

# Juror Stress: Identification and Intervention

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The impact of stressful life events has been studied extensively in the psychiatric literature. Crisis debriefing techniques have been shown to be effective in decreasing psychiatric morbidity following exposure to these stressful situations. Stress reactions and crisis debriefing have been reported in many groups including combat veterans, survivors of natural disasters and accidents, victims of violence, and law enforcement and emergency personnel who respond to such events. One group that has not been studied extensively is jurors who are exposed to potentially disturbing material introduced as evidence in trials. Stress reactions in jurors and the value of debriefing of juries have been described by us in an earlier work. This paper describes debriefing sessions with three juries exposed to emotionally distressing material during murder trials. In comparing our experiences with these sets of jurors a number of common reactions were identified. These are discussed and a model for jury debriefing is presented.

Previously we reported on a debriefing of jurors following a murder trial in Carrollton, Kentucky.<sup>1</sup> This case illustrated the stress that jurors experience during trials that have a high public profile and in which graphic or disturbing evidence is presented. It also demonstrated the effectiveness of debriefing techniques in helping jurors deal with their experience, minimizing future psychiatric morbidity. The stress associated with jury duty has been underestimated, but as Kaplan and Winget<sup>2</sup> have reported it may lead to psychological and physical discomfort.

This paper reviews common reactions to stress and describes debriefing ses-

sions with three juries exposed to evidence of graphic violence and mutilation during murder trials. Emotional reactions common to all three juries are discussed, and a model for jury debriefing is presented.

## Stress Reactions: An Overview

The effects of stressful life events and exposure to traumatic situations are well documented in the mental health literature. These events include a spectrum of experiences associated with daily living, which are dealt with according to personal coping mechanisms and ego strength.<sup>3,4</sup>

Stresses falling outside the range of normal human experience may disrupt coping patterns and lead to stress reactions.<sup>5</sup> These traumatic experiences include life-threatening accidents, natural

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disasters, violent crimes, terrorist actions, and combat.<sup>6-10</sup> In general, willful, human-induced disasters or accidents lead to stronger stress reactions than accidental violence or acts of God or nature over which people have no control.<sup>11,12</sup> Stress reactions also occur in response to passive exposure to scenes of graphic violence or abuse, such as eyewitnesses to violent crimes.<sup>13</sup> Prolonged exposure to stressful situations (e.g., combat or an extended hostage situation) is more likely to cause pathological reactions than time-limited stressors.<sup>14</sup>

The general reactions to stressful events have been described extensively by Horowitz.<sup>3</sup> In most cases the stress response syndrome is of brief duration with minimal impact on social and occupational functioning. When the stress is more severe, however, the duration of the response is longer and more intense, often leading to post-traumatic stress disorder.

Crisis debriefing is effective in assisting victims of trauma and in preventing the development of post-traumatic stress disorder.<sup>15</sup> This technique is generally directed toward victims and rescue workers of large-scale accidents, natural disasters, and violent crimes. Jurors are also subject to the effects of stress.<sup>1,2</sup> We now present the findings of debriefing sessions with members of three juries to illustrate this point.

### **The Effects of Stress on Jurors: Case Illustrations**

*Case 1—The Carrollton Bus Crash Trial* The worst alcohol-related traffic

accident in the United States occurred near Carrollton, Kentucky, in 1988 when a pick-up truck crashed into a church bus, killing 27 people. The driver of the truck was charged with 27 counts of capital murder and tried in late 1989. During this lengthy trial the jurors were exposed to graphic pictures of victims killed in the bus fire and to a very realistic computer-generated re-creation of the accident. Due to the magnitude of this alcohol-related accident, media coverage of the trial was intense. These factors contributed to a tremendous amount of stress experienced by the jurors. Complicating the situation further was the fact that the defendant was from Carrollton, a small rural community in north central Kentucky, and was known to many of the jurors. The victims, on the other hand, were from a community nearly 80 miles away. Family members of the victims packed the court room and were outspoken in their demand that the defendant be given the death penalty. This created a tense atmosphere throughout the trial. The jury was not sequestered during this trial. The defendant was found guilty of 27 counts of a reduced charge of manslaughter, and was sentenced to 16 years in prison. The debriefing session was conducted immediately following the trial. To assess the outcome of the original debriefing, we conducted a follow-up session 18 months later with nine of the original jurors, the judge, the court reporter, and the bailiff. The findings of this follow-up have been reported elsewhere.<sup>16</sup>

