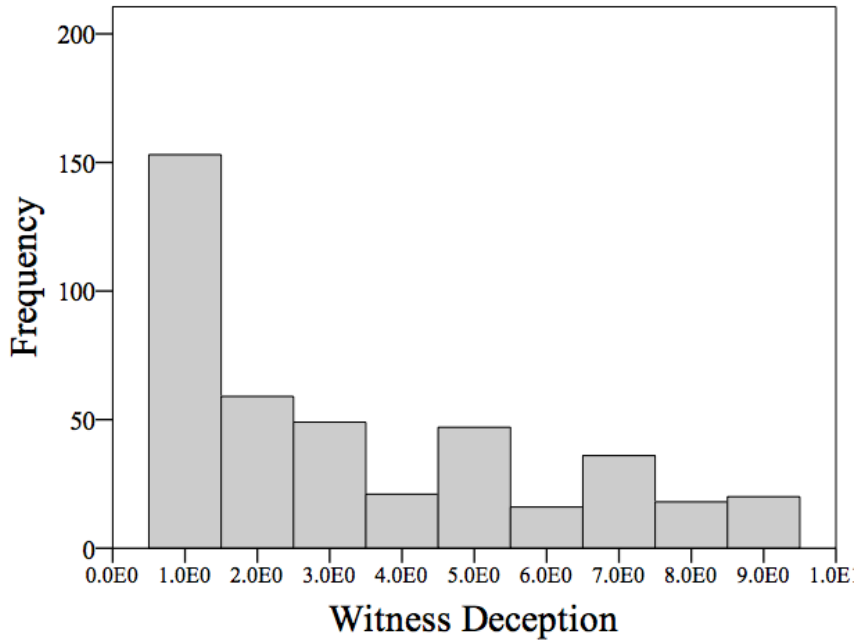


Figure 3 - *Distribution of participant ratings for witness deception*



In the first regression, witness accuracy was regressed onto witness intoxication, witness race, defendant race, the witness intoxication by witness race interaction, the witness race by defendant race interaction, and the three-way witness intoxication, witness race, and defendant race interaction. The three main effects were entered into the first step of the regression, followed by the two-way interactions in the second step, and finally the three-way interaction in the third step. A summary of this regression is reported in Tables 2 and 3. The final model was significant F (6, 418) = 59.882, $p < .001$, $R^2 = .160$, $\Delta R^2 p = .397$. However, as neither the three-way interaction term in step 3 nor the two-way interactions in step 2 were significant, the first step of the regression is most appropriate to analyze and report.

Overall, the first model was significant F (3, 418) = 25.094, $p < .001$, $R^2 = .154$. Defendant race was not a significant predictor of perceived witness accuracy, $b = .122$, $p = .560$. In comparison, both witness race and witness intoxication significantly

predicted witness accuracy, b = -.490, p = .020, and b = -1.733, p < .001, respectively. Jurors perceived Aboriginal witnesses as more accurate than those who were White, and sober witnesses as more accurate than intoxicated witnesses.

Table 2 - *Summary of model statistics for hierarchical regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' perceptions of witness accuracy*

	Sum of Squares	df	Mean Square	F	p	R^2	ΔR^2 p
Step 1							
Regression	344.044	3	114.681	25.094	.000	.154	.000
Residual	1896.572	415	4.570				
Total	2240.616	418					
Step 2							
Regression	356.003	5	71.201	15.603	.000	.159	.271
Residual	1884.613	413	4.563				
Total	2240.616	418					
Step 3							
Regression	359.290	6	59.882	13.114	.000	.160	.397
Residual	1881.325	412	4.566				
Total	2240.616	418					

Table 3 - *Summary of hierarchical regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' ratings of witness accuracy*

Predictor	**B**	**SE**	***p***
Step 1			
Defendant Race	.122	.209	.560
Witness Race	-.490	.209	.020
Witness Intoxication	-1.733	.209	.000
Step 2			
Defendant Race	-.172	.291	.554
Witness Race	-.673	.365	.066
Witness Intoxication	-1.603	.290	.000
Witness Race X Witness Intoxication	-.279	.418	.506
Witness Race X Defendant Race	.613	.418	.143
Step 3			
Defendant Race	-.172	.291	.554
Witness Race	-.547	.394	.166
Witness Intoxication	-1.603	.291	.000
Witness Race X Witness Intoxication	-.536	.517	.300
Witness Race X Defendant Race	.363	.512	.479
Witness Race X Witness Intoxication X Defendant Race	.510	.602	.397

A second regression utilized the same predictor variables entered into a hierarchical regression in the same order, with witness deception as the criterion variable. A summary of this regression is reported in Tables 4 and 5. As in the previous regression, the final model was significant, F (6, 419) = 2.199, p = .042, R^2 = .031, $\Delta R^2 p$ = .110. Again however, neither the three-way interaction term in step 3 nor the two-way interactions in step 2 were significant, thus the first step of the regression was analyzed and reported on.

Overall, the first step's model was non-significant, and the explained variability was low, F (3, 419) = 1.866, p = .135, R^2 = .103. Neither defendant race nor witness race were significant predictors of perceived witness deception, b = -.062, p = .802, b = .298 respectively. In contrast, witness intoxication did significantly predict jurors' ratings of witness deception, b =.498, p = .046. Similar to the first regression, jurors perceived sober witnesses as less deceptive than intoxicated witnesses.

Table 4 - *Summary of model statistics for hierarchical regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' perceptions of witness deception*

	Sum of Squares	df	Mean Square	F	p	R^2	$\Delta R^2 p$
Step 1							
Regression	36.334	3	12.11	1.866	.135	.013	.135
Residual	2699.978	416	6.490				
Total	2736.312	419					
Step 2							
Regression	68.221	5	13.644	2.117	.062	.025	.085

Residual	2668.091	414	6.445				
Total	2736.312	419					
Step 3							
Regression	84.705	6	14.118	2.199	.042	.031	.110
Residual	2651.606	413	6.420				
Total	2736.312	419					

Table 5 - *Summary of hierarchical regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' perceptions of witness deception*

Predictor	**B**	**SE**	***p***
Step 1			
Defendant Race	-.062	.249	.802
Witness Race	.298	.249	.233
Witness Intoxication	.498	.249	.046
Step 2			
Defendant Race	.301	.346	.384
Witness Race	1.085	.434	.013
Witness Intoxication	.905	.345	.009
Witness Race X Witness Intoxication	-.832	.496	.094
Witness Race X Defendant Race	-.739	.496	.137
Step 3			
Defendant Race	.301	.345	.384
Witness Race	1.369	.467	.004

Witness Intoxication	.905	.344	.009
Witness Race X Witness Intoxication	-1.405	.611	.022
Witness Race X Defendant Race	-1.301	.607	.033
Witness Race X Witness Intoxication X Defendant Race	1.140	.711	.110

A third regression was run with witness credibility as the criterion variable. The statistical patterns of this regression were nearly identical to those found in the witness deception analysis. The results of this regression are demonstrated in Table 6 and Table 7.

Table 6 - *Summary of model statistics for hierarchical regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' perceptions of witness credibility*

	Sum of Squares	df	Mean Square	F	*p*	R^2	ΔR^2 *p*
Step 1							
Regression	680.279	3	226.760	52.348	.000	.274	.000
Residual	1802.033	416	4.332				
Total	2482.312	419					
Step 2							
Regression	692.437	5	138.487	32.032	.000	.279	.246
Residual	1789.875	414	4.323				
Total	2482.312	419					
Step 3							
Regression	697.700	6	116.283	26.911	.000	.281	.270

Residual	1784.611	413	4.321
Total	2482.312	419	

Table 7 - *Summary of hierarchical regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' perceptions of witness credibility*

Predictor	**B**	**SE**	***p***
Step 1			
Defendant Race	.023	.203	.910
Witness Race	-.301	.203	.139
Witness Intoxication	-2.524	.203	.000
Step 2			
Defendant Race	-.306	.283	.281
Witness Race	-.628	.355	.078
Witness Intoxication	-2.503	.283	.000
Witness Race X Witness Intoxication	-.051	.406	.900
Witness Race X Defendant Race	.679	.407	.096
Step 3			
Defendant Race	-.306	.283	.281
Witness Race	-.468	.384	.223
Witness Intoxication	-2.503	.283	.000
Witness Race X Witness Intoxication	-.375	.501	.455
Witness Race X Defendant Race	.362	.498	.468
Witness Race X Witness Intoxication X Defendant Race	.644	.584	.270

These regressions provide support for hypothesis 2a, which predicted that participants would perceive witnesses who were intoxicated at the time of the crime less positively than witnesses who were sober. In contrast, these results do not provide support for hypothesis 3a, that participants would perceive Aboriginal witnesses less favourably than those who are White. Instead, there is some evidence for the opposite effect, as participants rated Aboriginal witnesses as significantly more accurate than White witnesses. Furthermore, the non-significant interactions between intoxication and witness race refute hypothesis 4a, which predicted that intoxicated Aboriginal witnesses would be perceived less positively than intoxicated White witnesses. Finally, the non-significant interaction between witness race and defendant race in all regressions, along with the non-significant three-way interactions, indicate no evidence for a relationship between the eyewitness and defendant race with regards to juror perceptions of the witness.

Examining Juror Verdicts

Tables 8 and 9 display the breakdown of dichotomous verdicts for the hit and run and dangerous driving charges across conditions. To test hypothesis 2b (intoxicated witnesses would yield fewer guilty verdicts than sober witnesses), 3b (Aboriginal witnesses would yield fewer guilty verdicts than White witnesses), 4b (intoxicated Aboriginal witnesses would yield fewer guilty verdicts than intoxicated White witnesses), 5 (evaluating the competing similarity-leniency and aversive racism theories with regards to defendant race), and to explore the relationship between witness and defendant race, hierarchical logistic regressions were conducted on both the dangerous driving and hit and run verdicts. In both regressions, the main effects of witness race, defendant race, and

witness intoxication were entered in the first step. In the second step, the interaction between defendant race and witness race, along with the interaction between witness race and witness intoxication were added to the model. Finally, the three-way interaction between these variables was entered. The results for the regression on the hit and run and dangerous driving verdicts can be found in Table 10 and Table 11, respectively. As demonstrated in these tables, none of the individual predictors nor their interactions significantly predicted either of the jurors' final verdicts in any of the steps of the models.

