

“I DIDN'T KNOW IT'D
BE SO HARD”

JURORS' EMOTIONAL REACTIONS TO SERVING ON A CAPITAL TRIAL

by MICHAEL E. ANTONIO, Ph.D.



Interviews with jurors who served on capital murder cases revealed that many experienced significant stress and suffered extreme emotional setbacks.

The modern capital punishment system has been challenged by critics on numerous fronts.¹ Much less has been written, however, about the psychological and physical impact that murder cases have on capital jurors.² These individuals, who are called upon by the state to make the ultimate decision about whether the defendant should live or die, will surely be affected, in one way or another, by this experience. This article presents evidence about the severe emotional and psychological duress jurors struggle with as a result of their jury service as revealed through extensive in-depth interviews with jurors who made the critical life or death decision in capital cases.

The anxiety a juror feels as a result of jury service can come from multiple sources. Jurors have expressed anger at the criminal justice system and the law for making it difficult “to arrive at a fair decision” and also mentioned frustration at having to reach a decision in which

“they felt some party would be offended.”³ In general, jurors’ concerns included a “sense of anxiety for their own safety and well-being” and fear and paranoia about being watched by people inside the courthouse, including the defendant’s family.⁴

I would like to thank William J. Bowers and Danielle Dignan for their helpful comments and contributions to this article.

1. See, generally, <http://www.deathpenaltyinfo.org>
2. On juror stress in general, see T.L. Hafemeister & W.L. Ventis, *Juror stress: What burden have we placed on our juries?* 56 TEX. B. J. 586 (1993); M. K. Miller & B. H. Bornstein, *Juror Stress: Causes and Interventions*, 30 T. MARSHALL L. REV. 237 (2004); T. L. Hafemeister, *Juror Stress*, 41 ADVOCATE 14 (1998); and L. H. Bienen, *Helping Jurors Out: Post-V verdict Debriefing for Jurors In Emotionally Disturbing Trials*, 68 IND. L.J. 1333 (1993).

As to particular stresses on capital jurors, see M. Saewitz, *Many jurors scarred by trials: Experiences from death penalty cases can stay with those deciding the outcome for a long time*, Sarasota Herald Tribune, December 4, 2005; S. Eaton & J. Silcox, *For jurors, a lifetime sentence: Stress of death-penalty cases often lingers beyond trial*, Fort Wayne Journal Gazette, March 21, 2004.

3. T.B. Feldmann & R.A. Bell, *Crisis debriefing of a jury after a murder trial*, 42 HOSPITAL AND COMMUNITY PSYCHIATRY, 79, 80 (1991).

These heightened feelings of anxiety and stress could lead to a variety of health problems. Indeed, researchers studying criminal cases have identified "one or more physical and/or psychological symptoms that could be related to jury duty."⁵ These included reoccurring thoughts about the trial that would keep the jurors awake at night or nightmares about the crime and the defendant, stomach pains, nervousness, tension, shaking, headaches, heart palpitations, sexual inhibitions, depression, anorexia, faintness, numbness, chest pain, and hives.⁶

Research also has shown differing levels of stress depending upon the case. Jurors who served on traumatic cases (i.e. murder, aggravated kidnapping, aggravated sexual assault, aggravated assault, and child abuse) were more likely to experience symptoms associated with depression than were jurors serving on non-traumatic trials.⁷ Researchers in one study found that jurors in murder cases were particularly upset by the photographs of the victim, the blood tainted physical evidence from the crime scene, and having to sentence the defendant to

death.⁸ Other research has compared differences in Post Traumatic Stress Disorder (PTSD) symptoms among jurors in capital cases who made the life or death decision. Findings showed "jurors whose jury panel rendered a death penalty did sustain greater PTSD symptoms than did jurors whose jury panel rendered a life sentence."⁹

Overall, these findings indicate that capital jurors experience significant stress when faced with the task of imposing the ultimate punishment of death, whereas jurors in non-capital trials are spared such physical and emotional stress. Critics of the death penalty have only begun to examine the impact that serving on a capital trial has on jurors who must make the decision of whether the defendant should live or die. What other aspects of a capital murder trial have jurors found stressful, how do they cope with this stress, and how has their experience affected their lives?