*Case 2—The Louisville Murder Trial* In September of 1991, we de-

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briefed another group of jurors following a murder trial in Louisville. In this trial the bizarre nature of the crime contributed to the stress experienced by the jurors. The defendant was accused of fatally shooting his wife, and decapitating her so that the body could not be identified. According to the charges, he buried the head in a garden behind his home and attempted to burn the rest of the body in a vacant house. Adding to the grisly and bizarre nature of this crime is the fact that the defendant allegedly kept the body in a large barrel for several days before deciding what to do with it. Further complicating the case was the fact that the defendant was a prominent member of the community. He was a teacher who had been very active in local church and civic functions. Thus, understanding why this crime occurred became more difficult for the community in general and the jurors in particular.

The main thrust of the defense was that the defendant was innocent and it was, in fact, his teenage son who was responsible for the murder. The defense argued that the defendant's actions with the body were intended to protect the son. It was in this context that the jury was exposed to graphic evidence including a police videotape of the severed head being dug up from the garden and photographs of the charred remains of the body. Complicated and contradictory psychological testimony was heard, as well as frequent bickering and accusations between the defense and the prosecuting attorneys. It must be remembered that throughout this process the jury had been instructed not to dis-

cuss the case among themselves or with family or friends. The jury in this case was not sequestered. The defendant was found guilty and sentenced to 65 years in prison.

The debriefing session was arranged by the judge, who throughout the trial sensed that the jurors were having difficulty with the nature of the crime. The session was held three days after the trial ended. Seven jurors chose to participate.

**Case 3—*The Milwaukee Serial Murder Trial*** On February 15, 1992, we debriefed the jury of the Jeffrey Dahmer serial murder trial. The defendant was charged with 15 counts of murder. The circumstances of these crimes are well-known and marked by sexual perversion and mutilation. Due to the nature of the crimes and the number of victims, media coverage of the investigation and subsequent trial was intense. Because many of the victims were either minorities and/or homosexual, community response was strong and generated much controversy. Families of the victims were also outspoken and highly critical of the way in which the investigation of the crimes was conducted by police. They were also present in the courtroom nearly every day of the trial, often displaying emotional reactions to the testimony. All of these factors complicated the atmosphere of the trial and placed the jury under great public scrutiny.

The defendant entered a plea of guilty but not responsible, making the issue of Dahmer's mental state the paramount feature of the trial. Expert testimony from both sides dominated the proceedings. Due to the intense coverage of the

trial the jurors were sequestered for a period of approximately three and one-half weeks. After five hours of deliberation they found the defendant sane on all 15 counts. He was sentenced to 15 consecutive life sentences.

The two-hour debriefing session was held immediately after the verdict was read. All twelve jurors, two alternates, and two officers of the court attended.

### **The Stress on Jurors: A Common Set of Reactions**

During all three debriefing sessions jurors were educated on the common manifestations of stress and were given the opportunity to talk about their concerns and reactions to the trials. All jurors reported experiencing intrusive thoughts of the trial, feelings of restlessness and agitation, sleep difficulties, and disturbing dreams. These manifestations, however, were isolated and limited in intensity. The jurors also expressed concerns about what to expect in the future, and there was a consensus that information on the effects of stress and its manifestations would be helpful. Several jurors indicated that knowing what to expect following the trials was reassuring.

In examining the issues these juries struggled with, we are struck by the similarity of their feelings and reactions. Our approach was relatively unstructured to allow the jurors to discuss whatever material they thought relevant. Overall, the juries dealt with almost identical emotional and cognitive reactions to the trials. This occurred in spite of a wide range of demographic variables

within the groups, and in spite of the fact that the Carrollton jury came from a small rural community whereas the Louisville and Milwaukee juries lived in large urban areas. It is clear that the stress of serving on a jury cuts across a number of sociocultural lines.

The common reactions of juries to stressful trials can be summarized in the following way. First, jurors experience a sense of shock and repulsion at the graphic evidence often introduced in murder trials. This would also likely be experienced in other types of trials where descriptions of severe accidents, abuse, or personal injury are presented. The effect of stress on victims of violent crimes and natural disasters, and eyewitnesses to violent crimes has been described.<sup>7,13,17</sup> The effect of stress on juries, however, remains largely unexplored.