Table 8 - *Summary of verdict decisions for the hit and run charge across conditions*

Defendant Race	Witness Race	Witness Intoxication	Verdict	
			Guilty	Not Guilty
Aboriginal	Aboriginal	Sober	27	24
		Intoxicated	29	21
	White	Sober	28	23
		Intoxicated	21	29
White	Aboriginal	Sober	41	21
		Intoxicated	31	23
	White	Sober	30	22
		Intoxicated	25	25

Table 9 - *Summary of verdict decisions for the dangerous driving charge across conditions*

Defendant Race	Witness Race	Witness Intoxication	Verdict	
			Guilty	Not Guilty
Aboriginal	Aboriginal	Sober	27	24
		Intoxicated	30	20
	White	Sober	28	23
		Intoxicated	23	27
White	Aboriginal	Sober	38	24
		Intoxicated	26	28
	White	Sober	27	25
		Intoxicated	26	24

Table 10 - *Summary of logistic regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' hit and run verdict*

Predictor	**B**	**SE**	***p***	**OR**
Step 1				
Defendant Race	.242	.198	.221	1.274
Witness Race	-.305	.198	.122	.737
Witness Intoxication	-.252	.198	.202	.777
Step 2				
Defendant Race	.271	.277	.328	1.311
Witness Race	-.121	.344	.725	.886

Witness Intoxication	-.095	.277	.731	.909
Witness Race X Witness Intoxication	-.319	.396	.420	.727
Witness Race X Defendant Race	-.054	.396	.891	.947
Step 3				
Defendant Race	.271	.277	.328	1.311
Witness Race	-.069	.372	.852	.933
Witness Intoxication	-.095	.277	.731	.909
Witness Race X Witness Intoxication	-.424	.488	.384	.654
Witness Race X Defendant Race	-.158	.485	.745	.854
Witness Race X Witness Intoxication X Defendant Race	.209	.566	.711	1.233

* $p < .05$

Table 11 - *Summary of logistic regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' dangerous driving verdict*

Predictor	**B**	**SE**	***p***	**OR**
Step 1				
Defendant Race	.000	.196	.998	1
Witness Race	-.180	.196	.358	.835
Witness Intoxication	-.162	.196	.408	.850
Step 2				
Defendant Race	-.056	.274	.839	.946
Witness Race	-.227	.344	.509	.797
Witness Intoxication	-.151	.274	.582	.860

Witness Race X Witness Intoxication	-.025	.392	.949	.975
Witness Race X Defendant Race	.114	.393	.772	1.120
Step 3				
Defendant Race	-.056	.274	.839	.946
Witness Race	-.137	.372	.712	.872
Witness Intoxication	-.151	.274	.582	.860
Witness Race X Witness Intoxication	-.206	.484	.670	.814
Witness Race X Defendant Race	-.064	.481	.894	.938
Witness Race X Witness Intoxication X Defendant Race	.360	.563	.522	1.434

*p <.05

Regressions on Punishment Ratings

To further analyze participants' final verdicts, two separate multiple regressions were performed on the two punishment ratings given by participants who found the defendant guilty (N = 232 for hit and run charge, N = 225 for dangerous driving). Prior to this, z scores were calculated to check for possible outliers. As all scores were inside the recommended cutoff of +/- 3.3 (Tabachnick & Fidell, 2007), all observations were retained. In both regressions, witness intoxication, witness race, and defendant race were entered into the first step. In the second step, the two-way interactions between witness race and witness intoxication, along with witness race and defendant race were added into the model. In the third and final step, the three-way interaction between defendant race, witness race, and witness intoxication was entered. Table 12 and 13 summarize the results of the regression on harshness ratings for the hit and run charge, while Table 14 and Table 15 display the results of the regression on harshness ratings for the dangerous

driving charge. Contrary to predictions, neither of the models were significant in any of their steps, with no significant individual predictors in any of the steps.

Table 12 - *Summary of model statistics for hierarchical regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' ratings of how harshly the defendant should be punished for the hit and run charge*

	Sum of Squares	df	Mean Square	F	p	R^2	ΔR^2 p
Step 1							
Regression	21.665	3	7.222	1.038	.377	.014	.377
Residual	1558.593	224	6.958				
Total	1580.259	227					
Step 2							
Regression	45.694	5	9.139	1.322	.256	.029	.178
Residual	1534.565	222	6.912				
Total	1580.259	227					
Step 3							
Regression	47.561	6	7.927	1.143	.338	.030	.604
Residual	1532.698	221	6.420				
Total	1580.259	227					

Table 13 - *Summary of hierarchical regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' ratings of how harshly the defendant should be punished for the hit and run charge*

Predictor	**B**	**SE**	***p***
Step 1			
Defendant Race	-.003	.352	.993
Witness Race	-.143	.352	.686
Witness Intoxication	.597	.352	.091
Step 2			
Defendant Race	-.416	.473	.380
Witness Race	-1.081	.620	.083
Witness Intoxication	.125	.469	.791
Witness Race X Witness Intoxication	1.026	.706	.148
Witness Race X Defendant Race	.870	.706	.219
Step 3			
Defendant Race	-.416	.474	.381
Witness Race	-.955	.667	.153
Witness Intoxication	.125	.470	.791
Witness Race X Witness Intoxication	.738	.899	.413
Witness Race X Defendant Race	.631	.844	.456
Witness Race X Witness Intoxication X Defendant Race	.549	1.058	.604

Table 14 - *Summary of model statistics for hierarchical regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' ratings of how harshly the defendant should be punished for the dangerous driving charge*

	Sum of Squares	df	Mean Square	F	*p*	R^2	ΔR^2 *p*
Step 1							
Regression	29.469	3	9.823	1.311	.272	.018	.272
Residual	1648.562	220	7.493				
Total	1678.031	223					
Step 2							
Regression	57.587	5	11.517	1.549	.176	.034	.153
Residual	1620.444	218	7.433				
Total	1678.031	223					
Step 3							
Regression	57.690	6	9.615	1.288	.264	.034	.907
Residual	1620.342	217	7.467				
Total	1678.031	223					

Table 15 - *Summary of hierarchical regression predicting the effects of defendant race, witness race, and witness intoxication on jurors' ratings of how harshly the defendant should be punished for the dangerous driving charge*

Predictor	**B**	**SE**	***p***
Step 1			
Defendant Race	.664	.367	.071

Witness Race	.066	.367	.857
Witness Intoxication	.326	.367	.376
Step 2			
Defendant Race	.250	.500	.618
Witness Race	-.912	.636	.153
Witness Intoxication	-.267	.501	.595
Witness Race X Witness Intoxication	1.218	.736	.099
Witness Race X Defendant Race	.797	.734	.279
Step 3			
Defendant Race	.250	.501	.618
Witness Race	-.883	.684	.198
Witness Intoxication	-.267	.502	.595
Witness Race X Witness Intoxication	1.154	.918	.210
Witness Race X Defendant Race	.738	.891	.409
Witness Race X Witness Intoxication X Defendant Race	.127	1.080	.907

Both the logistic regressions on verdict and the multiple regressions on punishment ratings were conducted in order to test hypotheses concerning jurors' final decisions. The non-significant main effect of witness intoxication across these regressions contradicts hypothesis 2b, which predicted that jurors would render fewer guilty verdicts when the witness was intoxicated at the time of the crime, compared to when the witness was sober. Similarly, the non-significant effect of witness race in these

four regressions refutes hypothesis 3b's prediction that jurors would render fewer guilty verdicts when the eyewitness was Aboriginal as compared to White. Furthermore, the interaction between witness race and witness intoxication was non-significant in all of these regressions, contrary to hypothesis 4b, which predicted that jurors would be less likely to find the defendant guilty when the witness was intoxicated and Aboriginal as compared to intoxicated and White.

The examination of defendant race on juror tested the competing similarity-leniency and aversive racism theories with regards to defendant race. The non-significant main effect of this variable in both the logistic regressions on verdicts as well as the hierarchical regressions on harshness ratings seem to indicate that defendant race had no statistically significant effect on jurors' final decisions. Additionally, the three-way interaction between defendant race, witness race, and witness intoxication was non-significant across these four regressions.

Finally, there was an exploratory investigation of jurors' perceptions of the combination of witness/defendant race when the eyewitness testimony involved the identification of a car rather than a person. As neither the interaction between witness race and defendant race, nor the three-way interaction between defendant race, witness race, and witness intoxication, were significant across these four regressions, it seems that the combination of witness/defendant race had little impact on jurors' final decisions.

Discussion

Previous research has demonstrated that negative stereotypes regarding Aboriginal Canadians exist in Canadian society. These stereotypes often involve alcohol use and abuse. The extent to which jurors exhibit racial bias towards Aboriginal Canadian

eyewitnesses is currently unknown. As such, the primary aim of this study was to investigate jurors' perceptions of Aboriginal eyewitnesses, particularly when the witness was intoxicated at the time of the crime. Additionally, the role that defendant race plays in jury decision-making was further explored.

Cultural Stereotypes

As predicted, participants believed that Aboriginal Canadians are culturally stereotyped as more criminal than White Canadians. These findings are in line with previous research regarding both personal and cultural stereotypes of Aboriginal Canadians (Haddock et al., 1994; Morrison et al., 2008). Haddock and colleagues (1994) observed pervasive negative attitudes concerning "typical" Aboriginal Canadians, while more recent work done by Morrison et al. (2008) demonstrated that cultural stereotypes concerning this racial group are overwhelmingly unfavourable. These stereotypes and beliefs may be conditioned through consistently negative portrayals of Aboriginal Canadians in the media (De Houwer et al., 2001; Harding, 2006; Jiwani, 2009).

Eyewitness Intoxication

Similar to previous research (Evans & Schreiber Compo, 2010), participants in the current study perceived eyewitnesses who were intoxicated at the time of the crime to be less credible, accurate, and more deceptive than those who were sober. This was expected, as Evans and Schreiber Compo (2010) demonstrated that mock jurors view intoxicated witnesses as more impaired than sober witnesses, leading to lowered perceived credibility. Contrary to hypotheses, however, there were no significant differences in the number of guilty verdicts between the sober and intoxicated witness

conditions. Mock jurors may not have been taking their lowered perceptions of the eyewitness into account when selecting their verdicts. Alternatively, the strict legal instructions imposed when rendering a verdict may have lessened the influence of the differences in witness perceptions. Although he was intoxicated, mock jurors may have also believed that the witness would have been able to reliably identify a car as specific as the one utilized in the trial transcript. In comparison to the current study, Evans and Schreiber Compo (2010) found that witnesses with lowered credibility (stemming from impairment) yielded fewer guilty verdicts than witnesses with high credibility. The differing case types between Evans and Schreiber Compo (2010) and the current study (sexual/aggravated assault compared to hit and run charges, respectively) is a possible explanation for these contradictory findings. As previously noted, participants may believe that intoxication impairs facial identification but not the recognition of a vehicle. These conflicting results suggest that further research concerning jurors' perceptions of intoxicated eyewitnesses, and whether these perceptions ultimately influence final verdicts, is required.

Although intoxication impedes recall of some peripheral information (Schreiber Compo, Evans, Carol, Kemp, Villalba, Ham, & Rose, 2011), a number of recently conducted studies suggest that surprisingly, there is no difference in eyewitness accuracy between intoxicated and sober individuals in forensic contexts (Hagsand et al., 2013; Harvey et al., 2013; Schreiber Compo et al., 2012). Both the current study as well as Evans and Schreiber Compo's (2010) work indicate that jurors may be unaware of this, as participants perceived intoxicated witnesses less favourably than those who were sober. However, the current study observed no differences in final verdicts between

intoxication conditions, in line with the cognitive research demonstrating no effect of intoxication on eyewitness accuracy. Due to conflicting results between the current study and previous research, it is unclear whether the unfavourable perceptions of intoxicated witnesses actually affect final verdicts. If future replication suggests that verdicts are in fact influenced, and that there is indeed no effect of intoxication on eyewitness memory, additional research involving expert testimony on the validity of intoxicated witnesses should be conducted. Such research would examine whether jurors' unfavourable perceptions of intoxicated witnesses can, and should, be reduced.

Eyewitness Race

Modern jury decision-making theory proposes that jurors rely upon their pre-existing stereotypes and beliefs when evaluating evidence that is presented to them. (Devine, 2012). As past research has demonstrated that negative stereotypes regarding Aboriginal-Canadians exist in Canadian society (Haddock et al., 1994; Morrison et al., 2008), I hypothesized that Aboriginal eyewitnesses would be perceived less favourably than White eyewitnesses, leading to fewer guilty verdicts. Contrary to predictions, participants rated Aboriginal eyewitnesses as more accurate than White eyewitnesses, while no differences in credibility, deception, or final verdicts were observed between Aboriginal and White witnesses. I additionally predicted that intoxicated Aboriginal witnesses would be perceived less favourably than intoxicated White witnesses, as some negative cultural stereotypes concerning Aboriginal Canadians specifically involve alcohol (Haddock et al., 1994; Morrison et al., 2008). Again, contrary to the hypothesis, there were no differences between the intoxicated Aboriginal witness and the intoxicated

White witness with regards to participants' perceptions on any of the eyewitness measures or their final verdicts.

Interestingly, the cultural stereotype inventory suggested that participants were aware of negative criminal stereotypes concerning Aboriginal Canadians, as previously mentioned. It is possible that because participants were cognizant of these unfavourable stereotypes, they corrected for or overrode them when rating the witness as well as deciding their verdicts. With regards to the verdict, it may also have been the case that the pre and post-trial instructions administered to jurors lessened the degree of ambiguity in their final decisions, which in turn reduced the influence of participants' racial bias (Dovidio & Gaertner, 2004; Pfeifer & Ogloff, 1991).

