

That TIMES article on Juries

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Rape juries swayed by own experiences

Frances Gibb, Legal Editor

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Researchers conducting mock rape trials found that a juror's educational background had significant implications for the verdict

Nearly half of jurors in rape cases come to a guilty verdict before they retire to deliberate, research shows. A total of 43 per cent of jurors make their decision in advance, with the figure at 83 per cent if they themselves had been the victim of a sexual offence. Deliberations did have some impact with 13 per cent changing their minds after discussion with fellow jurors, the research found.

It also showed that a juror's educational background had significant implications for verdicts. Jurors who were less well educated were more likely to vote "not guilty" because of an increased tendency to hold more sexually aggressive attitudes, than were those educated to degree level or above.

The study was conducted by the University of Huddersfield with help from a barristers' chambers in Manchester. It is thought to be the most comprehensive study on rape cases using mock trials and the findings may increase calls for jurors to be screened for pre-conceived bias, particularly in rape trials, the researchers say.

Ministry of Justice statistics from 2015 reveal that 1,297 convictions of sexual offences were secured, representing less than 4 per cent of all cases recorded by the police over the year.

Of 400 volunteers selected randomly for the study, 7.4 per cent reported that they had been a victim of a sexual offence, including sexual assault and rape. Advanced analysis showed that being a victim of a sexual crime was a significant predictor of juror behaviour in rape cases. Those with personal experience of a sexual offence were four times more likely to convict before the jury retired.

Men exhibited a greater preference for the defendant's version of events while women more frequently identified with the victim.

Jurors from ethnic minorities, including black and Asian people, aligned more with the defendant compared with those who identified as white British, suggesting a greater likelihood of a not guilty verdict.

Dominic Willmott, a researcher at Huddersfield University and forensic psychology lecturer, said: "This research shows that for all the best efforts of the courts, juries are not necessarily offering a fair and impartial assessment of the evidence, particularly within rape cases. Past experiences play a huge role in shaping the person you are and inevitably affects your view on society."

Nigel Booth, a barrister at St John's Buildings, Manchester, who helped with the exercise, said: "This research asks some very serious and difficult questions about the fairness of jury trials in rape cases."

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18 comments

Alan R MacKenzie 10 hours ago

I could not understand the jury who reached a verdict by use of a Ouija board having their decision set aside by a judge. Yet an oath is sworn on the Bible.

Philip PM 15 hours ago

It's not only in rape trials that jurors may apply pre-formed views and prejudices. Many years ago, I was a juror in a case including several charges of premeditated fraud by signing cheques which subsequently bounced.

It was my one and only time to carry out these duties, so I was very conscious of 'getting it right.' I listened to the evidence presented by the prosecuting and defending barristers, and ended up considerably perplexed. After the prosecution had completed its presentation, I was convinced that the thoroughgoing criminal should be deported to the convict colony in Australia at the very minimum, while the defending barrister persuaded me that the affrontery of the state in charging an honest citizen like this was clearly indefensible.

So I went into the jury room prepared to discuss each of the several counts listed and reach a decision based on the outcome of discussion. Rather like Henry Fonda, in 'Twelve Angry Men,' I was amazed by the sheer prejudice expressed by some of the other jurors, which didn't relate directly to the case at all. A good example was the woman who claimed that, if the defendant couldn't keep his financial affairs in order (keep a 'clean house'), he was morally bankrupt and deserved whatever sentence he received. Talk about 'Curtain Twitchers Anonymous.'

Difficult enough for us then, but immeasurably more difficult in rape cases, where much of the evidence may be contested, on the basis of 'he said, she said.' In our case, much of this evidence was incontestable, such as the bank statements showing that cheques had bounced. The judge advised us that our challenge was to determine the state of mind of the defendant at the time the cheques were being written, whether carelessness and indifference deteriorated into wilful recklessness, which would warrant a guilty verdict.

Sinvergenza 14 hours ago

@Philip PM Your experience matches that of almost everyone I know who has done jury service. There is no logic in reserving juries for more serious crimes. Cases tried by magistrates can be very complicated, both legally and factually. A trading standards case can easily be more complex than a murder.

PS I have defended hundreds of people who were acquitted by their juries

Bernadette Bowles 16 hours ago

In most criminal trials, most of the jurors will have formed their own views before retiring, which is why juries often start by asking for those views before any debate. The only worrying thing would be if they have made up their minds before hearing the evidence; or if they are unwilling to listen to the views of any jurors who disagree.

