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## Does Attractiveness Matter For Sex Offenders? An Examination Of Defendant Attractiveness, Defendant Gender, And Crime Severity

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DOES ATTRACTIVENESS MATTER FOR SEX OFFENDERS? AN  
EXAMINATION OF DEFENDANT ATTRACTIVENESS, DEFENDANT GENDER,  
AND CRIME SEVERITY

by

Adam Charles Austin  
Bachelor of Arts, Saint Cloud State University, 2010  
Master of Arts, University of North Dakota, 2012

A Dissertation

Submitted to the Graduate Faculty

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In partial fulfillment of the requirements

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2014



This dissertation, submitted by Adam Austin in partial fulfillment of the requirements for the Degree of Doctor of Philosophy from the University of North Dakota, has been read by the Faculty Advisory Committee under whom the work has been done, and is hereby approved.

---

Dr. Karyn Plumm

---

Dr. Cheryl Terrance

---

Dr. Heather Terrell

---

Dr. April Bradley

---

Dr. Roni Mayzer

This dissertation is being submitted by the appointed advisory committee as having met all of the requirements of the Graduate School at the University of North Dakota and is hereby approved.

---

Dr. Wayne Swisher  
Dean of the Graduate School

---

Date

Title Does Attractiveness Matter for Sex Offenders? An Examination of Defendant Attractiveness, Defendant Gender, and Crime Severity

Department Psychology

Degree Doctor of Philosophy

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Adam Austin

June 9, 2014

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## ABSTRACT

There has been an abundance of research showcasing an attraction-leniency bias that benefits attractive defendants of various crimes. However, this bias tends to diminish if the crime is deemed serious or if the defendant uses his or her attractiveness to commit the crime (i.e., swindle). The purpose of the current study is to investigate judgments made about a defendant being accused of a sexual offense. The study represents a 2 (gender of defendant) x 3 (attractiveness of defendant: attractive, unattractive, no picture) x 3 (crime severity: low, medium, high) factorial design. Participants (N = 686) were asked to report their beliefs regarding the case. Results showed that gender and attractiveness did not affect the sentence length. However, gender and attractiveness did interact for conviction belief, such that participants were less willing to convict the attractive and not pictured woman compared to the other defendants. In addition, although women were sentenced to less time than men, attraction of the defendant did not affect whether participants believed the defendant should register as a sex offender or the length of time on the registry. The present study provides insight into how people perceive sex offenders based upon gender and attractiveness.

## CHAPTER I

### INTRODUCTION

According to the National Center for Missing & Exploited Children (NCMEC) the number of registered sex offenders has dramatically increased since 2006. There are now almost 750,000-registered sex offenders, and over the past five years that number has increased by 23.2% (NCMEC, 2006). A multitude of crimes go into the formation of the term sex offense. Offenses range from indecent exposure with children in the vicinity to aggravated sexual abuse, which can be defined as causing another person to engage in a sexual act by using force or threatening that other person (U.S.C. Title 18). The severity of punishment given to those convicted of a sexual offense has steadily increased since the Jacob Wetterling Act (1994) was enforced. This act required sex offenders to register in a database to allow government officials to keep track of their location. Two years later, this act was amended to require all 50 states to create and maintain a community notification system (Megan's Law, 1996).

The most recent addition to the sex offender laws appeared in 2006 when the sex offender tiers were created. These tiers represent the severity of the crime committed and also the likelihood of recidivism based on that crime (Adam Walsh Act, 2006). The amount of time that the perpetrator remains on the sex offender registry is dictated by what tier he or she is sentenced to (tier 1 = 15 years, tier 2 = 25 years, tier 3 = lifetime). Due to the uniqueness of the punishment given to convicted sex offenders (being put on a registration that monitors them after their release) and media portrayals, a stigma of sex

offenders has emerged (Ducat, Thomas, & Blood, 2009). This stigma creates problems for convicted sex offenders who have served their time and are released to the public in regards to employment, housing, and socializing long after the sentence has been served (Levenson & Cotter, 2005).