Defendant Race

As previous research regarding the effect of defendant race on jurors' decision-making is conflicting, the current study's examination of this factor tested the two competing theories of the aversive racism framework and the similarity-leniency hypothesis. There was no effect of defendant race on jurors' final verdicts, contradicting the similarity-leniency hypothesis, which predicts that a predominantly White sample would be more punitive towards an Aboriginal defendant than one who is White (Kerr et al., 1995; Wuensch et al., 2002). This finding also conflicts with work done by Maeder and Burdett (2013), who observed that mock jurors were more likely to render guilty verdicts to defendants who were Aboriginal than defendants who were White.

In comparison, the observed null effect of defendant race on final verdict is in line with the aversive racism framework, as well as research conducted by Pfeifer and Ogloff (1991, 2003). The strict, specific juror instructions that participants read with regards to

rendering a verdict may have led jurors to correct for the influence of racial stereotypes that they possessed, resulting in an unbiased response (Dovidio & Gaertner, 2004). Another potential explanation for these findings is that participants attempted to correct for the cultural stereotypes that they indicated were present in Canadian society.

The aversive racism framework would also predict that racial bias becomes evident when participants are asked to make a more ambiguous decision such as sentencing recommendations, where social norms dictating appropriate responses are less clear. In a study involving a sexual assault transcript, Maeder et al. (2015) demonstrated that mock jurors assigned harsher sentences to defendants found guilty when they were Aboriginal compared to White or Black. Contrary to this, the current study observed no differences in sentencing recommendations between defendants who were Aboriginal and defendants who were White. As mentioned previously, participants indicated that they were aware of negative cultural stereotypes concerning Aboriginal Canadians. When making their sentencing recommendations, then, mock jurors may have corrected for these negative beliefs, resulting in similar verdicts and sentencing recommendations between the defendant races. It may also be the case that the juror instructions influenced participants' ratings regarding sentencing severity, removing ambiguity (and thus the influence from bias) for this decision as well. Finally, the overrepresentation of Aboriginal Canadians in the incarcerated population has recently received attention in the media (CBC, 2016; Chura, 2014; Macdonald, 2016**)**. As such, there is the potential that prospective jurors are becoming increasingly aware of discrimination in the justice system, causing participants to explicitly correct for any racial bias.

Witness/Defendant Race Relationship

The primary goal of this study was to investigate jurors' evaluations of eyewitnesses, independent of any cross-racial identification effects. Therefore, the trial transcript that I used described an eyewitness identification of a car rather than a person. As previous research investigating the defendant/witness racial relationship has focused solely on cross-racial identification effects (Abshire & Bornstein, 2003), the current study examined this relationship in an exploratory fashion. Results indicate that that witness/defendant racial relationship had no significant impact on jurors' perceptions of the eyewitness, nor their final verdicts. Intuitively, this makes sense, as the race (or any physical attribute) of the defendant would not influence the witness's ability to identify the car.

Limitations

The current study was conducted in a manner that follows a large body of jury decision-making research, particularly in Canada. Regardless, a number of limitations within the present design should be noted. To begin, I utilized mock (rather than actual) jurors' responses in the study. This was necessary in order to gain control over the manipulated factors (witness intoxication, witness race, defendant race). However, there may be inherent differences between what is said in an actual courtroom scenario compared to one that is fabricated, potentially lowering ecological validity. In Canada, jurors in actual trials are prohibited by law from disclosing any information relating to the trial process (Canada Criminal Code, 1985). As such, mock experimental designs are truly the only way to empirically study Canadian jury decision-making.

Furthermore, the current study utilized a written trial transcript with pictures of the defendant and witnesses as the primary stimulus, rather than a video-taped mock trial.

Although a trial transcript causes potential concern for lowered ecological validity, a number of studies have demonstrated few (if any) differences in results between various mediums of stimuli (Bornstein, 1999; Pezdek, Avila-Mora, & Sperry, 2010). Interestingly, Pezdek and colleagues (2010) suggest that participants engage in more systematic (and less heuristic) processing when reading a transcript compared to watching a video of a trial. If participants are more likely to critically evaluate information that is presented to them when given a trial transcript, this may help to explain the null effects of witness and defendant race observed in the current study.

Additionally, this study utilized an online community sample of Canadian jury-eligible individuals who were recruited through a Qualtrics panel. As the study was conducted online, there was a lack of control over the environments in which participants completed the study. There are therefore a number of environmental confounds that could have potentially occurred. For example, some participants may have taken notes while reading the trial transcript, or had other people help them with responding to the juror questionnaire. There were a number of participants (approximately 20%) whose responses were not included in analyses due to failed manipulation checks. However, these checks ensured higher quality in the final dataset, as I could be confident that participants whose responses were retained for analyses had paid attention throughout the study. Many studies assessing the utility of online crowdsourcing have observed comparable (or worse) rates of attention/manipulation check failure (Berinsky, Huber, & Lenz, 2012; Berinsky, Margolis, & Sances, 2014; Peer, Vosgerau, & Acquisti, 2013). Furthermore, although there is the possibility that the current sample was not representative of the Canadian population, recently published research has concluded that

crowdsourcing is a powerful research tool that is specifically useful in forensic psychology, often lending more heterogeneous samples than undergraduate university pools (Baker, Fox, & Wingrove, 2016).

A further limitation is that the current study analyzed individual juror responses, without a deliberation component to the experiment. Although the jury's racial composition may potentially moderate influences of defendant and witness race (Bowers, Steiner, & Sandys, 2001), numerous studies have found that a jury's final verdict matches the majority of the individual verdicts prior to deliberation an overwhelming percentage of the time (Devine, Buddenbaum, Houp, Stolle, & Studebaker, 2007; Devine, Olafson, Jarvis, Bott, Clayton, & Wolfe, 2004; Kalven & Zeisel, 1966; MacCoun & Kerr, 1988). Thus, studying jury decision-making at an individual level still holds empirical value.

Finally, this study did not include a measure of participants' personal racial attitudes. Due to issues with response bias and social desirability, an explicit measure of personal racial attitudes was not utilized. However, an implicit measure would benefit the current design, but was not able to be implemented. As with a number of limitations, this was a product of a limited scope and budget. Regardless, future research investigating the effects of race on juror perceptions should consider including implicit measures to gain a further understanding of how participants' personal biases and attitudes affect their decision-making in a courtroom setting.

Implications

Participants' responses to the stereotype checklist indicate that they believed Aboriginal Canadians are culturally stereotyped to be more criminal than White Canadians. As previous research has suggested that personal beliefs are predictive of

cultural stereotypes (Krueger, 1996), it may be the case that participants personally endorsed these negative beliefs as well. There is also evidence that cultural stereotypes can influence personal behaviour. For example, individuals who are more aware of negative cultural stereotypes regarding African-Americans demonstrate more racial bias in shooting simulations, regardless of their own personal attitudes towards race (Correll, Park, Wittenbrink, & Judd, 2002). Therefore, people who are cognizant of cultural stereotypes that criminalize Aboriginal Canadians may be more likely to be biased against this group in daily interactions, potentially leading to discrimination. As the media is one of the primary ways that stereotypes regarding particular groups are created, steps should be taken to portray Aboriginal Canadians in a more positive manner than the current depictions, which are predominantly negative (Harding, 2005, 2006; Jiwani, 2009).

Furthermore, the current study's findings suggest that attorneys and lawyers should utilize caution when considering the use of a witness who was intoxicated at the time of the crime, as intoxicated witnesses were perceived less favourably than those who were sober. However, the effect of witness intoxication on the jury's final verdict is not clear, as the current study's null findings conflict with previous research (Evans & Schreiber Compo, 2010). When calling an intoxicated witness to testify, lawyers may consider using additional expert testimony concerning the recent scientific research to demonstrate that intoxication has no significant impact on eyewitness accuracy (Hagsand et al., 2013; Harvey et al., 2013; Schreiber Compo et al., 2012).

Finally, the current study allows for very cautious optimism with regards to racial bias in Canadian courtrooms. The only eyewitness perception measure that was significantly different across race was accuracy; participants believed that White witnesses were less accurate than Aboriginal witnesses, contradicting the findings concerning cultural stereotypes. As there also appeared to be no effect of eyewitness or defendant race on jurors' final verdicts or recommended sentencing penalties, cultural stereotypes are potentially corrected for or reduced in particular legal contexts, resulting in less biased jury decision-making. However, a great deal of future replication is required in order to better understand racial effects in the Canadian courtroom.

Future Directions

Because this study's findings concerning witness intoxication's effect on jurors' verdicts conflict with that of Evans and Schreiber Compo (2010), empirical research should continue to examine this topic using a variety of case types and eyewitness scenarios. This would allow for a better understanding of the influence that witness intoxication has on jurors' final decision-making process. Literature on this topic should also extend to examine what effect, if any, expert testimony on the accuracy of intoxicated eyewitness memory has on jurors' evaluations of the witness along with their final verdicts. Additionally, future work regarding the influence of both eyewitness and defendant race in Canadian courtrooms is necessary. To the best of the author's knowledge, this was the first examination of the differences in juror perceptions between Aboriginal Canadian and White Canadian eyewitnesses. Although the results do not indicate a convincing relationship, similar studies should be carried out in attempts to

replicate this finding, and to understand why no differences were demonstrated, as participants indicated that they believed cultural stereotypes do indeed exist. Similarly, the current study observed no significant impact of witness or defendant race with regards to verdicts or sentencing recommendations. This conflicts with previous Canadian work that has been conducted on defendant race, which has found differences in both final verdicts (Maeder & Burdett, 2013) as well as sentencing recommendations (Pfeifer & Ogloff, 2003). As such, future research should be conducted to clarify under which circumstances racial bias impacts jurors' legal decisions in Canadian courtrooms.

Finally, the current study should be replicated with a deliberation aspect implemented in the experimental design. Although research demonstrates that a jury's final verdict often matches the majority of individual decisions pre-deliberation (Devine et al., 2007; Kalven & Zeisel, 1966), the jury's racial composition may moderate effects of racial bias (Bowers et al., 2001). Including a deliberation component would also increase ecological validity.

Conclusion

The current study's findings with regards to the effect of witness intoxication were conflicting. Although mock jurors perceived witnesses who were intoxicated at the time of the crime less favourably than those who were sober, there were no differences in final verdicts between the two conditions. Additionally, the influence of witness and defendant race seemed non-existent on witness perception ratings as well as final verdicts. The one exception to this was the witness accuracy ratings, where Aboriginal witnesses were perceived to be more accurate than those who were White. These null effects were somewhat surprising in light of the fact that participants believed Aboriginal

Canadians to be culturally stereotyped as more criminal than White Canadians. Aboriginal discrimination has become a fairly salient topic in recent Canadian media and politics (e.g., the Truth and Reconciliation Commission, Missing and Murdered Aboriginal women, etc.; Mas, 2015; Baum & McClearn, 2015). It may be the case that mock jurors' knowledge of negative stereotypes and discrimination caused them to correct for bias when rendering their verdicts and responding to the witness deception ratings. Although the current study failed to demonstrate a convincing relationship between eyewitness race and jury decision-making, further work must be conducted on this topic in order to be sure that a central mandate of the Canadian Charter of Rights and Freedoms is being upheld in Canadian Courtrooms: that all citizens are subject to a fair hearing by an impartial and representative jury, and that all citizens are equal under the law without discrimination.

Appendices

Appendix A

Screening Questionnaire

1) Are you a Canadian citizen who currently reside in Canada? Yes/No

2) Are you 18 years of age or older? Yes/No

3) Are you fluent in the English language? Yes/No

4) Have you ever been convicted of an indictable offence? Yes/No

    i. If so, have you received a formal pardon? Yes/No

Appendix B

Pre-Trial Juror Instructions

Member 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. 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. At the end of the trial, you will be given specific and detailed instructions about the rules of law that apply to this case.

Appendix C

Post-Trial Juror Instructions

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.