This article analyzes data gathered from the Capital Jury Project (CJP), a national study of the exercise of sentencing discretion in capital cases. The focus of this analysis is an

examination of jurors' narrative accounts to determine how serving as a capital juror affected them both emotionally and physically. The findings raise important questions about the personal costs jurors endure. Should ordinary citizens be put in situations where they may be forced to view gruesome photographs of victims' bodies, hear horrifying stories of how a person was murdered, and be called upon to sentence a person to death? Moreover, do average citizens have the capacity and fortitude to withstand the stress and pressure associated with serving on capital trials, and what is the responsibility of the state for helping jurors cope with their experiences?

The Capital Jury Project

The CJP is a national program of research on the decision making of capital jurors conducted by a consortium of university-based researchers with the support of the National Science Foundation. The findings of the CJP are based on in-depth interviews with persons who have actually served as jurors in capital trials.¹⁰ The interviews chronicle the jurors' experiences and decision making over the course of the trial, identify points at which various influences come into play, and reveal the ways in which jurors reach their final sentencing decisions.¹¹

The CJP has interviewed capital jurors in 14 states. States were chosen to reflect the principal variations in guided discretion capital statutes.¹² Within each state, 20 to 30 capital trials were picked to represent both life and death sentencing outcomes.¹³ From each trial, a target sample of four jurors was systematically selected for in-depth individual interviews. Interviewing began in the summer of 1991.¹⁴ Each juror inter-

4. National Center for State Courts, THROUGH THE EYES OF THE JUROR: A MANUAL FOR ADDRESSING JUROR STRESS 34. (Williamsburg, VA.: National Center for State Courts, 1998), also see Feldmann and Bell *supra* n. 3, at 80 (showing that jurors expressed fear about reprisal or criticism from the community, friends, and family over the decision they reached).

5. S.M. Kaplan & C. Winget, *The occupational hazards of jury duty*, 21st Annual Meeting of the American Academy of Psychiatry and the Law, 20 BULL. AM. ACADEMY OF PSYCHIATRY AND L., 325, 327 (1992).

6. *Id.* at 328-331; also see S. Costanzo and M. Costanzo, *Life or Death Decisions: An Analysis of Capital Jury Decision Making under the Special Issues Sentencing Framework*, 18 LAW AND HUM. BEHAV. 151, 165 (1994) (showing that jurors in capital murder cases reported similar symptoms (i.e. trouble sleeping, fatigue, irritability, reoccurring thoughts or paranoia, headaches, stomachaches, backaches, and pathologically clenched teeth)).

7. D. W. Sherman, J. A. Hamilton, and C. E.

Daley, *The Health Effects of Jury Service*, 18 LAW AND PSYCHOLOGY REV. 267 (1994).

8. Kaplan and Winget, *supra* n. 5, at 327; also see NCSC, *supra* n. 4, at 71 (Table 4) (showing the strongest source of stress reported by jurors in capital cases was having to decide on whether to impose the death penalty).

9. R.M. Cusack, "Stress and stress symptoms in capital murder jurors: Is jury duty hazardous to jurors' mental health?" Unpublished doctoral dissertation, at 102 (1990).

10. For further details of the sampling design and data collection procedures, see W. J. Bowers, *The Capital Jury Project: Rationale, Design, and Preview of Early Findings*, 70 IND. L. J. 1043, 1080 nn. 200-03 (1995).

11. *Id.* at 1082 n. 206, for further information on the interview questions and methods used.

12. *Id.* at 1077-79 (supplying further details about sampling states).

13. *Id.* at 1079, 1080 nn. 200-203 for further details about sampling trials within states.

view lasted approximately three to four hours. The present CJP working sample includes 1,198 jurors from 353 capital trials in 14 states. Since 1993, approximately 40 articles reporting the findings of the CJP have been published in scholarly journals,¹⁵ and some of this research has been cited in U.S. Supreme Court decisions.¹⁶

During the CJP interview, jurors were asked two questions about their experience serving on a capital trial. Jurors were asked to respond “Yes” or “No” to the following questions, “Did you find the experience emotionally upsetting?” and “During the trial or right after it, did you have any trouble sleeping, any bad dreams or nightmares, or lose your appetite?” Jurors were given the opportunity to elaborate or further explain their answer.