### Perceptions of Sexual Offenses and Offenders

The social perception of rape has been frequently examined in the literature. Rape is certainly not the only sexual offense that exists; however, it is the most examined type of sexual offense. Early studies showed that in relation to female rape, most people's beliefs were of a "classic" stranger rape stereotype (Estrich, 1987; Ryan, 1988). Thus, when respondents were asked to conceptualize a typical, credible, genuine or real rape, they described an incident that occurred outdoors and at night, where the victim was alone and suddenly attacked by a male stranger (Anderson, 2007). This belief of rape did not include any victim blaming factors such as the victim wearing provocative clothing or being intoxicated, but rather depicted a struggling victim who was subdued and overpowered.

The "classic" rape proved to be a prevalent stereotype among participants in such perception experiments. In addition, agencies such as doctors, police, lawyers and counselors (Du Mont, Miller, & Myhr, 2003; Kassing & Prieto, 2003; Resick & Jackson, 1981) also often draw on the stereotype when evaluating rape cases. Victims have also been found to draw extensively on the stereotype when defining their own experiences. Unfortunately, victims will rarely label it as rape if it does not approximate the stranger rape stereotype (SRS) (Wood & Rennie, 1994). Researchers believe this misconception

about rape may be a factor as to why report and prosecution rates are low (Estrich, 1987; Ussher, 1997).

Despite the once commonly held belief of SRS, it is actually founded on a number of misconceptions about rape, rape victims, and rapists. Several studies have shown that a significant number of women are raped in different circumstances than those described by the stereotype. Women tend to be raped by men known to them (friend, acquaintance, boyfriend, date, ex-boyfriend, husband, or ex-husband). According to the United States Department of Justice (2010) 41% of rapes had been perpetrated by intimate partners and another 39% by acquaintances, whereas 21% were committed by strangers.

There is evidence to suggest that public beliefs surrounding the SRS have also changed. Gavey (2005) suggested that the idea of acquaintance and date rape has been integrated into contemporary perceptions and is now embedded in public thinking on the topic. This new perspective has been accompanied by a movement to expose the existence of rape myths. Rape myth is classified as people hold particularly prejudicial, stereotyped, or false beliefs about rape, rape victims, and rapists (e.g., ‘Women often provoke rape through their appearance or behavior’) (Burt, 1980). In numerous studies, respondents typically disagree rather than agree with rape myth statements (Brady, Chrisler, Hosdale, Osowiecki, & Veal, 1991; Carmody & Washington, 2001; Golge, Yavuz, Muderrisoglu, & Yavuz, 2003; Hinck & Thomas, 1999). However, some differences in rape myth acceptance remain between groups, such as men tend to accept rape myths more than women (Jiminez & Abreu, 2003; McDonald & Kline, 2004; Vrij & Kirby, 2002) and individuals who attended a rape awareness workshop are more inclined

to reject rape myths than those who do not attend such workshops (Hinck & Thomas, 1999).

Most research on rape myths has examined an individual's acceptance of these myths as it pertains to female victims. However, there is growing research on rape myths associated with male victims. Male rape myths, such as most men who are raped are homosexual or men are too strong to be overpowered, have all been found to play a role in participants' conceptualizations of male rape (Struckman-Johnson & Struckman-Johnson, 1992).

It has also been suggested that current conceptualizations about male rape lag behind those of female rape, that is, current male rape perception is at the stage that female rape perception was several years ago in terms of individuals' knowledge, beliefs and attitudes (Donnelly & Kenyon, 1996). It is often questioned whether the statistics for men who are raped are similar to those for women who are raped. Current research suggests that overall they are, however there are some slight differences. Stermac, Sheridan, Davidson, and Dunn (1996) examined the circumstances and characteristics of sexual assaults against adult males presenting to a crisis unit and found 86% of the reported assaults involved male perpetrators, 50% were known to the victim, 43% of assaults occurred at the victim's home and 46% reported using alcohol or drugs at the time of the assault. Physical violence was reported in 11% of cases, while verbal threats were reported in 21% of assaults. Whilst there are similarities with female rape, several authors have drawn attention to the fact that men are more likely than women to suffer a greater degree of violence during the assault (Kaufman et al., 1980). The increased

violence against male victims may be due to a male victim attempting to fight off the assailant and the assailant needing to use more force to overpower the victim.