And I'm sure that if you held a mock burglary trial, someone who had been burgled would have their views coloured by that experience. Same for any crime. Which is why we have 12 people with different experiences as a jury.

Michael Dawlish 16 hours ago

It seems to me perfectly possible that a piece of evidence during the trial might be considered by a juror to be compelling and their decision before deliberation to be quite reasonable.

Doodlebug 18 hours ago

This just shows that the Jury System is flawed. A random selection off the street can easily be swayed by elequent barristers.

Ian Tinn 13 hours ago

@Doodlebug So, unfortunately, can judges.

talob 13 hours ago

I don't think it does show this. 12 jurors usually even things out - including prejudices.

Pat Dunphey 22 hours ago

Bring in the Bots.

Robin Mays 23 hours ago

Juries are made up of human beings, and are imperfect. Well, who would have guessed? I have sat on juries at the Old Bailey, and sure, there was a huge range of backgrounds, life experiences and dare I say it, intelligence, among each of those sets of twelve people. I would not care to place a decision of my guilt or innocence in the hands of anyone else. Have you ever tried dealing with the "trained and impartial" organs of the state?

Did You Ring Sir 23 hours ago

Aren't the feminists demanding a quota of convictions ? - As did Stalin.

Ian Tinn 13 hours ago

@Did You Ring Sir I think the quota is 100%.

Stanley Cohen 1 day ago

" Jurors from ethnic minorities, including black and Asian people, aligned more with the defendant compared with those who identified as white British, suggesting a greater likelihood of a not guilty verdict." Hardly a surprise, even in the context of the article - but I note that no statistical figures are quoted - perhaps because they are so high?

Mrs Ruth Bruce 1 day ago

This is almost certainly the case, and not only in rape trials. Anecdotally, I have heard a first-hand account of a trial where jurors who simply (possibly because of personal experience) distrusted the police defied the evidence to find a defendant not guilty of robbery with violence. On the other side, if there is a national scare about (for instance) terrorism or about spying in time of war, it is notorious that acquittal becomes more difficult. On balance, I support jury trial - but it cannot be unqualified or naive support. I am suspicious of any attempt to screen a jury; it then becomes too easy for the prosecution simply to engineer convictions. False allegations and convictions (saliently but not exclusively in terrorist and sexual cases) are too common for questioning, screening or selecting jurors to be safe. The jury is the best safeguard we have against the preconceptions of police, judges, government, lawyers and pressure-groups - admittedly, a poor, fragile, too often biased one. But I cannot easily imagine a satisfactory replacement.

Sinverguenza 1 day ago

Juries are usually hopeless at evaluating evidence or understanding the directions from the Judge. Their own use is to throw our oppressive prosecutions where the defendant may be guilty in law but adjudged by the jury to be undeserving of conviction or punishment. The latter role is democratic; the former is an expensive waste of time. It would be good to get rid of juries. How to avoid throwing out the baby with the bathwater?

talob 19 hours ago

@Sinverguenza You can't. Jury member predisposition to acquit or convict probably exists for many offences @Exceptio (with whom I otherwise disagree). However the criminal justice system can only function if the majority of the population buys into it. If the population is actually represented in the system then that's a solid foundation. It's difficult, in the age of social media, to imagine Judge-only 'Diplock'Courts not coming under sustained attack every-time the 'wrong' verdict is reached (ivory-tower; Oxbridge; rarefied; out of touch; who-is-this-Gazza-fellow-of-which-you-speak? etc etc).

The Jury system might have been set up for the reasons you give (if I understand them correctly), but it's usefulness in modern Britain has gone way beyond that now. ?Exceptio 1 day ago

Although this is about rape cases it could equally apply to any matter. The jury system (another case of mythical exceptionalism of Britain) is nonsensically inappropriate. Who would like to be judged by a bunch of the British public carrying all their tabloid prejudices and class hate. Not too bright anyway , would they listen to or understand the evidence. It could just go anyway. It should be unceremoniously dumped and all cases heard by trained judges who would have to give written reasons for their decisions and conclusions which should be supported by the law, the application of the law to the facts and must br rational. Appeals could then be based on the stated reasons.

JoaoMendes 1 day ago

It is very difficult to take ones own experiences of life in this world and put it in a box, so that you can be objective and base your decisions on evidence provided. I feel that very few can really do it, I can but it takes supreme effort and concentration.

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