It is virtually impossible to prove anything to an absolute certainty, and the Crown is not required to do so. Such a standard would be impossibly high. 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. If you believe that the defendant is likely guilty, that is not sufficient. In those circumstances, you must give the benefit of the doubt to the defendant and find him not guilty as the Crown has failed to satisfy you of his guilt beyond a reasonable doubt. 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 as follows:

1. Failure to stop at scene of accident 252.

(1) Every person commits an offence who has the care, charge or control of a vehicle, vessel or aircraft that is involved in an accident with

(*a*) another person,

(*b*) a vehicle, vessel or aircraft, or

(*c*) in the case of a vehicle, cattle in the charge of another person,

and with intent to escape civil or criminal liability fails to stop the vehicle, vessel or, if possible, the aircraft, give his or her name and address and, where any person has been injured or appears to require assistance, offer assistance.

Punishment

(1.1) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Offence involving bodily harm

(1.2) Every person who commits an offence under subsection (1) knowing that bodily harm has been caused to another person involved in the accident is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

2. Dangerous operation of motor vehicles, vessels and aircraft

249. (1) Every one commits an offence who operates

(*a*) a motor vehicle in a manner that is dangerous to the public, having regard to all the circumstances, including the nature, condition and use of the place at which the motor vehicle is being operated and the amount of traffic that at the time is or might reasonably be expected to be at that place;

Punishment

Every one who commits an offence under subsection (1)

(*a*) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

b) is guilty of an offence punishable on summary conviction.

Dangerous operation causing bodily harm

Every one who commits an offence under subsection (1) and thereby causes bodily harm to any other person is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Appendix D

Pilot Trial Transcript

Background Information

Charges: Criminal Code of Canada 252: Failure to stop at scene of accident,

Criminal Code of Canada 249: Dangerous operation of a motor vehicle

Victim: Blake Edwards

Defendant: Mike Anderson

Crown Opening Statement: Ladies and gentlemen, on the night of June 12, 2014, Blake Edwards was enjoying a quiet, peaceful walk in his neighbourhood before retiring to bed. Unfortunately, Mr. Edwards blissful evening came to a screeching halt when he was crossing the road at a stop sign, and was hit by a car. The Crown will prove that Mike Anderson hit Blake Edwards with his vehicle. What's worse, instead of stopping to check on Blake Edwards like a proper citizen**,** Mr. Anderson drove off like a coward, fleeing the scene. This crime is legally defined as failure to stop at the scene of an accident, but you and I both know this as what it is - a hit and run. The Crown will provide a witness that identifies the defendant's car as that which hit Blake Edwards and testifies that the car did not stop at the stop sign**.** We will prove beyond all reasonable doubt that Mr. Anderson is guilty of the crimes of which he is accused, and that he should be dealt with by the legal system accordingly.

Defence Opening Statement: Members of the jury, the Crown will attempt to weave a tale about how my client, Mike Anderson**,** is an irresponsible, cowardly man who committed a criminal act on the night of June 12, 2014. They have a few pieces of loose evidence that they are going to try to glue together with a handful of slippery arguments. Quite simply however, Mr. Anderson is not the villain, as it was not his car that hit Blake Edwards that night. I will demonstrate that the Crown's witness is extremely unreliable, and that there is nowhere near the required amount of evidence to convict my client. Mike Anderson is an innocent man, and you, ladies and gentlemen, will be the true villains if you send him to jail.

*The Crown calls its first witness, the victim Blake Edwards**,** to the stand*

Crown: Please state your full name for the court, and your relation to this case.

Edwards: My name is Blake Edwards I was the one hit by a car while crossing the street at a stop sign.

Crown: What were you doing on the night of June 12, 2014?

Edwards: I was out on my evening walk around the block, like I do pretty much every night.

Crown: What time would this have been?

Edwards: Well I usually go for my walk after the late-night news. So I would have left the house around 11:10-11:15ish. I'm normally out for about 20 minutes or so before heading back in.

Crown: And what happened on this particular night while you were going on your walk?

Edwards: I was heading home and had to cross the road to get back to my house. So I walked to a stop sign and began to cross. As I was walking, I felt an incredibly sharp pain in the back of my leg, and was tossed to the ground by what must've been a car blowing through the stop sign. I heard some tires screeching, but by the time I looked up, I didn't see a car. I didn't see anything or anyone around actually, other than a man across the street.

Crown: Thomas Jones?

Edwards: Yes, although I didn't know his name at the time. He was a young man on the other side of the road calling for help on his cell phone as he ran over to see if I was alright.

Crown: What happened next?

Edwards: I could hear Mr. Jones describing the car and our location to someone over the phone. After he hung up, Mr. Jones and I sat on the sidewalk while we waited for police to arrive. They asked us for statements, and then I was taken to the hospital. I wasn't seriously injured or anything, but I did get a sprained ankle.

The Defence cross-examines the witness

Defence: Mr. Edwards, you say you believe it was a car that hit you as you were crossing the road?

Edwards: Yes sir, I heard a car engine driving off as I was lying on the ground.

Defence: Fair enough, but you didn't actually see a car or what the car may have looked like, did you?

Edwards: Well, no. Everything happened too fast for me to really get a look at anything.

Defence: No further questions, your honour.

The Crown calls their second witness, Thomas Jones**,** to the stand.

Crown: Please state your name for the court and your relation to this case.

Jones: My name is Thomas Jones, and I witnessed a car hit a man and drive away**.**

Crown: What were you doing on the night of June 12, 2014?

Jones: Well I was walking home from the gym after working out with my buddies. As I was walking, I saw a green sedan with a large black spoiler speed by me.

Crown: Sorry to interrupt Mr. Jones, but just to clarify, what exactly is a spoiler?

Jones: Oh, it's just one of those large wing-type things you see on the back of some cars.

Crown: Excellent, please continue with your testimony.

Jones: So I saw this green sedan driving really fast down the road, getting close to a crosswalk. Instead of stopping at the stop sign though, it continued through, hitting a man who was crossing the road. The car didn't stop or anything after it hit the guy; it just kept driving!

Crown: And what did you do when you saw this take place?

Jones: I immediately called 911 on my cellphone and ran over to the man on the ground to see if he was okay. When a dispatcher answered my call, I told her that a green sedan with a black spoiler had just hit a pedestrian and drove off. I gave the dispatcher my location, and she said police would be on their way. The man on the ground said he was fine, but had a sore foot. I sat on the sidewalk with him until police arrived on the scene. I gave my statement to the officer and then continued home.

Crown: So you described the car as a green sedan with a big black spoiler. Is it possible that you were incorrect or maybe saw things wrong?

Jones: No sir, I absolutely know what I saw.

Crown: Indeed. We have brought with us a picture of the defendant's car that was taken from his garage last week. *presents photograph of a green sedan * Now Mr. Jones, is this the car that you saw on the night of June 12, 2014?

Jones: Yes sir, without question.

The Defence cross-examines Thomas Jones

Defence: You say you were walking home from the gym on the night of June 12, 2014?

Jones: Yes sir, that's correct.

Defence: And where were you when you saw the accident occur?

Jones: I was just across the street.

Defence: So, you were across the road and it was the middle of the night….Mr. Jones**,** you honestly don't think that you may have been mistaken in what you saw and reported to the police? Maybe got the colour of the vehicle wrong, or confused a sedan for a van or some other type of car?

Jones: No sir. Like I previously stated, I am 100% sure of what I saw, and that was a green sedan with a large black spoiler hit Blake Edwards and continue driving.

The Crown calls their next witness, Officer Robert McGrey to the stand

Crown: Did you receive a call for a failure to stop at the scene of an accident on the night of June 12, 2014?

McGrey: Yes. A report came in describing a green sedan covered with a large black spoiler had hit a man at a stop sign and continued to drive off. I was near the area of the scene and dispatch radioed me to respond.

Crown: Can you describe what you saw when you arrived on the scene?

McGrey: Certainly. I saw two men sitting next to each other on the pavement. As I got closer, one man, who I later learned to be Thomas Jones jumped up and immediately began telling me what he saw occur. The other man who had been hit by the car, Blake Edwards**,** seemed to be alright. He said his ankle was quite sore but other than that he reported no physical injuries.

Crown: Did you see any sign of the defendant or his car?

McGrey: No. The witness had stated that the vehicle had driven off without stopping.

Defence: We have no questions for the witness.

The Crown calls their final witness, Officer Martin Fritz, to take the stand

Crown: Officer Fritz, it's my understanding that you were part of a police unit performing roadside sobriety stops on the night of June 12, 2014?

Fritz: Yes sir. Along with three other officers, I was at the intersection of Blainey Street and Jacksburn Crescent performing our routine sobriety checks.

Crown: About how far, in distance, would you say that intersection is from where Blake Edwards was hit by a car?

Fritz: I'd say around 5km?

Crown: Great estimate Officer. We actually found that it is exactly 5.8km from the crosswalk where Mr. Edwards was hit to the intersection where you were performing the sobriety stops. That night, did you receive a report from dispatch notifying officers of a car that was wanted in connection with a hit and run?

Fritz: Yes. At 11:28 p.m. we received a notification from dispatch describing exactly what you said – that a green sedan with a large spoiler had been involved in a failure to stop at the scene of an accident. Lo and behold, about 5 minutes later at 11:35 p.m., a

vehicle matching that exact description, along with a slightly damaged front fender, pulled up to the check stop.

Crown: And what did you do?

Fritz: I radioed dispatch to notify them that a car matching the wanted description was at our check stop. I noted that the car was definitely a green sedan with a big black spoiler on the back. The damaged fender also seemed to indicate that the car was recently involved in some sort of collision. I proceeded to approach the vehicle, and the driver put down his window to talk. At first I followed normal procedure and asked the driver if he'd had anything to drink and what he was up to that night. He responded that he hadn't, and that he was just out for an evening drive. I asked to see the man's license, which he gave me. I then told Mr. Anderson that a vehicle exactly matching his car's description was witnessed hitting a pedestrian and driving away without stopping, and asked if he knew anything about that. Mr. Anderson denied knowing anything about the accident, and asked me if he could proceed home. I asked Mr. Anderson what had happened to his front fender, and he replied that he had hit a post in a parking lot the previous night. Quite sure that we had our perpetrator, I arrested Mr. Anderson for failure to stop at the scene of an accident as well as dangerous operation of a motor vehicle.

The Defence cross-examines Officer Fritz.

Defence: Officer Fritz, why were you so sure Mike Anderson's car was the one involved in the hit and run?

Fritz: Like I have already testified, Mr. Anderson's vehicle was an exact match of what we'd been given as a description: a green sedan with a large black spoiler. Add in the fact

that we were in close proximity to the accident in both time and space, along with the damaged fender, I concluded that they must be the same car.

Defence: But it is entirely possible that an altogether different green sedan within the vicinity was the actual car that hit Blake Edwards, and that the defendant simply happened to be in the wrong place at the wrong time?

Fritz: Well sure, I guess that is possible. I would find that incredibly unlikely though.

Defence: Was Mr. Anderson visibly anxious or hesitant when you asked him for his driver's license?

Fritz: No, he was quite cooperative actually.

Defence: I know that if I'd just hit someone in my car I wouldn't be able to handle myself, I'd be a nervous wreck…that's all, your honour; no further questions.

The Defence calls their witness, Mike Anderson to the stand

Defence: Mr. Anderson, what did you do on the night of June 12, 2014?

Anderson: I had dinner with my family, watched the baseball game on TV, and then went out for an evening drive.

Defense: Do you often go out for a drive at night?

Anderson: Yes, I find it quite calming to be out on the road alone, without many other cars. It's my time to myself, to relax and recharge.

Defence: At any point in your drive that night, did you see Blake Edwards, or drive down the road that he was hit on?

Anderson: Absolutely not.

Defence: What type of car do you own?

Anderson: A Honda Civic.

Defence: And what colour is that car Mr. Anderson?

Anderson: It's green.

Defence: Do you know anyone else in the city that owns a similar car?