In the cases described above, the jurors were not prepared for what they saw and heard. The instructions given to members of a jury not to discuss the case among themselves or with others prevents any type of emotional release or processing of disturbing material. Feelings are denied or suppressed during the trial while cognitive objectivity is struggled for. This stands in contrast to the training, debriefing, and peer counseling protocols established for police officers and other emergency personnel who are exposed to stressful scenes of violence and personal injury.<sup>18</sup>

Considerable anger was expressed in all cases at the legal system. The Carrollton jury felt that the law was vague and contradictory, which made their de-

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liberations more difficult. The Louisville jury described the trial process and its adversarial nature as both confusing and demeaning. The Milwaukee jury described becoming so involved in the intricacies of the case that major points often became lost. Common to all three juries was the idea that a trial was designed to resolve questions and disputes, when in fact the process raised many questions that were unanswerable. We suspect that these angry reactions are the result of two processes. First, it is a reaction to the stress of responsibility placed on jurors. Their deliberations literally result in life and death decisions. This is a responsibility that none of the jurors sought, but rather was thrust upon them by the court. Second, to a large extent the jurors feel powerless during the trial. They are literally held captive during the proceedings and have only limited input during the trial itself. They are then asked to make a decision based on what was presented, without any input into that presentation. In this context anger is an appropriate and understandable response.

The jurors also felt frustrated because they perceived the attorneys and expert witnesses as making their work more difficult. They reported anger at the prosecution for introducing more graphic evidence than they thought was needed; one juror described this as "overkill." Similar feelings were expressed toward defense attorneys, who they felt tried to confuse them. The Louisville and Milwaukee juries also reported the expert psychological testimony from both sides as meaningless

due to its excessive jargon. One juror expressed resentment over being "talked down to" by both attorneys and experts during the Louisville trial.

Although much anger was expressed at the legal system in general, all three sets of jurors developed strong positive feelings toward the judges. In fact, the sensitivity of the judges to the stress that the jurors experienced not only facilitated the organization of debriefing sessions but also enabled the jurors to feel that they had a powerful source of support during the trials. This has led us to believe that close cooperation between judges and mental health professionals is crucial to helping jurors deal with the stress associated with jury duty.

Concern over community reaction was another common issue. The intensive media coverage of all three trials thrust the jurors into the public eye. The negative aspects of media coverage of disasters and traumatic events has been cited in the literature on stress responses.<sup>19</sup> Initially we would have expected this concern to be greater in the Carrollton jury, due to the small size of the community. The Louisville and Milwaukee jurors, however, voiced similar feelings. On further examination it appears that the Carrollton and Louisville jurors were not as concerned with overall community reaction and media response as they were with the reaction of their personal communities, i.e., family, friends, co-workers. The Milwaukee jury, on the other hand, expressed more concern about community reaction reflecting in part the polarizing effect the crimes had on the community. They

also expressed more concerns about individual privacy after the trial. For all groups, though, it seemed important to demonstrate to their communities that they had "done the right thing," as one juror put it.

One of the most interesting observations from these debriefings concerned group behavior. A strong group identity developed early during the course of each trial. The standard instructions given to all jurors include prohibitions against discussing the case with anyone, even with one another. Because of these restrictions a great deal of personal information was shared in a relatively short period of time by people who previously had been strangers. Friendships developed that were important sources of support. Threats to group cohesion, such as jurors who remained somewhat aloof, became issues that the groups focused on both among themselves and during the debriefings. This degree of cohesion is important in minimizing psychic trauma during trials. The individual members seemed to use this cohesion to take the place of their need to talk about the case. The group dynamics of the Milwaukee jury were somewhat more complicated than for the other cases due to the fact that the jury had been sequestered. The relationships that formed were therefore more intense, and some grieving was observed about the group's disbanding. Also, several of the Milwaukee jurors lived alone, prompting concern from the others about how they would cope without the group's support. Group cohesion has been reported by Horowitz<sup>3</sup> to be a significant

positive factor in dealing with stressful situations. This contention was supported by observations of these juries.

