***The Elaboration Likelihood Model’s Effect on Jurors’ Criminal Justice Orientation (Again…still working on a better title….)***

The Elaboration Likelihood Model (ELM) refers to way in which persuasive communication influences cognitive processing – through the central route, characterized by critical thinking and the peripheral route, characterized by less cognitive effort (Petty & Cacioppo,1981, 1986). It can be broken down into two routes of persuasion, Need for Cognition (NFC) and Need for Affect (NFA). NFC describes an individuals’ enjoyment of cognitive efforts (Cacioppo, Petty, & Kao, 1984). It describes a need for reason and logical thinking in decision making (Arceneaux & Wielen, 2013). People with a high NFC rely more on facts over feelings. Meanwhile, NFA describes an individual’s tendency to avoid or engage in emotional processing. Individuals high in NFA are more persuaded by emotion and feeling based arguments.

The ELM has frequently been shown to impact juror decisions. Research indicates that those high in NFC are more likely to examine evidence closely (Mancini, 2011). It has also been found that those high in NFC are more likely to process information and develop opinions earlier in a trial than those on the lower end (Kassin, Reddy, & Tulloch, 1990). The more cognitive energy devoted to decision making, the better thought out a juror’s decision will be and the more likely they are to follow limiting instructions (Matsuo & Itoh, 2017). Those high in NFA tend to distribute more lenient sentences in mock settings (Corwin et al., 2012). On the opposite end, when mock jurors are presented with victim impact statements, those high NFA called for harsher sentencing (Wevodau et al., 2014).

In this manner, the ELM has the possibility of affecting jurors’ Crime Control/Due Process Orientation (CCDPO), a framework that governs lawmaking, court proceedings, and sentencing (Liu & Shure, 1993). Liu and Shure (1993) define due process as, “a commitment to fairness and egalitarianism in the application of the law through the mechanism of procedural regularity” (p. 344). Meanwhile, individuals high in crime control focus on the suppression of criminal conduct as the most important aspect of the criminal process. According to Liu and Shure’s model, individuals fall on a spectrum between protection of individual rights and crime suppression referred to as their CCDPO. The goal of the current research was to examine the potential relationship between NFA/NFC and CCDPO.

**Methods**

**Participants**

Participants consisted of 490 individuals aged 18 or over, from around the world. Participants were recruited using Amazon’s Mechanical Turk (MTurk), a crowdsourcing marketplace. Participants were compensated approximately minimum wage for 15 minutes of work.

**Materials and Procedures**

After reviewing the agreement to consent, participants were presented with The Very Efficient Assessment of Need for Cognition, a 6-item survey assessing respondents’ NFC (de Holanda Coelho, G. L., Hanel, P. H. P., and Wolf, L. J., 2018). This survey was adapted from the original 18-item version that assesses NFC by presenting respondents with statements such as “I would prefer complex to simple version of this problems” and “I find satisfaction in deliberating hard and for long hours” and prompting them to respond by indicating their agreement with each statement on a Likert scale (Cacioppo, Petty, & Kao, 1984). Participants were then presented with A Short Measure of the Need for Affect, a 10-item scale adapted from Maio and Esses (2001) original measure (Appel, et al. 2012) This condensed version has participants rate statements such as “I feel that I need to experience strong emotions regularly” and “I think that it is important to explore my feelings” on a 7-point Likert scale.

Following these assessments, participants were presented with a measure of the competing goals of the justice system: Crime Control vs Due Process (Packer, 1964). The survey utilized was developed by Liu and Shure (1993), based on a scale developed by Fitzgerald and EIIsworth (1984). It is a measure of individuals’ viewpoints on the competing goals of the criminal justice system. It consists of two subscales: Due Process/Crime Control (DPCC) and Procedural Due Process (PDP). The DPCC focuses on broader ideologies while the PDP focuses more on specific issues of procedural regularity (Liu & Shure, 1993). Randomly placed within the survey were several attention check questions to eliminate bots.

**Results**

In order to analyze the impact of NFA (M = 47.38, SD = 10.17) and NFC (M = 27.98, SD = 8.79) on participants’ PDP (M = 48.35, SD = 8.53) and DPCC (M = 29.72, SD = 8.97), two separate linear regressions were performed. The first analysis on PDP was significant, *R2* = .026, *F*(2, 487) = 6.51, *p* = 0.002. NFC predicted participants views on PDP, *β* = 0.14, *SE* = 0.05, *t* = 2.87, *p* = 0.004, *95% CI* [0.04, 0.23]; however, NFA did not, *β* = 0.04, *SE* = 0.04, *t* = 0.92, *p* = 0.357, *95% CI* [-0.04, 0.12]. The second analysis on DPCC was similar, *R2* = 0.02, *F*(2, 487) = 4.92, *p* = 008. Once again, NFC predicted participants DPCC, *β* = 0.11, *SE* = 0.05, *t* = 2.12, *p* = 0.035, *95% CI* [0.01, 0.20]; while NFA did not, *β* = 0.06, *SE* = 0.04, *t* = 1.33, *p* = 0.184, *95% CI* [-0.03, 0.14]. Overall, individuals with higher NFC tended to believe in procedural due process more and be less Crime Control oriented.

**Discussion**

 Overall, results indicated that while Need for Cognition predicted both participants’ views of Procedural Due Process and Due Process/Crime Control Orientations, Need for Affect did not. These results suggest a few implications. First, the findings suggest that while both NFA and CCDPO predict verdicts, they are indeed entirely separate constructs both of which could be important to examine with regard to jury decision making. Second, given that individuals high in crime control tend to be guilty verdict prone, the findings suggest that individuals high in NFC may be more difficult to persuade toward a guilty verdict than those low in NFC. More research is necessary to determine if this is actually true in an applied setting.

**Abstract**

This study examined the effect of the Elaboration Likelihood Model on participants’ Crime Control and Due Process Orientation (CCDPO). Participants completed an assessment of their Need for Cognition (NFC) and one of their Need for Affect (NFA), as well as a survey analyzing their criminal justice viewpoints. The CCDPO survey consisted of two subscales: Procedural Due Process (PDP) and Due Process/Crime Control. Results indicated that those with a higher Need for Cognition tended to believe more in PDP and be less Crime Control oriented; however, NFA was not significantly related to either factor.