A total of 534 jurors explained, in varying detail, how emotionally upsetting their experience was and 327 jurors elaborated about specific troubles they had during and after the trial. From the juror narratives, specific themes emerged. Overall, 25 percent of jurors’ comments about being emotionally upset and 28 percent about other specific troubles were considered.¹⁷ The following analysis presents these themes, while selecting the most comprehensive and detailed narratives.¹⁸

Juror narrative accounts

Several jurors reflected favorably upon their jury experience. Eighteen jurors (9 males, 4D, 5L; 9 females, 3D, 6L)¹⁹ reported enjoying serving on a capital case and described their experiences as “...quite exciting and really enjoyed it,” “a learning experience,” and “very rewarding, educational.” These individuals liked the jury experience because it helped them come to terms with their feelings about the death penalty. This was best described by a male juror in a death case,

...I felt like I was part of it, it wasn't like watching TV or reading about it, I was actually involved in it...I finally had to admit how I felt about it and was surprised that I could impose it with no guilt. It was personally enlightening for

me and helped me to resolve some of the philosophical questions I had had about the death penalty.

A large majority of jurors, however, reflected negatively upon this experience. Indeed, 49 jurors (22 males, 12D, 10L; 27 females, 15D, 12L) found serving on a capital jury “emotionally upsetting.” Many attributed their negative emotional states to having to decide whether the defendant should live or die, although this was true more so for men than women. A male juror from a death case said he felt emotionally upset

...because of the seriousness of taking the life of another individual. While I felt I had a duty to do it, under any circumstances whatsoever when you're responsible for the taking of the life of another individual it's a very serious thing and that's emotionally upsetting, it's hard to do, you wrestle with it a lot. As to whether or not that's really the thing you ought to do. Because once you've taken that individual's life, there's absolutely no chance for any change whatsoever. That person's eternal fate is sealed at that time and you wrestle with that—that's an emotional thing—and you think—am I really doing the right thing? It's a hard decision to make, but it's a decision somebody's got to...the most serious issues in my opinion are life and death decisions and they're hard.

Feeling the impact

While female jurors also mentioned feeling emotionally upset at having to make a punishment decision, they were more likely than men to admit that their emotional states led to crying. The female jurors also were more likely to describe when they first felt impacted by such emotion or stress, either during or after the trial. From the responses given by jurors,

14. Most interviews were conducted in the period 1991-1994 when interviewing was undertaken in the original eight sample states and four additional states that were added to enhance sample coverage. Interviewing continued until 1999 in two additional states that subsequently joined the CJP and in selected states to extend sample coverage or improve sample representativeness. See Bowers *supra* n. 10.

15. See the Capital Jury Project website (at www.cjp.neu.edu) for an updated listing of CJP related articles, commentaries, and doctoral dissertations.

we can show when the stress or pressure associated with serving on a capital trial initially affected them. Jurors’ responses were categorized into one of three groups relating to when the stress impacted them: 1) during the trial, 2) immediately after the punishment decision was announced, or 3) in the days, weeks, or months after the trial ended.

During the trial

Only a few of the jurors reported that the impact of their jury experience was felt while the trial was occurring. Six (2 males, 2D; 4 females, 1D 3L) mentioned being upset during the trial, but then felt relatively fine afterward. There are no apparent distinctions between males and females; both mentioned being upset about the pictures shown during the trial and that making the punishment decision was the main cause of their stress. One of the female jurors from a death case commented,

The penalty phase was very hard, emotionally difficult. I think part of the reason it was so difficult is you couldn't talk to anybody you know, you couldn't talk to your husband, wife, anybody about the case and it was very hard ... it was just hard because you thought about it for 24 hours and you know because you were so...and it went for so many months...once a decision was made I was okay. It was just during the process that was very hard.

Two male jurors from separate death cases both discussed the difficulties they had during the trial. One commented, “Yes, during the trial I would wake up and, well, I would have dreams of the pictures and all that you would see and I would wake up in the middle of the night seeing that.” The second male juror noted,

16. See, for example, *Simmons v South Carolina*, 512 U.S. 154 (1994), n 8.

17. Only jurors’ narratives that were one or more sentences in length and provided a clear theme were examined.

18. The names of the defendant, the victim, and their families, as well as the specific location of the crime or trial have been removed to protect the anonymity of individual jurors.

