

How does expertise really work ? Linking quantitative and qualitative analysis

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How does expertise really work ?
Between real influence and justification

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Abstract

The aim of this study was to examine the impact of psychological and psychiatric expertises on jurors' decisions. In the present study, 134 French students from a variety of university departments were asked to read an indictment order tanscript in which the presence of expertises was manipulated. Results related to verdict show that expertises do not significantly influence juror's decisions on guilt and premeditation. However, participants' explanations on their decisions show that most of them consider the content of expertises as a factor motivating their judgment on guilt. These results contribute to a reflexion about trial decision process by suggesting that although expertises do not directly impact certain decisions, jurors still use expertises to justify their decisions.

Introduction

What is an expertise?

Overall, expertise can be define as « *all the forms of the introduction of a technical and scientific rationality in the judicial institution, process, and decision* » (Dumoulin, 2000).

Studies related to the influence of expertise on jury decision making

- Clinical expertise is more influential than theoretical (Mazé, Finkelstein, and Quentin, 2004) or actuarial (Krauss, Lieberman, and McCabe, 2010) expertise.
- « *Unfavorable* » expertise leads to more severe judgments than « *favorable* » expertise (Marcoux and Alain, 1992).

- There is still no study comparing the influence of expertise depending on judicial procedure :
  - In Canada : Two pronged process of deciding the verdict and the sentence separetly
  - In France : Verdict and sentence are decided simultaneously.

Purposes

1. Examine the "real" impact of expertises on judgments related to guilt and sentence depending on the type of information presented.
2. Examine whether or not jurors used the content of expertises when they were asked to explain their judgments.

Methodology

Participants

- 134 French students from a variety of university departments
- 64 women and 70 men
- Aged from 17 to 33 (*M* = 21.66 ; *SD* = 3.03)

Procedure and materials

- Presentation of an indictment order transcript related to « *a person accused of criminal facts by the criminal court of Toulouse* »

- Subjects were randomly assigned to one of three conditions :
  - ***Legal facts and expertises*** : Participants had to make judgments related to guilt and sentence.
  - ***Legal facts only*** : Participants only had to make judgments related to the guilt.
  - ***Legal facts' abstract and expertises*** : Participants only had to make judgments related to the sentence.

Quantitative measures related to

- Verdict (guilt, premeditation)
- Sentence (degree of circumstances, sentence)

Qualitative measures

Participants had to explain their judgments on guilt, premeditation, degree of circumstances and sentence.

Results

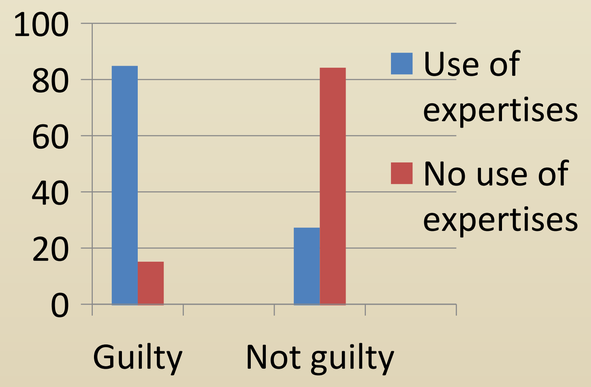
1. Do expertises have a real influence on judgments ?

Results show no effect of expertise :

- on the judgment of guilt (X^2 = .691 ; *p* = .406)
- on the judgment of premeditation (X^2 = 1.607; *p* = .205).

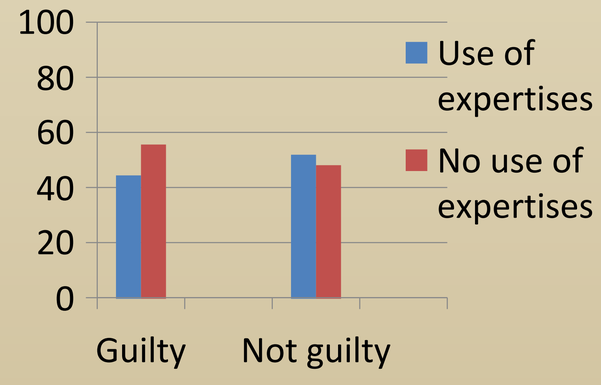
2. But do participants refer to expertises to justify their judgments ?

Graph 1. Reference to expertises according to the verdict of guilt (in the condition of presentation of legal facts and expertises)



Participants refer more to expertises to justify a « guilty » verdict than a « not guilty » verdict (X^2 = 13.138 ; *p* = .000).

Graph 2. Reference to expertises according to the verdict of premeditation (in the condition of presentation of legal facts and expertises)



Whatever the verdict of premeditation (X^2 = .237 ; *p* = .626), participants do not refer to expertises to justify their decision.

Discussion / Conclusion

- In this study, expertises do not have a real influence on juror's decisions.
- However jurors still use them to justify their decision on guilt.
- Yet, this process is not systematic but depends on the type of decision (*e,g* premeditation).
- That suggests that expertises are a "good justification" of the guilt's verdict.
- In addition, the belief based on the idea of that psychological/psychiatrical expertises play a major role in French criminal trial may be illusory.