Although research has exposed the circumstances in which male rape may actually occur, studies have also shown that, as in female rape, ignorance and disbelief about the phenomenon of male sexual assault enable numerous myths and misconceptions to be perpetuated (Anderson, 2007). The misconceptions about men being sexually assaulted also lead to a belief that female sex offenders do not exist or are not problematic. Halladay-Sumner (as cited in Higgins & Ireland, 2009) suggests that there is a general belief that females only commit sexual offenses when they are under the command of a male, thus concluding that coercion is what leads females to commit sexual offenses. However, there is evidence that females do commit sexual offenses, either independently or with a male, including voyeurism, inappropriate touching, rape, penetration with objects and ritualistic (occurring repeatedly over a prolonged period of time) sexual abuse (Bunting, 2005).

To further investigate the prevalence of female sex offenders, Cortini and Hanson (2005) used data from Canada, the United Kingdom, United States of America, Australia, and New Zealand to conclude that women are responsible for between four and five percent of all sexual offenses. In addition, Peter (2009) estimated that the prevalence range for females committing sexual abuse is between one and twenty percent. It is also important to note that when a woman is being brought up on sexual abuse charges, the victim plays a large role in the perception of the crime.

If the victim is a pre-pubescent child, then female offenders tend to be portrayed as vile women who have lost (or who never had) the female nurturing gene (Hayes &



Carpenter, 2013). When the victim is a post-pubescent boy, however, viewpoints change, especially if the offender is attractive. When attractive women offend against teenage boys, there is a perceived absence of malice both from the direction of the female offender and the victim. Not only is the boy in question likely to be envied for his precocious sexual experience at the hands of an older woman, the woman herself is often subject to very lenient sentencing outcomes, if indeed she is charged and convicted in the first place (Angelides, 2007; Barnes & Walsh, 2004; Hayes & Carpenter, 2013; Mendel, 1995).

This idea is highlighted by the case of Karen Louise Ellis, a 37-year-old female teacher who pleaded guilty to six counts of sexual penetration with a child under 16 (Barnes & Walsh, 2004). The judge awarded her a three year suspended sentence of 22 months on the condition that she does not re-offend. Unfortunately this kind of situation was not new to the area. A similar case occurred ten years earlier, when a male teacher was sentenced to prison for having a sexual relationship with a 14 year-old girl. At the time of Ellis' sentencing the media made note of the difference in treatment for the two offenders:

He was a blond and suntanned physical education teacher who had a sexual relationship with a student. She was a blonde, suntanned physical education teacher who did the same. They were charged with similar offences and tried under the same legal system. He went to jail for a minimum of 27 months. She walked away with a 22-month suspended sentence. The outcry at the perceived gender bias in the treatment of former Melbourne schoolteachers Gavin Hopper and Karen Ellis has been matched by a crass and simplistic 'it's different for boys' reaction. (Gold Coast Bulletin, 2004).

The 'it's different for boys' reaction has occurred in previous cases as well (e.g., the trials of Mary Kay Letourneau and Debra LaFave) and is considered an extra-legal factor. Extra-legal factors are variables that are not legitimate factors upon which to base juror decisions because they are not allowable considerations by the law (Zebrowitz & McDonald, 1991). These variables tend to be physical characteristics of the victim or defendant (i.e., race, gender, or attractiveness).

Previous research suggests that defendants are treated differently in the criminal justice system based upon their gender. Women are more likely to obtain pretrial freedom, less likely to be sentenced to time in jail or prison, and when an active sentence is ordered, women tend to receive shorter sentences than men (Kruttschnitt & Green, 1984; Rodriguez, Curry, & Lee, 2006; Spohn & Beichner, 2000). One theory that attempts to explain why female offenders receive preferential treatment by the criminal justice system is chivalry/paternalism (Crew, 1991; Daly, 1989). This theory suggests that men have a desire to protect women and are unwilling to inflict harm upon them. Furthermore, traditional stereotypes that portray women as passive, weak, childlike and fickle suggest that women are less responsible for their behavior (Franklin & Fearn, 2008). Due to these beliefs and the disbelief that women could do harm to others, the chivalry/paternalism theory holds that males in the criminal justice system (e.g., law enforcement officers, judges, prosecutors) give female offenders preferential treatment, such as less severe sentences and reduced likelihood of being charged and/or convicted of crimes (Crew, 1991).

Gender may be the most researched extra-legal factor, but many studies have examined the effects of other extra-legal factors of the defendant in a multitude of crime

scenarios. Plumm, Terrance, Henderson, and Ellingson, (2010) examined the extra-legal factors of location and provocation on a hate crime based on sexual orientation. Trial transcripts were created that included all aspects of a court trial and participants were asked to report their conviction beliefs and to what extent they blamed the victim for the crime. The findings suggested that the location of the crime (in this study either a local bar or a gay bar) does influence how much blame is attributed to the victim, but not conviction beliefs.