Guilt over the verdict rendered was also common to the three sets of jurors, although the Milwaukee jury expressed this feeling to a lesser extent than the Carrollton and Louisville groups. Concerns that the verdict was too harsh versus too lenient was seen in the latter two trials. In the Carrollton trial there was little doubt about guilt; the primary question was one of fair punishment. In the Louisville trial, however, many jurors struggled with the question of exactly what the defendant had done. Also in both cases this guilt led to strong reactions toward the defendants. Both juries tried very hard to feel sympathetic toward the defendants. This was somewhat easier for the Carrollton jury because the murder charges arose as the result of a traffic accident, and also in part because many of the jurors knew the defendant or his family. The shooting and mutilation that the Louisville jury dealt with made identification with the defendant much more difficult. As might be expected from the nature of the crimes, there was very little identification with the defendant by the Milwaukee jury.

The final common issue related to the question of going home and getting back to a normal routine. While all the jurors wanted to act as if nothing had happened, clearly they had been changed by the events of the trials. Dealing with questions from family and friends also caused apprehension. It was in this area that active interventions by the debrief-

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fers seemed most helpful. Putting the events of the trials into perspective was important, as was permission to tell others that they did not want to dwell on the trials. Reassurance that dysphoric feelings were not pathological also played an important role. These concerns were much stronger in the Milwaukee jury because they had been sequestered. For them, concerns about the welfare of their families seemed to outweigh reactions to the trial itself.

### A Model for Jury Debriefing

The identification of the common set of reactions can be utilized to construct a model for jury debriefing. First, it is important that the jurors fully understand why the debriefing is being conducted. This will help to overcome fears by the jurors that they are being labeled as "sick" or "crazy." It also assists in overcoming resistance to discussing the event and its related feelings. A brief discussion about confidentiality is also in order before the debriefing progresses. These points can be viewed as part of an *introductory phase*.

General discussion of what happened during the trial, with all jurors invited to talk but not forced to, should be the next step. During this *descriptive phase* each participant is encouraged to describe the trial in order to develop a group picture of the event. A common group consensus, however, is not the goal of this phase. Rather, it is a general review of each juror's perceptions of the event.

An examination of personal and emotional reactions to the trial, a *reflective phase*, occurs next. This process helps

each juror to personalize the event. Careful attention should be paid to the following issues: (1) shock and emotional distress caused by what they saw and heard, (2) anger and frustration at the legal process, (3) guilt and concerns about fairness, and (4) concerns about community reaction. Addressing each of these areas will facilitate the debriefing and leads to a *reactive phase* in which jurors discuss the aspects of the experience that they find most troubling. Symptoms or stress reactions experienced by the jurors are discussed at this time. Assessing group cohesion and acknowledging the relationships that developed during the trial are also important parts of the reflective and reactive phases. The group dynamics can be used to foster mutual support and understanding.

Finally, an *integrative phase* takes place during which jurors talk about the transition back to their daily lives. Concerns about going home are shared by the group and methods of dealing with stress are discussed. Concrete suggestions about returning home, resuming normal daily activities, and handling questions from others are provided. An important related point is to review with the jurors the normal reactions to stressful situations. In our follow-up with the Carrollton jury, there was unanimous agreement that knowing what to expect helped in the transition back to their normal lives. Group discussion of the manifestations of stress will facilitate adjustment following the trial.

One cautionary note should be presented when discussing the phases of

jury debriefing. Although distinct phases can be described, in most cases these will overlap and the sequence of progression will vary from one jury to another. Group dynamics exerts a strong influence on how the stages proceed. The Milwaukee jury, for example, jumped very quickly to the reactive and integrative phases, whereas the Carrollton and Louisville juries proceeded in a more orderly fashion. We suspect that the intensity of relationships that developed during sequestration influenced this phenomenon more in the Milwaukee group.

### Summary

As a result of these three debriefing sessions we were struck by the potential magnitude of the problem of jury stress. A number of intriguing questions arose. For example, does jury duty and the consequent exposure to traumatizing material provide a vector for psychiatric morbidity and vulnerability? What is the rate of occurrence of trials in which traumatic or distressing stress exposure occurs? Are certain jurors at greater risk than other jurors when exposed to psychologically distressing events that are out of the normal ranges of human experience? Does violence in the media desensitize prospective jurors, or does it make them more vulnerable? These questions clearly merit further organized research.

The debriefing of juries is an important service that can be offered by mental health professionals. The stress associated with serving on a jury has been underestimated and is a potential cause

of psychiatric morbidity. Education of judges and officers of the court on the signs of jury stress will facilitate early intervention. One outcome of our involvement with these cases has been the development of an agreement with local courts to provide jury debriefings on a regular basis. This agreement will provide the opportunity for systematic research into the stress experienced by members of juries.

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