19. The number of cases resulting in a death sentence are signified by the capital letter D, cases resulting in a life sentence are signified with the capital letter L.

I did at the time, but not now guess that's what it means, I did at the time. It's just trying to decide if it's right to take someone's life and I equated that decision that I was having to make with the same crime he had done, he killed someone. Just because it's legal doesn't make it right. That's the problem I had.



the courthouse after the trial had ended,

I mean they release you...we went through the circus and everything...you go down to the garage to the car, you jump in your car and drive home...and I was on (the) freeway...and it just hit me...what the importance of what we had just done. I was kinda like in a fog 'cause I don't remember much driving from the garage at (the) Courthouse...but just these realizations. I just suddenly realized the importance of what had happened. My vote with 11 other people...that some man is going to die. It didn't really hit that much until then.

Days, weeks, or months after the trial

By far, most of the jurors talked about how the stress of serving as a capital juror impacted them long

on vacation afterwards up to New England, and I'd see a rock in a field and I would burst into tears...it has been kind of a nightmare thing.”

Another female juror from a death case discussed the lingering effects her experience as a capital juror had on her:

...the next morning I felt the same way as you do after death—just severely, emotionally drained. For a long time I would think about both of them, they would be the last thing I thought about before I went to sleep and the first thing I thought of when I got up. I don't know if it's like that on other trials, but for capital murders it's very profound. You do get very involved with them and their families. It's like a forced intimacy. Just because trial is over they don't disappear out of your head right away.

Although significantly fewer male jurors reported symptoms of “post jury blues” there were a few that did experience long-term effects as a result of serving on a capital case. The majority of these responses involved persistent thoughts of the trial. One male juror from a death case mentioned,

I had emotional indigestion for a while. I kept recycling this thing in my mind over and over. I wondered what I could have done to kept this from happening. What could society have done to prevent this? I couldn't do anything. I finally had to accept our decision.

One juror in a death case noted, “Um, I kept seeing reoccurrences of the crime. (Interviewer: While you were sleeping?) Yes, and uh during the day too. I would think back to the trial. I probably did that for a few months afterwards.” Another juror from a death case commented that he, “...had trouble sleeping a couple days...afterwards, not during. Just wanted to forget, but it's hard to do. Next day trying to forget about (it)—you go to work and someone says, ‘you fried the S-O-B.’ Want to get it out of your mind, but it's kind of hard to do that.”

Impact on personal lives

Given the lasting effects of their experience serving as a capital juror, it is not unexpected that the jurors' personal lives, and those close to

“I lost it after the trial, I started crying. It was emotionally exhausting.”

Immediately after the trial

In several instances jurors spoke about how the stress of being a capital juror did not impact them until after the trial was over. Fifteen jurors (3 male, 3D; 12 female, 5D, 7L) mentioned the impact of their service was felt immediately after the trial had ended. Almost all of the comments were about the jurors crying because they were upset from having to undergo such an ordeal or simply because they were relieved their jury service was over. What most affected two female jurors immediately after the trial was the reaction the victim's family would have to the jury's decision. Both of these jurors served on life cases. These jurors said, “I lost it after the trial, I started crying. It was emotionally exhausting. I felt like I let the (victim's family) down” and “really broke down afterwards. I felt bad for the family, I didn't know it'd be so hard.”

A male juror who sentenced the defendant to death mentioned how the impact of his jury service did not affect him until driving home from

after the trial ended. In all, 38 jurors (9 males, 7D, 2L; 29 females, 22D, 7L) commented about the lingering effects. Many who sentenced the defendant to death were the one's most affected. One female juror mentioned the difficulties other jurors on her panel experienced after the trial, “...it was kinda an ordeal... and we termed it post jury blues.” Indeed, some jurors continued to suffer both mentally or emotionally in the weeks and months after the trial, while others experienced changes in their relationships or lifestyles. Several jurors talked about their inability to forget what they heard or saw during the trial.