To investigate what influence the extra-legal factors of defendant race, victim race, and juror gender had on a murder case ForsterLee, ForsterLee, Horowitz, and King, (2006) used a trial transcript based upon a actual criminal trial. In this study, the defendant was either Black or White and the victim was either Black or White. Results showed that participants gave more lenient sentences to a White defendant who killed a White victim than the other possible combinations. Also, women were more punitive than men towards the Black defendant.

George and Martinez (2002) investigated the role of extra-legal factors in a rape case. This study also looked at the race of the victim and the defendant, but also looked at different types of rape (stranger rape and acquaintance rape). A short vignette was created by the researchers that depicted a woman who was searching for a cat and responds to a man, who made a friendly comment. The man is then either invited inside her house (acquaintance) or forces his way inside the house (stranger). The researchers found that victim blame occurred more often when the crime was depicted as a interracial crime compared to a same racial crime. They also found that participants sentenced the defendant who was a stranger more harshly than an acquaintance.

Extra-legal factors have also been shown to factor into victim blaming. An analysis was conducted to examine the attribution of blame in rape cases based upon participant gender and the type of rape (Grubb & Harrower, 2009). The researchers examined multiple studies that have examined victim blame and rape within an experimental setting (used a hypothetical story). The analyses suggested that men engage in victim blaming more often than women and when the attacker is an acquaintance of the victim, then the victim is blamed more for the rape. It is suggested that victims of acquaintance rapes are blamed more, because they should have been able to foresee the crime occurring, whereas in a stranger rape scenario the victim cannot predict the crime (Grubb & Harrower, 2009).

DeSantis and Kayson (1997) conducted a study that examined attractiveness, race, and gender in a fictitious burglary scenario. The researchers asked participants to pretend they were members of a jury and recommend sentencing for the defendant. The results showed biases based upon all three variables, such that men were given harsher sentences compared to women, African Americans were given harsher sentences compared to Euro-Americans, and unattractive defendants were given harsher sentences compared to attractive defendants. When examining the extra-legal factor of attractiveness of the defendant, previous research has found mixed results.

#### Beautiful is Good and the Halo Effect

The “beautiful is good” stereotype is the belief that attractive people will live happier and more successful lives (Dion, Berscheid, & Walster, 1972). In addition to this belief, numerous studies have demonstrated that relative to unattractive targets, attractive targets shown in photographs were perceived to as more trustworthy, kind, sociable, and

interpersonally warm (for a review see Langlois et al., 2000). This stereotype occurs through a multistep causal mechanism: (a) Facial appearance elicits social stereotypes or expectations for the behavior and traits for both attractive and unattractive targets, (b) these expectations are acted on by the perceiver in the form of differential judgments and treatment of attractive and unattractive targets, (c) differential judgment and treatment create the differential behavior and traits in attractive and unattractive targets, and (d) attractive and unattractive targets internalize differential judgment and treatment and eventually develop differential behavior and self-views (Langlois et al., 2000).

Snyder, Tanke, and Berscheid (1977) conducted a study to examine the behavior of male college students who were led to believe that they were talking to either an attractive female college student or an unattractive female student over the telephone. Blind reviewers created ratings based upon transcripts from the interactions between the male and female students that were used for analyses. Results showed that men were more responsive to the attractive woman compared to the unattractive woman. As a result of their differential treatment, men elicited greater responsiveness from the attractive woman. This study gives support to the multistep causal mechanism that Langlois et al. (2000) suggests. There is also neurological evidence which may help to explain why the beautiful is good stereotype occurs. Exposure to attractive faces stimulates activity in the medial orbitofrontal cortex, a brain region known to be involved in responding to other rewarding stimuli (e.g., food, monetary gain, pleasant music; O'Doherty et al., 2003).

Consistent with reinforcement perspectives on interpersonal attraction (e.g., Byrne & Griffith, 1973; Kenrick & Cialdini, 1977), this positive emotional reaction likely

gives rise to an interpersonal approach motivation characterized by a desire to establish or maintain bonds with physically attractive targets. Participants have reported more interest in establishing romantic relationships with attractive targets relative to unattractive targets (Eastwick & Finkel, 2008; Walster, Aronson, Abrahams, & Rottman, 1966). People also desire to befriend, work with, and interact with physically attractive others (Dion, 1973; Eastwick & Finkel, 2008).

