

## News coverage of trial found not to sway potential jurors

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A survey conducted by a University of California, San Diego psychologist in the Polly Klaas murder case indicates that a majority of potential jurors can set aside inflammatory information they learned about a crime from the news media and determine a defendant's guilt or innocence based solely on evidence presented in court.

Klaas, 12, was kidnapped at knife-point in front of her two girlfriends from the bedroom of her Petaluma, Calif., home on Oct. 1, 1993, while her mother slept in a nearby room. Residents launched a nationwide campaign to help find the girl. Klaas' body was discovered about two months later buried in a wooded area 20 miles from her home after Richard Allen Davis, the suspect in the case, told police where to search.

As part of a hearing to determine if Davis could receive a fair trial without a change of venue, Ebbe Ebbesen, a professor of psychology at UCSD, and Vincent Stretch, a UCSD graduate student, conducted a scientific survey to determine if potential jurors in Sonoma County were less able to evaluate evidence in the case in a fair and impartial manner than potential jurors in San Diego, located hundreds of miles away. Results of the survey were submitted to the court by the prosecution.

Ebbesen found that potential jurors in Sonoma were more likely than their counterparts in San Diego to have heard about the case and, based on what they had learned from the media, to "guess" that Davis was guilty of first degree murder beyond a reasonable doubt. Nevertheless, the survey, which relied on a new technique for measuring juror bias, indicated that potential jurors from Sonoma were able to set aside these differences and base their decision about Davis' guilt solely on evidence they learned from the survey.

"The question was would people in Sonoma be more likely to find the defendant guilty on the basis of a much weaker case because they were already so biased by news media coverage than people who knew a lot less," Ebbesen said. "What we discovered is that pre-knowledge of a case and pre-belief in guilt produced by media coverage doesn't automatically mean that people can't be fair and impartial."

As part of a telephone survey, a total of 800 randomly selected people in Sonoma and San Diego were presented with increasing amounts of evidence suggesting that Davis might be guilty. After each additional piece of evidence was presented they were asked, "If you were an actual juror, would you vote that this was sufficient evidence to prove beyond a reasonable doubt that Richard Allen Davis was guilty of first degree murder?"

The results indicated that rather than being biased by what they had learned about the case through the news media, respondents in Sonoma changed their opinion based upon the strength of evidence against Davis presented in the survey, as did respondents from San Diego who knew much less about the case.

In fact, Ebbesen found that, based on the evidence patterns tested in the survey, Davis would be at a slightly greater risk of being found guilty by a jury in San Diego than in Sonoma. The survey also indicated that potential jurors from Sonoma were no more likely to vote for the death penalty for Davis based on the evidence from the case than people in San Diego.

"This idea of doing a jury simulation of evidence over the telephone is something that hasn't been done before in any change of venue survey that I know of," Ebbesen said. "What we discovered is that despite what appears to be huge bias in a county, it is possible that people can be fair and impartial -- that the jury system, at least in this case, might not be overwhelmed by publicity."

The survey was divided into four major sections that examined whether potential jurors in Sonoma and San Diego varied in their general attitudes and beliefs about the criminal justice system, prior knowledge about the Davis case, strength of media-induced belief in Davis' guilt, and ability to base a judgment of guilt only on evidence presented in court.

The results found that 95 percent of those sampled in Sonoma had heard of the case as compared to 77 percent in San Diego. About a third of the people questioned in Sonoma also knew the defendant's full name as compared to less than 1 percent in San Diego. When asked to "guess" whether Davis was guilty of first degree murder, 86 percent of those surveyed in Sonoma said he was as opposed to 61 percent of those questioned in San Diego.

After hearing a brief definition of first degree murder and being reminded that the standard of guilt is beyond a reasonable doubt, 33 percent of the Sonoma sample said, based on what they knew, they would vote that Davis was guilty as opposed to 15 percent of the San Diego sample. When asked to determine Davis' guilt or innocence based on varying levels of evidence against him, however, potential jurors in San Diego were slightly more likely to find the suspect guilty than were jurors in Sonoma. Potential jurors from both locations also were found to be equally affected by the presence of defense counter-arguments to the prosecution's evidence.

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