One of the most explosive reactions came from a female juror who voted for a death sentence. In that case the murder weapon, a small rock tainted with the victim's blood, was shown in court as evidence of how the defendant bludgeoned his victim to death. This juror described how that evidence affected her long after the trial ended, “just driving down the road last summer, we went

them, would be affected as well. Several women talked about how their experience as a capital juror was a major cause of tension between themselves and their spouses. A few mentioned how not being able to discuss the case with their spouses actually threatened their marriages, while others reported the fact that they could not talk about the trial caused stress among their friends and co-workers. A juror from a death case noted,

I had a very difficult time, my husband, we almost separated over it. (Interviewer: How did your husband feel when you were called to jury duty?) He wanted me to get out of it. I was so depressed. I felt out of control. I would thrash in my sleep, I had to move out of my bedroom. I was so helpless, I finally just lost it and I stopped talking.

Another female juror from a life case reported how her experience affected her professional life:

After the trial, uh, the first day that I went back to work, somebody came up and said, 'Hi, how ya' doing?' and I just cut loose crying and I cried for an hour solid, and my boss was in the office that day, just on a routine visit, and that poor man didn't know what to do! [He] kept saying, 'She's gotta get some help!' He thought I was having a nervous breakdown, but I mean, it was just, it had to come out somewhere, I guess...I thought about it all the time, ya know.

For many the stress and anxiety of serving as a capital juror manifested itself in a variety of ways. Altogether, 25 jurors (7 male, 4D, 3L; 18 female, 10D, 8L) reported specific dreams or nightmares concerning the manner in which the victim was killed or ones relating to the crime scene. The nature of their dreams or nightmares, however, varied in scope and intensity. General findings showed that women were more likely than men to report dreaming about acts of reprisal from the defendant, with women in life cases to be twice as likely to do so compared to women in death cases. Jurors in death cases (both male and female) were more likely to report having dreams about photographs shown during

the trial to document the crime scene or to show the victim's body.

Physiological symptoms

In addition to the sleeping problems that some capital jurors experienced during and after the trial, others reacted to their jury experience with physiological symptoms. Eleven jurors (1 male, 1D; 10 female, 5D, 5L) reported feeling or getting "sick" after the trial. A female juror from a death case explained how the stress and the burden of being a capital juror affected her:

I couldn't sleep and I got physically sick, you know, vomiting. (Interviewer: How long did that last after? I mean days, months, weeks?) Days, but I still, I mean it's better now, but for awhile, a few years it really did disturb me just thinking about and anytime I'd hear his name or even see the building where the restaurant was located...

Jurors in cases that resulted in life also reported feeling sick as a result of their jury service. One female juror from a life case responded similarly about the trial process and the physical effects it had on her, "...I took it to heart and I really wanted to do the right thing. I put too much into it and got sick. I never want to be on another one—too much stress. I take it all too serious and when it's over, I let it all out. I tried so hard to be fair and do the right thing."

Feeling regret

When the jury's final punishment decision is read inside the courtroom, the trial has officially ended. Jurors are allowed to return to their families and may finally talk about their experiences and the decision they reached. Altogether 12 jurors (3 males, 3D; 9 females, 5D, 4L) expressed regret at their final punishment decision. Two jurors on death cases and three on life cases stated that the wrong punishment was reached. The jurors who wanted to give a death sentence were angry at the life verdict, "I don't know that I have ever in my life felt something so strongly and not been able to follow through on it. That the death penalty was called for and that's what

we should've given and we didn't." The second juror added that the "horror of the crime stays with me. I feel a just punishment wasn't given."

The jurors who wanted a life sentence, however, did not speak as confidently as their counterparts. They tended to express their belief through regret and guilt rather than anger or strong comments. One female juror commented, "it's a very heavy burden to decide the death penalty. I have doubts about whether that was the right or best solution. The best answer, the best punishment."

Other jurors who felt that life was an appropriate punishment, expressed guilt that they conformed to pressures from other jurors, "...part of the group recommended an execution that I don't believe was appropriate, I questioned whether I stand up for what I believe. I feel almost like I was brainwashed (by the others). I believed their projection of me that I was not a valuable juror." Finally, one male juror expressed his regret by saying, "I was right, but didn't stick with my decision. I changed my vote when I didn't believe in what I was doing."