This motivation to bond with physically attractive targets is also evident in behavior. People are especially likely to initiate conversations with attractive individuals (Garcia et al., 1991), an important first step in relationship formation. During such conversations, they make more intimate self-disclosures, something known to facilitate closeness (Brundage, Derlega, & Cash, 1977). They seem especially eager to help, being more willing to return attractive individuals' lost possessions (Benson, Karabenick, & Lerner, 1976), give them directions (Wilson, 1978), run an errand for them (Wilson, 1978), and donate money to them (West & Brown, 1975), which may reflect and communicate interest in establishing relationships. According to objective judges, perceivers seem more interested, sociable, and enthusiastic when they believe they are talking with a relatively physically attractive partner (Andersen & Bem, 1981).

However, physical attractiveness has different meanings and implications for men and women. Women are subjected to social pressure to conform to extremely high standards of appearance (Fredrickson & Roberts, 1997; Wertheim, Paxton, Schultz, & Muir, 1997). As a result, body image has been shown to be more strongly related to self-esteem among women than among men (Polce-Lynch, Myers, Kilmartin, Forssmann-Falck, & Kliewer, 1998). Furthermore, stereotypes regarding physical attractiveness

have been shown to be much stronger when applied to women (Byrne, London, & Reeves, 1968) and serve as a more important cue for judging women than for judging men (Andreoni & Petrie, 2008).

#### Attraction-Leniency

Numerous laboratory and field studies have shown that physical attractiveness affords a leniency bias in the determination of guilt and punishment (Darby & Jeffers, 1988; DeSantis & Kayson, 1997; Landy & Aronson, 1969; Stewart, 1980, 1985).

However, this effect may depend on the type of crime committed, on instructions that are given to those judging the offense, or on whether they are judging guilt or punishment.

In a meta-analysis, Mazzella and Feingold (1994) found a small but significant leniency bias for attractive defendants; however, the authors suggested the effect may depend on the type of crime. In an early laboratory study, Landy and Aronson (1969) examined the attraction-leniency bias by using a vehicular negligent-homicide (the killing of another person through gross negligence or without malice) scenario with an attractive or unattractive male defendant. The results of the study showed that the attractive defendant was sentenced to significantly fewer years in prison than was the unattractive defendant who committed the same crime and who was similarly rated as guilty of the crime. Using the same scenario, Friend and Vinson (1974) found the same results for a group of participants given no instructions to disregard the defendant's characteristics. However, when participants were told to ignore the characteristics of the defendant and be unbiased in their judgments, they sentenced the attractive defendant to more years of imprisonment than they did the unattractive defendant.

Researchers have also examined whether the gender of the participant or the gender of the defendant affected the attractiveness-leniency bias. Using Landy and Aronson's (1969) vehicular negligent-homicide scenario and a female defendant, Abwender and Hough (2001) found a significant leniency bias in punishment of the attractive defendant in female participants but no significant bias in male participants and no significant effect for attractiveness on guilt ratings. Wuensch, Castellow, and Moore (1991), found similar results using either a burglary scenario (entering an apartment and stealing money) or a swindle scenario (inducing a bachelor to invest money in a nonexistent corporation). Female participants gave the unattractive swindlers longer sentences, but attractiveness did not affect their sentencing of burglars. This study was a replication of Sigall and Ostrove's (1975) study, but found different results. In the original study, Sigall and Ostrove found that participants would assign more lenient sentences to the attractive defendant than to the unattractive defendant when it was a crime unrelated to attractiveness (burglary). However, when the crime was attractiveness-related (swindle) then the attractive defendant would receive harsher sentences.

In another early study, Efran (1974) presented a photo of a male or female student who was either attractive or unattractive and who was accused of cheating on an exam. Attractive defendants received significantly lower ratings of guilt and milder punishments than did unattractive defendants. In contrast to the later studies by Abwender and Hough (2001) and Wuensch et al. (1991), Efran's study showed leniency bias in male participants rating female transgressors but not in female participants rating male transgressors. These findings suggest that male participants give less severe ratings of



guilt and punishment to an attractive female compared to an unattractive female, whereas female participants were not influenced by physical attractiveness when rating the male transgressor's guilt and punishment.