Anderson: Well of course. Almost every street you drive down has a Civic or at least some sort of sedan. They have to be one of the most popular cars ever made! Off the top of my head I know at least 5 other people who own a Civic, and countless others with similar cars.

Defence: So my client followed his regular evening routine and happens to own one of hundreds of green sedans that are in the city. This hardly seems like enough evidence to brand him as a criminal.

The Crown cross-examines Mike Anderson

Crown: Were you by yourself on the night of June 12 when you were driving in your car?

Anderson: Yes I was.

Crown: Did you see or talk to anyone while you were out on your drive that could help vouch for your whereabouts?

Anderson: No sir, I didn't.

Crown: So you don't have an exact alibi during the time when Blake Edwards was hit- how extremely convenient. How do you explain the witness' description of the vehicle that hit Mr. Edwards being an exact match to your own sedan, right down to the spoiler?

Anderson: Well like I had stated a little bit ago, there are tons of other people in the city who own the same model as my car, so it must have been one of them. Either that, or the

witness mistook the vehicle as a sedan when it was actually a different type of car, like a convertible or a hatchback.

Crown: So you claim that your vehicle's model is somewhat common, and I can understand that Mr. Anderson. But**,** seriously…how many green sedans with black spoilers do you think there are that would have just happened to be driving in the same area as you, at the same time as you, on the same night as you?

Anderson: Well I wouldn't know that, but I'm sure there would have been plenty. It's not like spoilers are an uncommon thing to have.

Crown: I disagree, Mr. Anderson. Let me ask you another question- how do you explain the damage to the front fender of your car?

Anderson: Like I told the officer at the sobriety check stop, I had accidently bumped a post in a parking lot the night before.

Crown: Do you truly expect the jury to believe that you just happened to damage your car the night before you're accused of committing the crime? I'll ask you point blank – did you hit Blake Edwards in your car on the night of June 12, 2014?

Anderson: No sir.

Crown: So you say, Mr. Anderson**.** Unfortunately for you, the evidence clearly says otherwise.

Crown Closing Statement: Ladies and gentlemen, Mike Anderson was driving irresponsibly in his car on the evening of June 12, 2014 when he struck Blake Edwards, who was walking across the street at a stop sign. Instead of being a responsible citizen, Mr. Anderson fled the scene of the crime, driving off into the night. Fortunately, a

witness saw the crime occur, and was able to give an exact, specific description of the perpetrator's vehicle to the police. Five minutes later and less than 6km away, the defendant's car was spotted at a roadside sobriety check stop by Officer Fritz, with incriminating damage to the front fender. Mike Anderson also has no alibi for the night. Can all this just be a fantastical coincidence, as the Defence would like you to believe? Of course not! You and I both know that far beyond any reasonable doubt, the defendant Mike Anderson did commit the crime for which he stands accused. As upholders of the law, you, members of the jury, must find him guilty.

Defence Closing Statement: Mike Anderson thought it was just another ordinary evening. After eating dinner with his family and watching some sports, my client went for his regular nighttime drive. However, before Mr. Anderson knew it, he was surrounded by officers at a sobriety check stop, questioning him about a crime that he did not commit. The sole piece of evidence that links my client to this crime is an eyewitness who may be recalling things incorrectly. There are hundreds if not thousands of similar cars in the city, which are just as likely to have been involved in the accident. Not only that, but do you seriously believe that a man would be able to accurately identify and describe a car that he saw across the road in the middle of the night? Of course not! If you remove this unreliable witness' testimony from the equation, the Crown has literally nothing to offer as evidence against my client. The witness could have seen an entirely different model of car altogether. On top of that, there is absolutely no way to conclude that the damage to Mr. Anderson's car did not occur in a parking lot the night before, as he has repeatedly explained. How many of you have ever accidently bumped into a post

or curb while driving? It is an extremely common occurrence. Members of the jury, the Crown is attempting to put together a puzzle that they do not possess all of the pieces to. Without all those pieces, you must find there's plenty of room for doubt and return a verdict of not guilty.

Crown Rebuttal: We have a witness who has identified the defendant's car as the vehicle which struck Blake Edwards**.** All that the Defence can do is attempt to make you doubt what the witness said. There are indeed similar cars to the one owned by Mike Anderson**,** but how many do you seriously think are green with a big black spoiler, driving around the vicinity at this specific time, with damage to the front fender? I'll tell you the obvious answer- one, and it was Mr. Anderson's. When it comes down to it, Mr. Anderson's car was witnessed hitting a pedestrian and fleeing the scene. The Defence continually tries to spin some fantasy about how this could have happened, but is unable to offer any sort of evidence for their story. The Defence would like to you to believe that anything short of a videotape of the defendant in his car hitting Blake Edwards is insufficient evidence. Ladies and gentlemen, that is obviously not true. You can send that message to the Defence by finding the defendant, Mike Anderson guilty.

Appendix E

1. How do you find the defendant, Mike Anderson with regards to failure to stop at the scene of an accident**?**

Guilty_____

Not Guilty_____

2. How do you find the defendant, Mike Anderson with regards to dangerous operation of a motor vehicle?

Guilty_____

Not Guilty_____

Appendix F

Main Study Trial Transcript

Background Information

Charges: Criminal Code of Canada 252: Failure to stop at scene of accident,
Criminal Code of Canada 249: Dangerous operation of motor vehicles
Victim: Blake Edwards
Defendant: **Mike Anderson/Matthew Longboat**

Crown Opening Statement: Ladies and gentlemen, on the night of June 12, 2014, Blake Edwards was enjoying a quiet, peaceful walk in his neighbourhood before retiring to bed. Unfortunately, Mr. Edwards' blissful evening came to a screeching halt when he was crossing the road at a stop sign, and was hit by a car. The Crown will prove that **Mike Anderson/Matthew Longboat** hit Blake Edwards with his vehicle. What's worse, instead of stopping to check on Blake Edwards like a proper citizen, Mr. **Anderson/Longboat** drove off like a coward, fleeing the scene. This crime is legally defined as failure to stop at the scene of an accident, but you and I both know this as what it is - a hit and run. The Crown will provide a witness that identifies the defendant's car as that which hit Blake Edwards, and testifies that the car did not stop at the stop sign. We will prove beyond all reasonable doubt that Mr. **Anderson/Longboat** is guilty of the crimes of which he is accused, and that he should be dealt with by the legal system accordingly.

Defence Opening Statement: Members of the jury, the Crown will attempt to weave a grandiose tale about how my client, **Mike Aderson/Matthew Longboat** is an

irresponsible, cowardly man who committed a criminal act on the night of June 12, 2014. They have a few pieces of loose evidence that they are going to try to glue together with a handful of slippery arguments. Quite simply however, Mr. **Anderson/Longboat** is not the villain, as it was not his car that hit Blake Edwards that night. I will demonstrate that the Crown's witness is extremely unreliable, and that there is nowhere near the required amount of evidence to convict my client. **Mike Anderson/Mathew Longboat** is an innocent man, and you, ladies and gentlemen, will be the true villains if you send him to jail.

The Crown calls its first witness, the victim Blake Edwards to the stand

Crown: Please state your full name for the court, and your relation to this case.

Edwards: My name is Blake Edwards and I was the one hit by a car while crossing the street at a stop sign.

Crown: What were you doing on the night of June 12, 2014?

Edwards: I was out on my evening walk around the block, like I do pretty much every night.

Crown: What time would this have been?

Edwards: Well I usually go for my walk after the late-night news. So I would have left the house around 11:10-11:15ish. I'm normally out for about 20 minutes or so before heading back in.

Crown: And what happened on this particular night while you were going on your walk?

Edwards: I was heading home and had to cross the road to get back to my house. So I walked to a stop sign and began to cross. As I was walking, I felt an incredibly sharp pain in the back of my leg, and was tossed to the ground by what must've been a car blowing through the stop sign. I heard some tires screeching, but by the time I looked up, I didn't see a car. I didn't see anything or anyone around actually, other than a **White/Aboriginal** male across the street.

Crown: Thomas Jones/Justin Whiteduck?

Edwards: Yes, although I didn't know his name at the time. He was a young **White/Aboriginal** male on the other side of the road calling for help on his cell phone as he ran over to see if I was alright.

Crown: What happened next?

Edwards: I could hear Mr. **Jones/Whiteduck** describing the car and our location to someone over the phone. After he hung up, Mr. **Jones/Whiteduck** and I sat on the sidewalk while we waited for police to arrive. They asked us for statements, and then I was taken to the hospital. I wasn't seriously injured or anything, but I did get a sprained ankle.

The Defence cross-examines the witness

Defence: Mr. Edwards you say you believe it was a car that hit you as you were crossing the road?

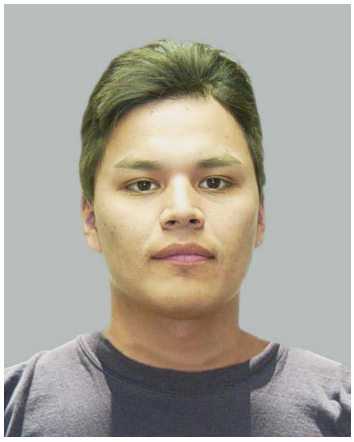
Edwards: Yes sir, I heard a car engine driving off as I was lying on the ground.

Defence: Fair enough, but you didn't actually see a car or what the car may have looked like, did you?

Edwards: Well, no. Everything happened too fast for me to really get a look at anything.

Defence: No further questions, your honour.

The Crown calls their second witness **Thomas Jones/Justin Whiteduck** to the stand.

 / 

Crown: Please state your name for the court and your relation to this case.

Jones/Whiteduck: My name is **Thomas Jones/Justin Whiteduck**, and I witnessed a car hit a man and drive away.

Crown: What were you doing on the night of June 12, 2014?

Jones/Whiteduck: Well I was walking home from the bar after having some drinks with my buddies. As I was walking, I saw a green sedan with a large black spoiler speed by me.

Crown: Sorry to interrupt Mr. **Jones/Whiteduck,** but just to clarify, what exactly is a spoiler?

Jones/Whiteduck: Oh, it's just one of those large wing-type things you see on the back of some cars.

Crown: Excellent, please continue with your testimony.

Jones/Whiteduck :So I saw this green sedan driving really fast down the road, getting close to a crosswalk. Instead of stopping at the stop sign though, it continued through, hitting a man who was crossing the road. The car didn't stop or anything after it hit the guy; it just kept driving!

Crown: And what did you when you saw this take place?

Jones/Whiteduck: I immediately called 911 on my cellphone and ran over to the man on the ground to see if he was okay. When a dispatcher answered my call, I told her that a green sedan with a black spoiler had just hit a pedestrian and drove off. I gave the dispatcher my location, and she said police would be on their way. The man on the ground said he was fine, but had a sore foot. I sat on the sidewalk with him until police arrived on the scene. I gave my statement to the officer and then continued home.

Crown: So you described the car as a green sedan covered with a big black spoiler. Is it possible that you were incorrect or maybe saw things wrong?

Jones/Whiteduck: No sir, I absolutely know what I saw.

The Defence cross-examines **Thomas Jones/Justin Whiteduck**

INTOXICATED CONDITION:

Defence: You say you were walking home from a bar on the night of June 12, 2014?

Jones/Whiteduck: Yes sir, that's correct.

Defence: And had you been consuming alcohol at the bar Mr. ${e://Field/WitLast}?

Jones/Whiteduck: Well, yes. I was with some of my friends celebrating a buddy's birthday.

Defence: How much did you have to drink that night?

Jones/Whiteduck: I honestly wasn't keeping track and couldn't give you an exact number. But I'd estimate that I drank somewhere between 10-12 beers.

Defence: Wow…..after having so much to drink I'd assume you were quite intoxicated that night?

Jones/Whiteduck: I'd agree with that statement, yes.

Defence: So you would have also then been pretty intoxicated when you saw the vehicle hit Mr. Edwards?

Jones/Whiteduck: Yes.