Fear

While these jurors left the courtroom feeling personal regret for the way the trial ended, others went away with a great sense of fear for what they had just done. Fear has been a common theme reported among jurors who served on capital trials. Often the defendant's physical appearance or presence inside the courtroom served as a general source of fear for the jurors. Indeed, 11 jurors (2 males, 2D; 9 females, 7D, 2L) reported being afraid of the defendant. As one stated, "Um, he scared me. It put me, you know, at different times, at first he scared me, and then pretty soon it didn't. I mean, I looked at him and he was trying to intimidate us. He'd pick one person and just stare at them almost the whole trial."

An additional 12 jurors (2 male, 1D, 1L; 10 female, 5 D, 5 L) were

afraid that the defendant would seek revenge against them, even though half of these jurors did not seek the ultimate punishment of death, but rather sentenced the defendant to a lesser punishment of life imprisonment. Was this fear due to the fact that the defendant might one day be released from prison and attempt to



“I really wanted to do the right thing. I put too much into it and got sick.”

harm the jurors? One female juror from a death case noted,

We were afraid to go home. It was late at night when we got finished and (the defendant) was going to spend the night in our county jail and I knew that he had previously broken out of jail. The sheriff kept us all in his office until the entire premises was vacated and then he saw that each juror was escorted to his or her car and offered to follow us home. He saw how upset we were, we were so upset that we were still standing there crying about 30 minutes after our punishment decision. I don't know if it was due to being a long, stressful day, or what. I did have them walk me to my car. All the way home I was like, afraid to stop at a stop sign. If a light was red, I was afraid to stop at it. I did, but I would look and see what was around me. It made you feel like you were being watched or followed. I had to come home to an empty house because my husband was working midnights. I couldn't stay there, so I went to my sister-in-law's house to visit.

20. Responding to the question, whether or not they came to the trial, did you have any thoughts or feelings about defendant's family?

21. Responding to the question, how much have you talked to others about this experience as a juror?

Five jurors (1 male, 4 female) expressed concerns about reprisal from the defendant's or the victim's families. They expressed fear about being physically harmed by these family members,

After the trial was over, there was a lot of fear in the jury about the family—like they would be out there waiting when we got out if we sentenced him to death. So we asked the sheriff's department to bring the security people in when we gave down the sentence and keep the people in the courtroom until we were all out of the building. You never know. You don't know the family.²⁰

One juror expressed concern about the awkwardness she would feel if she encountered any of the defendant's family members outside of the trial. She thought she would

be uncomfortable and would not know what to say.

I was—I was looking over my shoulder because you know a lot of the family/friends, and all that, came of defendants—and, as a matter of fact, that very next day (I saw them in) the Costco's...oh, God (Interviewer: Do you think they recognized you right away?) Well, I was like worried. I hope they don't recognize me 'cuz what would you say? What would you do? How would you respond? You think of those things. Yeah—a little paranoia.

Other jurors were more afraid of the victim's family. One mentioned how she began to dream about being attacked by the victim's parents, “I had dreams her parents were chasing me in Safeway for not convicting him of the death sentence...I would always imagine I would run into them at the store, I never did. (Interviewer: Were they angry at you? So they were chasing you, is that it?) Yeah, her parents were angry at me...”

Jurors studied in the CJP also reported a fear of reprisal from

members of their own community. They were uncertain how their friends, neighbors, co-workers, etc. would react to their sentencing decision. They were afraid that their “friends” would judge them or not understand how the jury could have reached the decision it did. One juror mentioned talking about his jury experience at work and feeling the need to defend his decision, “I was a little upset or worried about a co-worker who was black that I liked. I thought he might think I was a racist.”²¹

“Don't call me”

The majority of the jurors interviewed did not want to serve on another capital case. Often the jurors' comments were brief, but direct. One male juror from a death case, who refused to serve on another capital jury noted, “...I told the judge, ‘if you get another case like this, don't call me.’”

The comments from female jurors in life cases all indicated that they were unwilling to serve on a capital case in the future: “Never want to be on another one—too much stress...,” “I don't want to do it again. It was a very gory murder...,” and “It was an experience I will never forget and I'll never do again. They even call me again, I'll check into a mental ward first.”