In a recent study, Austin, Plumm, Terrance, and Terrell (2013) examined the effects of the attractiveness of the defendant and the gender of the defendant on conviction beliefs in a crime where a teacher was being accused of the sexual assault of a minor. In the study some participants did not believe that a sexual offense had occurred, thus suggesting that participants may have believed that both parties wanted to engage in the sexual activity or they may have believed that the teacher's actions were inappropriate and unethical, but did not warrant the sex offense title. Regardless of the reason for participants having this view, the results of the study showed that participants who did not believe a sexual offense was committed did not convict the attractive male teacher but were more likely to convict the attractive female teacher. This result showed support for the attraction-leniency bias for the male defendant but not for the female defendant.

Studies taking place in a laboratory setting with simulated judges or jurors have supported the effects of attractiveness on leniency. Stewart (1980, 1985) found that defendants who were rated more physically attractive received less severe sentences, and yet ratings of attractiveness were not related to ratings of guilt and incarceration. Downs and Lyons (1991) found the same relationships when examining judges' bails and fines for misdemeanors only, but physical attractiveness had no influence on bails and fines for felonies. Hence, physical attractiveness had no influence for those accused of more serious crimes, a result supported by the studies by Stewart (1980, 1985). Attractiveness may have differential effects on ratings of guilt and punishment because guilt often

requires more objective evaluations, whereas punishment requires more subjective evaluations (Micheline & Snodgrass, 1980). Further, Baumeister and Darley (1982) suggested that physical attractiveness may have a stronger influence on ratings of guilt when relevant information is missing.

### Implicit Personality Theory

The attraction-leniency effect and the halo effect are related to the same principles that apply to the "beautiful is good" stereotype. The attractive defendant is believed to be able to provide more to society than an unattractive defendant (e.g., more intelligent, more caring, more successful) (Dion, Berscheid, & Walster, 1972). Due to these beliefs, sentencing in legal proceedings tends to be lighter for the attractive individual. The potency of this stereotype has been well documented in the literature; however the theoretical explanation for why the "beautiful is good" stereotype exists is not as eminent. The most common theory used to explain the "beautiful is good" stereotype is the implicit personality theory (IPT). IPT describes a perceived covariation pattern between two or more personality characteristics (Schneider, 1973).

The phrase implicit personality theory was introduced by Bruner and Tagiuri (1954) to refer to people's assumptions about how traits are related to each other in other persons, for example, an individual may believe that an attractive person is also caring. Cronbach (1955) gave the term an expanded meaning by using it to denote a person's assumption about the mean and variance of other people on a certain trait. For instance, an individual may believe that most people are good (the mean), but that same individual understands that not everyone is good (variance). The meaning of implicit personality theory was further extended by Kahopuska (1985), who suggested that ordinary people

have beliefs with regard to more fundamental aspects of personality and human nature, for example, an individual is likely to hold a belief on whether the personalities of people in general are mainly a product of genetic heritage or of the environment.

IPT may be based on actual relationships between personality dimensions, but also on misconceptions not necessarily in line with empirical findings. Unlike explicit theories that relate to definitions and models of a given concept, implicit theories describe people's subjective views that may include prejudices and stereotypes of which they are not even aware (Baudson & Preckel, 2013). The link between implicit theories and stereotypes about group members becomes apparent when group membership is regarded as one of the personal attributes inferentially associated with other attributes (Ashmore, 1981). The inferential relation between group membership and other personal attributes results in translating the usual definition of stereotype as a set of beliefs about the characteristics of group members into the language of implicit personality theory (Ashmore & Del Boca, 1979).

Evidence by Cantor and Mischel (1979) shows that information about a person from a schema about personality types allows observers to infer that the person has other characteristics associated with that personality type. For example, a person known to be energetic and dominating might also be characterized as friendly because these are all traits typical of an extrovert. In the same way, viewing an attractive person implies that the person can be described by a set or cluster of traits that form the stereotypic image of a member of that group.