Defence: Well I know that after I've had a few drinks myself, my cognitive functions get quite impaired. I find it seriously hard to believe that after 10 or more beers your memory and perception were both spot-on. Not to mention the fact that you were across the road and it was the middle of the night. You honestly don't think that you may have been mistaken in what you saw and reported to the police? Maybe got the colour of the vehicle wrong, or confused a sedan for a van or some other type of car?

Jones/Whiteduck: No sir. Like I previously stated, I am 100% sure of what I saw, and that was a green sedan with a large black spoiler hit Blake Edwards and continue driving.

The Crown calls their next witness, Officer Robert McGrey to the stand

Crown: Did you receive a call for a failure to stop at the scene of an accident on the night of June 12, 2014?

McGrey: Yes. A report came in describing a green sedan with a large black spoiler had hit a man at a stop sign and continued to drive off. I was near the area of the scene and dispatch radioed me to respond.

Crown: Can you describe what you saw when you arrived on the scene?

McGrey: Certainly. I saw two men sitting next to each other on the pavement. As I got closer, one man, who I later learned to be **Thomas Jones/Justin Whiteduck** jumped up and immediately began telling me what he saw occur. This man was clearly intoxicated; he had difficulty standing up straight, and his speech was rather slurred. I had to get him to repeat his statement a handful of times just because I was having difficulty understanding him. The other man who had been hit by the car, Blake Edwards, seemed

to be alright. He said his ankle was quite sore but other than that he reported no physical injuries.

Crown: Did you see any sign of the defendant or his car?

McGrey: No. The witness had stated that the vehicle had driven off without stopping.

The Defence cross-examines Officer McGrey

Defence: Officer McGrey, you state that the witness **Thomas Jones/Justin Whiteduck** was visibly intoxicated when you arrived on the scene?

McGrey: Yes. Along with the behavioural indications that I had previously mentioned, a strong scent of alcohol came from Mr. **Jones/Whiteduck**'s breath. It was quite apparent to me that the man had done some heavy drinking that night.

Defence: That is all, no further questions your honour.

SOBER CONDITION:

Defence: You say you were walking home from a gym on the night of June 12, 2014?

Jones/Whiteduck :Yes sir, that's correct.

Defence: And where were you when you saw the accident occur?

Jones/Whiteduck: I was just across the street.

Defence: So, you were across the road and it was the middle of the night…Mr. **Jones/Whiteduck** you honestly don't think that you may have been mistaken in what you saw and reported to the police? Maybe got the colour of the vehicle wrong, or confused a sedan for a van or some other type of car?

Jones/Whiteduck: No sir. Like I previously stated, I am 100% sure of what I saw, and that was a green sedan with a large black spoiler hit Blake Edwards and continue driving.

The Crown calls their next witness, Officer Robert McGrey to the stand

Crown: Did you receive a call for a failure to stop at the scene of an accident on the night of June 12, 2014?

McGrey: Yes. A report came in describing a green sedan with a large black spoiler had hit a man at a stop sign and continued to drive off. I was near the area of the scene and dispatch radioed me to respond.

Crown: Can you describe what you saw when you arrived on the scene?

McGrey: Certainly. I saw two men sitting next to each other on the pavement. As I got closer, one man, who I later learned to be **Thomas Jones/Justin Whiteduck** jumped up and immediately began telling me what he saw occur. The other man who had been hit by the car, Blake Edwards, seemed to be alright. He said his ankle was quite sore but other than that he reported no physical injuries.

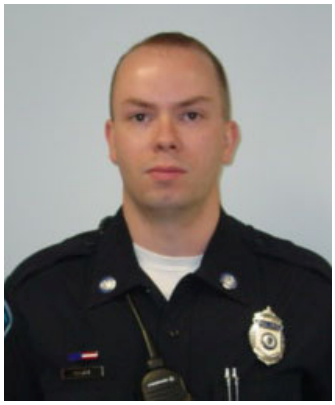
Crown: Did you see any sign of the defendant or his car?

McGrey: No. The witness had stated that the vehicle had driven off without stopping.

The Defence cross-examines Officer McGrey

Defence: We have no further questions your honour.

The Crown calls their final witness, Officer Martin Fritz, to take the stand



Crown: Officer Fritz, it's my understanding that you were part of a police unit performing roadside sobriety stops on the night of June 12, 2014?

Fritz: Yes sir. Along with three other officers, I was at the intersection of Blainey Street and Jacksburn Crescent performing our routine sobriety checks.

Crown: About how far, in distance, would you say that intersection is from where Blake Edwards was hit by a car?

Fritz: I'd say around 5km?

Crown: Great estimate Officer. We actually found that it is exactly 5.8km from the crosswalk where Mr. Edwards was hit to the intersection where you were performing the sobriety stops. That night, did you receive a report from dispatch notifying officers of a car that was wanted in connection with a hit and run?

Fritz: Yes. At 11:28 p.m. we received a notification from dispatch describing exactly what you said – that a green sedan with a large black spoiler had been involved in a failure to stop at the scene of an accident. Lo and behold, about 5 minutes later at 11:35

p.m., a vehicle matching that exact description, along with a slightly damaged front fender, pulled up to the check stop.

Crown: And what did you do?

Fritz: I radioed dispatch to notify them that a car matching the wanted description was at our check stop. I noted that the car was definitely a green sedan with a big black spoiler on the back. I proceeded to approach the vehicle, and the driver, **Mike Anderson/Matthew Longboat,** put down his window to talk. At first I followed normal procedure and asked the driver if he'd had anything to drink and what he was up to that night. He responded that he hadn't, and that he was just out for an evening drive. I asked to see the man's license, which he gave me. I then told **Mike Anderson/Matthew Longboat** that a vehicle exactly matching his car's description was witnessed hitting a pedestrian and driving away without stopping, and asked if he knew anything about that. Mr. **Anderson/Longboat** denied knowing anything about the accident, and asked me if he could proceed home. I asked Mr. **Anderson/Longboat** what had happened to his front fender, and he replied that he had hit a post in a parking lot the previous night. Quite sure that we had our perpetrator, I arrested Mr. **Anderson/Longboat** for failure to stop at the scene of an accident and dangerous operation of a motor vehicle.

The Defence cross-examines Officer Fritz.

Defence: Officer Fritz, why were you so sure **Mike Anderson/Matthew Longboat**'s car was the one involved in the hit and run?

Fritz: Like I have already testified, Mr. **Anderson/Longboat** 's vehicle was an exact match of what we'd been given as a description: a green sedan with a large black spoiler.

Add in the fact that we were in close proximity to the accident in both time and space, along with the damaged fender, I concluded that they must be the same car.

Defence: But it is entirely possible that altogether different green sedan within the vicinity was the actual car that hit Blake Edwards and that the defendant just happened to be in the wrong place at the wrong time?

Fritz: Well sure, I guess that is possible. I would find that incredibly unlikely though.

Defence: Was **Mr. Anderson/Longboat** visibly anxious or hesitant when you asked him for his driver's license?

Fritz: No, he was quite cooperative actually.

Defence: I know that if I'd just hit someone in my car I wouldn't be able to handle myself, I'd be a nervous wreck…that's all, your honour; no further questions.

The Defence calls their witness, **Mike Anderson/Matthew Longboat** to the stand


/


Defence: Mr. **Anderson/Longboat,** what did you do on the night of June 12, 2014?

Anderson/Longboat: I had dinner with my family, watched the baseball game on TV, and then went out for an evening drive.

Defense: Do you often go out for a drive at night?

Anderson/Longboat: Yes, I find it quite calming to be out on the road alone, without many other cars. It's my time to myself, to relax and recharge.

Defence: At any point in your drive that night, did you see Blake Edwards, or drive down the road that he was hit on?

Anderson/Longboat: Absolutely not.

Defence: What type of car do you own?

Anderson/Longboat: A Honda Civic.

Defence: And what colour is that car Mr. **Anderson/Longboat**?

Anderson/Longboat: It's green.

Defence: Do you know anyone else in the city that owns a similar car?

Anderson/Longboat: Well of course. Almost every street you drive down has a Civic or at least some sort of sedan. They have to be one of the most popular cars ever made! Off the top of my head I know at least 5 other people who own a Civic, and countless others with similar cars.

Defence: So my client followed his regular evening routine and happens to own one of hundreds of green sedans that are in the city. This hardly seems like enough evidence to brand him as a criminal.

The Crown cross-examines **Mike Anderson/Mathew Longboat**

Crown: Were you by yourself on the night of June 12 when you were driving in your car?

Anderson/Longboat: Yes I was.

Crown: Did you see or talk to anyone while you were out on your drive that could help vouch for your whereabouts?

Anderson/Longboat: No sir, I didn't.

Crown: So you don't have an exact alibi during the time when Blake Edwards was hit- how extremely convenient. How do you explain the witness' description of the vehicle that hit Mr. Edwards being an exact match to your own sedan, right down to the spoiler?

Anderson/Longboat: Well like I had stated a little bit ago, there are tons of other people in the city who own the same model as my car, so it must have been one of them. Either that, or the witness mistook the vehicle as a sedan when it was actually a different type of car, like a convertible or a hatchback.

Crown: So you claim that your vehicle's model is somewhat common, and I can understand that Mr. **Anderson/Longboat**. But, seriously…how many green sedans with black spoilers do you think there are that would have just happened to be driving in the same area as you, at the same time as you, on the same night as you?

Anderson/Longboat: Well I wouldn't know that, but I'm sure there would have been plenty. It's not like spoilers are an uncommon thing to have.

Crown: I disagree, Mr. **Anderson/Longboat.** Let me ask you another question - how do you explain the damage to the front fender of your car?

Anderson/Longboat: Like I told the officer at the sobriety check stop, I had accidently bumped a post in a parking lot the night before.

Crown: Do you truly expect the jury to believe that you just happened to damage your car the nigh before you're accused of committing a crime? I'll ask you point blank - did you hit Blake Edwards in your car on the night of June 12, 2014?

Anderson/Longboat: No sir.

Crown: So you say, **Anderson/Longboat**. Unfortunately for you, the evidence clearly says otherwise.

INTOXICATED CONDITION

Crown Closing Statement: Ladies and gentlemen, **Mike Anderson/Matthew Longboat** was driving irresponsibly in his car on the evening of June 12, 2014 when he struck Blake Edwards who was walking across the street at a stop sign. Instead of being a responsible citizen, Mr. **Anderson/Longboat** fled the scene of the crime, driving off into the night. Fortunately, a witness saw the crime occur, and was able to give an exact, specific description of the perpetrator's vehicle to the police. Five minutes later and less than 6km away, the defendant's car was spotted at a roadside sobriety check stop by Officer Fritz, with incriminating damage to the front fender. Mr. **Anderson/Longboat** has no alibi for the night. Can this just be a fantastical coincidence, as the Defence would like you to believe? Of course not! You and I both know that far beyond any reasonable doubt, the defendant **Mike Anderson/Matthew Longboat** did commit the crime for which he stands accused. As upholders of the law, you, members of the jury, must find him guilty.

Defence Closing Statement: Mike Anderson/Matthew Longboat thought it was just another ordinary evening. After eating dinner with his family and watching some sports, my client went for his regular nighttime drive. However, before Mr. **Anderson/Longboat** knew it, he was surrounded by officers at a sobriety check stop, questioning him about a

crime that he did not commit. The sole piece of evidence that links my client to this crime is an eyewitness who was incredibly intoxicated at the time. There are hundreds if not thousands of similar cars in the city, which are just as likely to have been involved in the accident. Not only that, but do you seriously believe that a man who drank over 10 beers would be able to accurately identify and describe a car that he saw across the road in the middle of the night? Of course not! If you remove this unreliable witness' testimony from the equation, the Crown has literally nothing to offer as evidence against my client. The witness could have seen an entirely different model of car altogether. On top of that, there is absolutely no way to conclude that the damage to Mr. **Anderson/ Longboat's** car did not occur in a parking lot the night before, as he has repeatedly explained. How many of your have ever accidently bumped into a post or curb while driving? It is an extremely common occurrence. Members of the jury, the Crown is attempting to put together a puzzle that they do not possess all of the pieces to. Without all those pieces, you must find there's plenty of room for doubt and return a verdict of not guilty.