System failures

As this last juror's comment “...I'll check into a mental ward...” suggests, the experience of being a capital juror was both psychologically and emotionally disturbing. Eight jurors (3 males, 5 females) specifically expressed the need for counseling after the trial had ended. Half of those responding about the need for post-trial counseling thought that it should be made available to the jurors by the courts after the end of their jury service, while the other half admitted that they themselves had received counseling on their own (i.e. with a minister, spouse, or a psychiatrist) in the absence of the court's willingness to provide for it. There are no apparent significant differences

among the jurors' responses about the need for counseling between male or female jurors or those who served on life or death cases.

One of the male jurors from a life case who wanted there to be counseling after the trial ended was angry at the court's apparent lack of concern for the jurors' emotional or mental well-being. He noted,

... I also think it sucks that they do not offer counseling to the jury for all this bullshit, you know. But if it was offered, I definitely would of taken them up on it. In fact this (the juror interview) has been therapeutic to go through and work through some of this. This really gives me better closure to it. That's another thing the system is lacking in it. It's like okay, thank you, goodbye. You know. I've just given you 4 months of my life and now you're just kicking me out.

While this juror was commenting about the failure of the judicial system to account for jurors' psychological well being, seven other jurors (5 male, 1D, 4L; 2 female, 1D, 1L) voiced more specific complaints about failures in trial procedures including rules governing evidence presented during the trial. One male juror was frustrated about the trial attorneys' behavior inside the courtroom, observing

...(they) turned the courtroom into a theater instead of a place for facts in defense of a person's life or the prosecuting of it. They didn't allow us to be smart enough to know anything...Both attorneys tried to manipulate the jury into seeing what they wanted them to see, instead of presenting the facts as they were...

Four other jurors (3 males, 1 female), all from life cases, talked about the lack of hard facts that were brought out during the trial and the need for more information about the crime and the defendant in order to come to the appropriate decisions. Two female jurors served on the same capital case in Florida and were concerned about the evidence presented during the trial. One noted, "I was extremely upset that the justice system failed. I felt it failed by not bringing out all of the factors that

influenced (the defendant's) commission of this crime. It still bothers me to this day. He needs to be in an institution where he can get help."

The second juror also was upset.

During the first part of this case, when they couldn't bring up his mental stability, so much of it was left for us to really (decide). It wasn't clear-cut. He



"I told the judge, 'if you get another case like this, don't call me.'"

was guilty, but there was nothing clear-cut. Each and every one of us felt they wanted to do the right thing, give every part the right amount of weight, and make a good decision, something you could go home and sleep with. It was emotionally draining.

Both of these jurors mentioned they would have liked to have heard more about the defendant's mental status during the trial. These jurors seem to be confirming that more information about the defendant's mental state would have been useful during their deliberations.

Conclusions and implications

Findings from this analysis revealed that many jurors experienced significant stress and suffered extreme emotional setbacks after serving on a case that involved capital murder. Females were more likely to mention they cried and had relational problems with spouses and co-workers. Also, female jurors in death cases were more likely to say they suffered lasting effects ("post jury blues"), while those in life cases remarked

they often dreamt about the defendant seeking revenge upon them. In general, both male and female jurors from life cases commented about a fear of reprisal from the victim's family, while jurors in death cases were concerned about reprisal from the defendant's friends or family.

For many of the themes that emerged in this analysis, however, the responses given by males and females in life and death cases were indistinguishable. Indeed, many jurors found the photographs of the crime scene and murder victim(s) horrifying, experienced trouble sleeping because of nightmares or recurrent thoughts, sought counseling or therapy, were angered and frustrated by the crim-

inal justice system, and were unwilling to serve on another capital trial.

These findings open the door for debate about changes to public policy. For example, are courts responsible for warning jurors they might be seriously impacted (both physically and emotionally) because of their experience serving on a capital case; do courts have the ability to limit the type and nature of evidence presented at trial for the purposes of reducing the harmful effects on capital jurors and, if so, how would this impact the legal rights of litigants; and should courts try to determine what is an acceptable level of stress that jurors can reasonably tolerate? ❧

MICHAEL E. ANTONIO

was the Senior Research Scientist and Lead Project Manager of the Capital Jury Project (Phase II) in the Criminal Justice Research Center at Northeastern University from September 2000 to May 2005. (m.e.antonio@gmail.com)