The utility of this conceptualization has been demonstrated for gender stereotypes. Using the implicit personality theory approach, Ashmore (1981) identified

the inferential relations linking the social categories of male and female to various dimensions of personality perception. Men were thought to possess positive intellectual qualities such as deductive reasoning and negative social attributes such as sternness. In contrast, women were associated with negative intellectual qualities such as being naive and positive social attributes such as helpfulness. From this same perspective, research on the beauty is good stereotype can be viewed as examining the inferential relations between physical attractiveness and personal attributes. The social categories of attractive and unattractive people should thus be associated in individuals' cognitions with various dimensions of personality (Ashmore, 1981). IPT is the foundation of the attraction-lenience bias, but if the crime that the offender committed is too severe, then the extralegal factor of attractiveness may not be influential on jurors.

#### Severity of Crimes

The severity of a crime can be viewed as a multidimensional construct that considers the harm done to society, personal harms experienced by victims, and the likely consequences for the offender (Ramchand, MacDonald, Haviland, & Morral, 2009). Many researchers believe that when charges are more serious, that the likelihood of conviction in a criminal trial is decreased (Kerr, 1975; Radzinowicz, 1948; Tobias, 1967; Vidmar, 1972). Kerr (1975) examined the effect of the severity of the penalty in terms of statistical decision-making. He believed that juries focused on avoiding Type I errors (i.e., convicting an innocent person) and due to this, the more severe the penalty, the greater the perceived cost of such an error. Thus he concluded that as the perceived cost of error increases, the amount of evidence that jurors would require before voting for conviction also increases.

Although juries are concerned about making Type I errors, they are also concerned about making Type II errors (i.e., releasing a guilty person). Kerr recognized this but suggested that worries about Type II errors are either less pressing or are important primarily when the crime is especially terrible. Freedman, Krismer, MacDonald, and Cunningham (1994) contend that concern about freeing a guilty person increases as the charge becomes more serious (e.g., it is presumably worse to release someone who may murder again than to release someone who might steal again). Trying to avoid Type II errors would cause a criterion shift toward requiring less convincing evidence and would accordingly lead to more convictions with more serious charges. Freedman et al. (2004) also suggested that if concerns about both types of errors increase, the net effect would depend on the strength of each type and could lead to either more or fewer convictions. It is also possible that they could balance which would result in no effect on the likelihood of a guilty verdict.

It is possible that juries will ignore these factors in making their decisions. The jury is instructed to vote guilty only if they are certain beyond a reasonable doubt, and this instruction does not change depending on the case (Horowitz, 1997). They are not supposed to change their criterion for certainty just because the charge is more serious, the penalty more severe, or for any other reason. Perhaps they really do obey these instructions and are not influenced by seriousness of the charge and the severity of the penalty, which are irrelevant to the facts in the case.

On the other hand, Aldrovandi, Wood, and Brown (2013) conducted a study to examine if cognitive mechanisms, such as schemas, create a bias in the judgments regarding the seriousness of the crime and the appropriate sentence. The researchers

found that these judgments are indeed made by comparing relevant information that is retrieved from memory (e.g., personal beliefs about the frequency of crimes) and the context (e.g., sentences for similar crimes). This finding suggests that jurors take information that is not relevant to the case, and use it to come to a decision regarding the severity of the crime and the appropriate sentence.

Gender of the defendant is one of the factors that jurors use when coming to a decision. There are substantial gender differences between men and women defendants as it relates to crime severity. Arrest, self report, and victimization data consistently show that men and boys commit significantly more crime, both serious and not, than women and girls (Eagly & Steffen, 1986). Weiner (1989) compared violent male and female career criminals and found substantial differences: (1) although violent offenses comprise only a small percentage of all the offenses committed by offenders in any population, females participate in substantially less violent crime than males during the course of their criminal careers; (2) the careers of violent females both begin and peak earlier than those of males; (3) females are far less likely than males to repeat their violent offenses; and (4) females are far more likely to desist from further violence.

Herzog and Oreg (2008) conducted a study examining the influence of perpetrator gender on how participants perceive the severity of a crime. The researchers used a variety of crimes that appeared in a local newspaper, which included breaking and entering, theft, and vehicular homicide. Data was collected via phone interviews with participants where the researcher would ask them questions and write down their responses. The results showed that regardless of the crime, when a woman committed it, the crime was considered substantially less serious than when it was committed by a man.

This study shows that across these crime types, the crime is perceived as being less severe if committed by a woman than if a man commits it.