Crown Rebuttal: We have a witness who has identified the defendant's car as the vehicle which struck Blake Edwards. All that the Defence can do is attempt to make you doubt what the witness said. There are indeed similar cars to the one owned by **Mike Anderson/Matthew Longboat** but how many do you seriously think are green with a big black spoiler, driving around the vicinity at this specific time, with damage to the front fender? I'll tell you the obvious answer- one, and it was **Mike Anderson/Matthew Longboat** 's. When it comes down to it, Mr. **Anderson/Longboat's** car was witnessed

hitting a pedestrian and fleeing the scene. The Defence continually tries to spin some fantasy about how this could have happened, but is unable to offer any sort of evidence for their story. The Defence would like you to believe that anything short of a videotape of the defendant in his car hitting Blake Edwards is insufficient evidence. Ladies and gentlemen, that is obviously not true. You can send that message to the Defence by finding the defendant, **Mike Anderson/Matthew Longboat** guilty.

Appendix G

Juror Questionnaire

INSTRUCTIONS: Please respond to the following items with regards to the charges against the defendant.

1. How do you find the defendant, **Mike Anderson/Matthew Longboat** with regards to failure to stop at the scene of an accident**?**

Guilty_____

Not Guilty_____

2. If you voted Guilty, how harshly should the defendant, **Mike Anderson/Matthew Longboat,** be punished?

1	2	3	4	5	6	7	8	9	10
minimum punishment									maximum punishment

3. How do you find the defendant, **Mike Anderson/Matthew Longboat** with regards to dangerous operation of a motor vehicle?

Guilty_____

Not Guilty_____

4. If you voted Guilty, how harshly should the defendant, **Mike Anderson/Matthew Longboat,** be punished?

1	2	3	4	5	6	7	8	9	10
minimum punishment									maximum punishment

5. The following questions concern the eyewitness testimony by **Thomas Jones/Justin Whiteduck**

a) How credible do you believe the eyewitness to be?

1	2	3	4	5	6	7	8	9
not at all								very

b) How accurate was the eyewitness in relaying the information from the night of the crime?

1	2	3	4	5	6	7	8	9
not at all								very accurate

accurate

c) How deceptive was the eyewitness during his testimony?

1	2	3	4	5	6	7	8	9
not at all								very deceptive

Cultural Stereotypes

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

Stereotype Ratings– Cultural Stereotype

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 Aboriginal 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

The following questions are multiple choice.

6. **With what two crimes was the defendant, Mike Anderson/Makya Longboat, charged?**

a) failure to stop at the scene of an accident and dangerous operation of a motor vehicle

b) theft under $5,000 and assaulting a peace officer

c) sexual assault and first degree murder

d) production of a controlled substance and intent to traffic a controlled substance

6. **What was the race of the defendant, Mike Anderson/Matthew Longboat?**

a) Aboriginal Canadian

b) Caucasian/White

c) Latino

d) Asian

e) Black

7. **What was the race of the victim, Blake Edwards?**

a) Aboriginal Canadian

b) Caucasian/White

c) Latino

d) Asian

e) Black

8. **What was the race of the eyewitness, Thomas Jones/Justin Whiteduck?**

a) Aboriginal Canadian

b) Caucasian/White

c) Latino

d) Asian

e) Black

9. **Was the eyewitness, Thomas Jones/Justin Whiteduck, intoxicated when he witnessed the crime?**

a) Yes

b) No

References

Aberson, C. L., Shoemaker, C., & Tomolillo, C. (2004). Implicit bias and contact: The role of interethnic friendships. *The Journal of Social Psychology*, *144*(3), 335-347.

Abshire, J., & Bornstein, B. H. (2003). Juror sensitivity to the cross-race effect. *Law and Human Behavior*, *27*(5), 471-480.

Abwender, D. A., & Hough, K. (2001). Interactive effects of characteristics of defendant and mock juror on US participants' judgment and sentencing recommendations. *The Journal of Social Psychology*, *141*(5), 603-615.

Avio, K. L. (1987). The quality of mercy: exercise of the royal prerogative in Canada. *Canadian Public Policy/Analyse de Politiques*, 366-379.

Avio, K. L. (1988). Capital punishment in Canada: Statistical evidence and constitutional issues. *Canadian Journal of Criminology*, *30*, 331.

Bagby, R. M., Parker, J. D., Rector, N. A., & Kalemba, V. (1994). Racial prejudice in the Canadian legal system: Juror decisions in a simulated rape trial. *Law and Human Behavior*, *18*(3), 339.

Baker, M., Fox, P., & Wingrove, T. (2016). Crowdsourcing as a forensic psychology research tool. *American Journal of Forensic Psychology, 34*(1). 37-50.

Baldus, D. C., & Woodworth, G. (2003). Race discrimination and the legitimacy of capital punishment: Reflections on the interaction of fact and perception. *DePaul Law Review*, *53*, 1411.

Banaji, M. R., Hardin, C., & Rothman, A. J. (1993). Implicit stereotyping in person judgment. *Journal of Personality and Social Psychology*, *65*(2), 272.

Baum, K., & McClearn, M. (2015). The Taken: The story behind our investigation into the serial homicides of indigenous women. *The Globe and Mail*. Retrieved from http://www.theglobeandmail.com on June 2, 2016.

Berinsky, A. J., Huber, G. A., & Lenz, G. S. (2012). Evaluating online labor markets for experimental research: Amazon.com's Mechanical Turk. *Political Analysis*, *20*(3), 351-368.

Berinsky, A. J., Margolis, M. F., & Sances, M. W. (2014). Separating the shirkers from the workers? Making sure respondents pay attention on self-administered surveys. *American Journal of Political Science*, *58*(3), 739-753.

Bisby, J. A., Leitz, J. R., Morgan, C. J., & Curran, H. V. (2010). Decreases in recollective experience following acute alcohol: A dose–response study. *Psychopharmacology*, *208*(1), 67-74.

Bornstein, B. H. (1999). The ecological validity of jury simulations: Is the jury still out?. *Law and Human Behavior*, *23*(1), 75.

Bottoms, B. L., Davis, S. L., & Epstein, M. A. (2004). Effects of victim and defendant race on jurors' decisions in child sexual abuse cases. *Journal of Applied Social Psychology*, *34*(1), 1-33. http://dx.doi.org/10.1111/j.1559-1816.2004.tb02535.x

Bower, G. H., Black, J. B., & Turner, T. J. (1979). Scripts in memory for text. *Cognitive Psychology*, *11*(2), 177-220. http://dx.doi.org/10.1016/0010-0285(79)90009-4

Bowers, W. J., & Pierce, G. L. (1980). Arbitrariness and discrimination under post-Furman capital statutes. *Crime & Delinquency*, *26*(4), 563-632.

Bowers, W. J., Steiner, B. D., & Sandys, M. (2001). Death sentencing in black and white: An empirical analysis of the role of jurors' race and jury racial composition. *University of Pennsylvania Journal of Constitutional Law*, *3*, 171.

Brauer, M., Wasel, W., & Niedenthal, P. (2000). Implicit and explicit components of prejudice. *Review of General Psychology*, *4*(1), 79.

Brown, R. (2000). Social identity theory: Past achievements, current problems and future challenges. *European Journal of Social Psychology*, *30*(6), 745-778.

Bullock, H. A. (1961). Significance of the racial factor in the length of prison sentences. *The Journal of Criminal Law, Criminology, and Police Science*, *52*(4), 411-417.

Canadian Charter of Rights and Freedoms, s 2, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11.

Canada Criminal Code, R.S.C. 1985, c.46, s.649

CBC, 2016. Prison watchdog says more than a quarter of federal inmates are aboriginal people. CBC News. Retrieved from http://www.cbc.ca on June 26, 2016.

Chura, P. (2014). Report flags ‘severe’ over-representation of aboriginals in Manitoba jails. *Global News.* Retrieved from http://globalnews.ca, June 2016.

Correll, J., Park, B., Judd, C. M., & Wittenbrink, B. (2002). The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology*, *83*(6), 1314.

Curran, H. V., & Hildebrandt, M. (1999). Dissociative effects of alcohol on recollective experience. *Consciousness and Cognition*, *8*(4), 497-509.

De Houwer, J., Thomas, S., & Baeyens, F. (2001). Association learning of likes and dislikes: A review of 25 years of research on human evaluative conditioning. *Psychological Bulletin*, *127*(6), 853.

DeSantis, A., & Kayson, W. A. (1997). Defendants' characteristics of attractiveness, race, and sex and sentencing decisions. *Psychological Reports*, *81* (2), 679-683.

Devine, D. J. (2012). *Jury decision making: The state of the science*. New York, NY: NYU Press.

Devine, D. J., Buddenbaum, J., Houp, S., Stolle, D. P., & Studebaker, N. (2007). Deliberation quality: A preliminary examination in criminal juries. *Journal of Empirical Legal Studies*, *4*(2), 273-303.

Devine, D. J., & Caughlin, D. E. (2014). Do they matter? A meta-analytic investigation of individual characteristics and guilt judgments. *Psychology, Public Policy, and Law*, *20*(2), 109.

Devine, D. J., Olafson, K. M., Jarvis, L. L., Bott, J. P., Clayton, L. D., & Wolfe, J. M. (2004). Explaining jury verdicts: Is leniency bias for real?. *Journal of Applied Social Psychology*, *34*(10), 2069-2098.

Devine, P. G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology*, *56*(1), 5.

Dovidio, J. F., & Gaertner, S. L. (1996). Affirmative action, unintentional racial biases, and intergroup relations. *Journal of Social Issues*, *52*(4), 51-75.

Dovidio, J. F., & Gaertner, S. L. (2000). Aversive racism and selection decisions: 1989 and 1999. *Psychological Science*, *11*(4), 315-319.

Dovidio, J. F., & Gaertner, S. L. (2004). Aversive racism. *Advances in Experimental Social Psychology*, *36*, 1-52.

Duncan, B. L. (1976). Differential social perception and attribution of intergroup violence: Testing the lower limits of stereotyping of Blacks. *Journal of Personality and Social Psychology*, *34*(4), 590.

Evans, J. R., & Schreiber Compo, N. (2010). Mock jurors' perceptions of identifications made by intoxicated eyewitnesses. *Psychology, Crime & Law*, *16*(3), 191-210.

Evans, J. R., Schreiber Compo, N., & Russano, M. B. (2009). Intoxicated witnesses and suspects: Procedures and prevalence according to law enforcement. *Psychology, Public Policy, and Law*, *15*(3), 194.

Feild, H. S. (1979). Rape trials and jurors' decisions: A psycholegal analysis of the effects of victim, defendant, and case characteristics. *Law and Human Behavior*, *3*(4), 261-284.

Frumkin, L. (2007). Influences of accent and ethnic background on perceptions of eyewitness testimony. *Psychology, Crime & Law*, *13*(3), 317-331.

Gailliot, M. T., Peruche, B. M., Plant, E. A., & Baumeister, R. F. (2009). Stereotypes and prejudice in the blood: Sucrose drinks reduce prejudice and stereotyping. *Journal of Experimental Social Psychology*, *45*(1), 288-290.

Goldstein, A. G., Chance, J. E., & Schneller, G. R. (1989). Frequency of eyewitness identification in criminal cases: A survey of prosecutors. *Bulletin of the Psychonomic Society*, *27*(1), 71-74.

Greenwald, A. G., & Banaji, M. R. (1995). Implicit social cognition: attitudes, self-esteem, and stereotypes. *Psychological Review*, *102*(1), 4.

Gross, S. R., & Mauro, R. (1984). Patterns of death: An analysis of racial disparities in capital sentencing and homicide victimization. *Stanford Law Review*, 27-153.

Haddock, G., Zanna, M. P., & Esses, V. M. (1994). The (limited) role of trait‐laden stereotypes in predicting attitudes toward Native peoples. *British Journal of Social Psychology*, *33*(1), 83-106.

Hagsand, A., Roos-af-Hjelmsäter, E., Anders Granhag, P., Fahlke, C., & Söderpalm-Gordh, A. (2013). Do sober eyewitnesses outperform alcohol intoxicated eyewitnesses in a lineup?. *The European Journal of Psychology Applied to Legal Context*, *5*(1), 23-47.

Harding, R. (2005). The Media, Aboriginal people, and common sense. *Canadian Journal of Native Studies*, *25*(1), 311-335.

Harding, R. (2006). Historical representations of Aboriginal people in the Canadian news media. *Discourse & Society*, *17*(2), 205-235.

Harvey, A. J., Kneller, W., & Campbell, A. C. (2013). The effects of alcohol intoxication on attention and memory for visual scenes. *Memory*, *21*(8), 969-980.

Hymes, R. W., Leinart, M., Rowe, S., & Rogers, W. (1993). Acquaintance rape: The effect of race of defendant and race of victim on White juror decisions. *The Journal of Social Psychology*, *133*(5), 627-634.

Jiwani, Y. (2009). Race and the media: A Retrospective and prospective gaze. *Canadian Journal of Communication*, *34*(4), 735.

Jones, C. S., & Kaplan, M. F. (2003). The effects of racially stereotypical crimes on juror decision-making and information-processing strategies. *Basic and Applied Social Psychology*, *25*(1), 1-13. http://dx.doi.org/10.1207/S15324834BASP2501_1

Kalven, H., & Zeisel, H. (1966). The American jury and the death penalty. *The University of Chicago Law Review*, *33*(4), 769-781.

Kaplan, Robert W. and Dennis P. Saccuzzo (1982), *Psychological Testing: Principles, Applications, and Issues,* Monterey, CA: Brooks/Cole.

Kassin, S. M., Tubb, V. A., Hosch, H. M., & Memon, A. (2001). On the "general acceptance" of eyewitness testimony research: A new survey of the experts. *American Psychologist*, *56*(5), 405.

Kerr, N. L., Hymes, R. W., Anderson, A. B., & Weathers, J. E. (1995). Defendant-juror similarity and mock juror judgments. *Law and Human Behavior*, *19*(6), 545.

Krueger, J. (1996). Personal beliefs and cultural stereotypes about racial characteristics. *Journal of Personality and Social Psychology*, *71*(3), 536.

LaFree, G. D., Reskin, B. F., & Visher, C. A. (1985). Jurors' responses to victims' behavior and legal issues in sexual assault trials. *Social Problems*, *32*(4), 389-407.

LaPrairie, C. (2002). Aboriginal over-representation in the criminal justice system: A tale of nine cities. *Canadian Journal of Criminology*, *44* (2), 181.

Larkin, J. C., & Pines, H. A. (1979). No fat persons need apply: Experimental studies of the overweight stereotype and hiring preference. *Work and Occupations*, *6*(3), 312-327.

McKimmie, B. M., Newton, C. J., Terry, D. J., & Schuller, R. A. (2004). Jurors' responses to expert witness testimony: The effects of gender stereotypes. *Group processes & intergroup relations*, *7*(2), 131-143.

Maeder, E. M., & Burdett, J. (2013). The combined effect of defendant race and alleged gang affiliation on mock juror decision-making. *Psychiatry, Psychology and Law*, *20*(2), 188-201. http://dx.doi.org/10.1080/13218719.2011.633330

Maeder, E. M., Mossière, A., & Cheung, L. (2013). Canadian mock juror attitudes and decisions in domestic violence cases involving Asian and White interracial and intraracial couples. *Journal of Interpersonal Violence*, *28*(4), 667-684. http://dx.doi.org/10.1177/0886260512455871

Maeder, E. M., Yamamoto, S., & Saliba, P. (2015). The influence of defendant race and victim physical attractiveness on juror decision-making in a sexual assault trial. *Psychology, Crime & Law*, *21*(1), 62-79. http://dx.doi.org/10.1080/1068316X.2014.915325

MacCoun, R. J., & Kerr, N. L. (1988). Asymmetric influence in mock jury deliberation: jurors' bias for leniency. *Journal of Personality and Social Psychology*, *54*(1), 21.

Macdonald, N. (2016). Canada's prisons are the 'new residential schools.' *Maclean's*. Retrieved from http://www.macleans.ca on May 28, 2016.

Macrae, C. N., Hewstone, M., & Griffiths, R. J. (1993). Processing load and memory for stereotype‐based information. *European Journal of Social Psychology*, *23*(1), 77-87.

Macrae, C. N., Milne, A. B., & Bodenhausen, G. V. (1994). Stereotypes as energy-saving devices: a peek inside the cognitive toolbox. *Journal of Personality and Social Psychology*, *66*(1), 37.

Mas, S (2015). Truth and Reconciliation Commission final report points to 'growing crisis' for indigenous youth. *CBC News.* Retrieved from http://www.cbc.ca on June 16, 2016.

Maxwell, A. (2015). *Adult correctional statistics in Canada, 2013/2014. Juristat, 35* (1).

Maylor, E. A., Rabbit, P. M. A., & Kingstone, A. (1987). Effects of alcohol on word categorization and recognition memory. *British Journal of Psychology*, *78*(2), 233-239.

Mazzella, R., & Feingold, A. (1994). The effects of physical attractiveness, race, socioeconomic status, and gender of defendants and victims on judgments of mock jurors: A Meta‐analysis. *Journal of Applied Social Psychology*, *24*(15), 1315-1338.

Merskin, D. (1998). Sending up signals: A Survey of Native American media use and representation in the mass media. *Howard Journal of Communication*, *9*(4), 333-345.

Mitchell, T. L., Haw, R. M., Pfeifer, J. E., & Meissner, C. A. (2005). Racial bias in mock juror decision-making: a meta-analytic review of defendant treatment. *Law and Human Behavior*, *29*(6), 621.

Morrison, M. A., Morrison, T. G., Harriman, R. L., & Jewell, L.M. (2008). Old-fashioned and modern prejudice toward Aboriginals in Canada. In M.E. Morrison & T.G. Morrison (Eds.), *The psychology of Modern Prejudice* (pp. 277-305). New York, NY: Nova Science.

National Judicial Institute. (2011). Model Jury Instructions. Retrieved on May 16th, 2015 from: https://www.nji-inm.ca/index.cfm/publications/model-jury-instructions/

Nemeth, C., & Sosis, R. H. (1973). A simulated jury study: Characteristics of the defendant and the jurors. *The Journal of Social Psychology*, *90*(2), 221-229.

Ng, W. J., & Lindsay, R. C. (1994). Cross-Race facial recognition failure of the contact hypothesis. *Journal of Cross-Cultural Psychology*, *25*(2), 217-232.

Nunnally, J., & Bernstein, I. (1994). *Psychometric Theory (3rd ed.)*. New York, NY: Mcgraw-Hill

Palmer, F. T., Flowe, H. D., Takarangi, M. K., & Humphries, J. E. (2013). Intoxicated witnesses and suspects: An archival analysis of their involvement in criminal case processing. *Law and Human Behavior*, *37*(1), 54.

Pearson, A. R., Dovidio, J. F., & Gaertner, S. L. (2009). The nature of contemporary prejudice: Insights from aversive racism. *Social and Personality Psychology Compass*, *3*(3), 314-338. http://dx.doi.org/10.1111/j.1751-9004.2009.00183.x

Peer, E., Vosgerau, J., & Acquisti, A. (2014). Reputation as a sufficient condition for data quality on Amazon Mechanical Turk. *Behavior Research Methods*, *46*(4), 1023-1031.

Pennington, N., & Hastie, R. (1992). Explaining the evidence: Tests of the Story Model for juror decision making. *Journal of Personality and Social Psychology*, *62*(2), 189. http://dx.doi.org/10.1037/0022-3514.62.2.189

Perreault, S. (2009). "The incarceration of Aboriginal people in adult correctional services." *Juristat*, *29*(3), 9.

Pezdek, K., Avila‐Mora, E., & Sperry, K. (2010). Does trial presentation medium matter in jury simulation research? Evaluating the effectiveness of eyewitness expert t estimony. *Applied cognitive psychology*, *24*(5), 673-690.

Pfeifer, J. E., & Ogloff, J. R. (1991). Ambiguity and guilt determinations: A modern racism perspective. *Journal of Applied Social Psychology*, *21*(21), 1713-1725.

Pfeifer, J. E., & Ogloff, J. R. (2003). Mock juror ratings of guilt in Canada: Modern racism and ethnic heritage. *Social Behavior and Personality: an International Journal*, *31*(3), 301-312.

Radelet, M. L., & Pierce, G. L. (1991). Choosing those who will die: Race and the death penalty in Florida. *Florida Law Review*, *43*(1*),* 1-34

Ray, S., & Bates, M. E. (2006). Acute alcohol effects on repetition priming and word recognition memory with equivalent memory cues. *Brain and Cognition*, *60*(2), 118-127.

Rector, N. A., & Bagby, R. M. (1995). Criminal sentence recommendations in a simulated rape trial: examining juror prejudice in Canada. *Behavioral Sciences & the Law*, *13*(1), 113-121.

Roberts, J., & Melchers, R. (2003). The incarceration of Aboriginal offenders: Trends from 1978 to 2001. *Canadian Journal of Criminology and Criminal Justice*, *45*(2), 211-242.

Schreiber Compo, N., Evans, J. R., Carol, R. N., Kemp, D., Villalba, D., Ham, L. S., & Rose, S. (2011). Alcohol intoxication and memory for events: A snapshot of alcohol myopia in a real-world drinking scenario. *Memory*, *19*(2), 202-210.

Schreiber Compo, N., Evans, J. R., Carol, R. N., Villalba, D., Ham, L. S., Garcia, T., & Rose, S. (2012). Intoxicated eyewitnesses: Better than their reputation?. *Law and Human Behavior*, *36*(2), 77.

Schuman, H., Steeh, C., Bobo, L., & Krysan, M. (1997). *Racial attitudes in America: Trends and interpretations*. Cambridge, MA: Harvard University Press.

Sherman, J. W., & Frost, L. A. (2000). On the encoding of stereotype-relevant information under cognitive load. *Personality and Social Psychology Bulletin*, *26*(1), 26-34.

Statistics Canada. (2013). National Household Survey, 2011. *Statistics Canada Catalogue,* (99-004-XWE).

Struckman‐Johnson, C., Miller, M. G., & Struckman‐Johnson, D. (2008). Effects of Native American race, intoxication, and crime severity on judgments of guilt. *Journal of Applied Social Psychology*, *38*(8), 1981-1992.

Tabachnick, B., & Fidell, S. (2007). *Using multivariate statistics (5th edition).* Boston: Allyn & Bacon.

Tan, A., Fujioka, Y., & Lucht, N. (1997). Native American stereotypes, TV portrayals, and personal contact. *Journalism & Mass Communication Quarterly*, *74*(2), 265-284.

Ugwuegbu, D. C. E. (1979). Racial and evidential factors in juror attribution of legal responsibility. *Journal of Experimental Social Psychology*, *15*(2), 133-146.

Wells, G. L., Memon, A., & Penrod, S. D. (2006). Eyewitness evidence improving its probative value. *Psychological Science in the Public Interest*, *7*(2), 45-75.

Williams, M. R., Demuth, S., & Holcomb, J. E. (2007). Understanding the influence of victim gender in death penalty cases: the importance of victim race, sex‐related victimization, and jury decision making. *Criminology*, *45*(4), 865-891.

Wolfgang, M. E., & Riedel, M. (1973). Race, judicial discretion, and the death penalty. *The Annals of the American Academy of Political and Social Science*, *407*(1), 119-133.

Wuensch, K. L., Campbell, M. W., Kesler, F. C., & Moore, C. H. (2002). Racial bias in decisions made by mock jurors evaluating a case of sexual harassment. *The Journal of Social Psychology*, *142*(5), 587-600.

Yuille, J. C., & Tollestrup, P. A. (1990). Some effects of alcohol on eyewitness memory. *Journal of Applied Psychology*, *75*(3), 268.