### Current Study

Given the findings of previous literature regarding the influence of extra-legal factors on jury decision-making, it is likely that some verdicts made in sexual offense cases are not primarily based on the facts of the case. The present study examined the effect that gender (male vs. female), attractiveness (attractive vs. unattractive vs. not pictured), and the severity of the crime (low vs. medium vs. high) had on potential jurors' perceptions. This study added to the literature pertaining to both sex offenders and the attraction-leniency bias. It was hypothesized that in the low severity conditions, there would be no difference in the punishment of the defendant due to gender, because the crime would be viewed as a minor transgression and there would be negligible punishment. However, because of the attraction-leniency bias, there would be differences based on the attractiveness of the perpetrator. It was believed that the attractive defendant would be sentenced less harshly than their unattractive and not pictured counterparts. The greatest differences were expected to be within the medium severity conditions. In these conditions it was expected that the attraction-leniency bias would create a greater discrepancy between the attractive, unattractive, and not pictured defendants. The attractive defendant would be sentenced less harshly than their unattractive and not pictured counterparts, because the attractive individual will benefit from the attraction-leniency bias. It was further hypothesized that female defendants, overall, would be sentenced less harshly than their male counterparts, because female sex offenders are viewed as being less dangerous than male sex offenders. Finally, for the

high severity condition, it was expected that gender and attractiveness would not influence the punishment, because the crime would be considered too severe for those factors to bias the decision. Punishment will be evaluated using five specific areas: sentencing, conviction belief, crime type, registration, and victim blaming.



## CHAPTER II

### METHOD

#### Participants

Participants (N = 686; 309 women, 370 men) were recruited from Amazon Mechanical Turk (MTurk). MTurk is a marketplace crowdsourcing program where employers or researchers can post "Human Intelligence Tasks" (HITs) for workers to complete in exchange for monetary compensation. Recently scholars have found using MTurk to be a useful forum for recruiting participants to complete computer-based tasks (Casler, Bickel, & Hackett, 2013). Studies have examined the consequences of using MTurk compared to more traditional forms of data collection (i.e., face-to-face collection) and have found that MTurk participants are more demographically (socioeconomic status, ethnicity, and age) diverse than typical American college samples (Buhrmester, Kwang, & Gosling, 2011; Iperiotis, 2010; Mason & Suri, 2012). In addition to the more diverse sample, the data quality obtained through MTurk is comparable to data obtained from college samples and face-to-face collection (Buhrmester, Kwang, & Gosling, 2011; Iperiotis, 2010). The data has also been shown to be just as reliable as those obtained via traditional methods (Buhrmester, Kwang, & Gosling, 2011).

In a recent study, Casler, Bickel, and Hackett (2013) compared data obtained using MTurk to data obtained using social media websites Facebook, Twitter, and Redditt and face-to-face behavioral testing. The researchers took a behavioral, face-to-face task

and converted it to an online test. They then recruited participants from the three areas (MTurk, social media, and a university) and compared the responses based on the medium in which the participants were recruited. The results showed the MTurk group was significantly more socio-economically and ethnically diverse, yet the test results across the three samples were nearly identical. This finding is consistent with previous findings about the diversity and quality of MTurk samples (Buhrmester, Kwang, & Gosling, 2011; Iperiotis, 2010; Mason & Suri, 2012).

Participants were asked to read a vignette describing a sexual offense and answer questions based upon the scenario. The sample obtained ranged in age from 18 - 68 (mean age = 28.94,  $SD = 9.411$ ) and reported the following ethnic diversity: Caucasian = 31.8%, Asian American = 30.3%, Native American Indian = 3.7%, African American = 2.0%, Hispanic = 1.5%, and Other = 25.9%. Most participants were heterosexual (77.8%) and the majority of the sample had either a Bachelors degree or an advanced degree (65.4%). The most common occupation was in the technology field (23.0%) and 87.2% had an annual income under \$50,000. For all of the demographic information for this sample, see Table 1.

## Materials

### *Picture Ratings*

A pilot study was conducted, during which undergraduates ( $N=100$ ) were shown 20 pictures (10 male and 10 female), taken from the national sex offender registry, in a random order and were asked to rate each picture on attractiveness and expression. The ratings for "attractiveness" were completed on a 5-point rating scale with the endpoints labeled "not at all attractive (1)" and "very attractive (5)." The rating of expression was

Table 1. Descriptive Statistics of the Sample.

Respondent Characteristics	Amount	Percent
<b>Sex</b>		
Female	309	45.4
Male	370	54.3
<b>Age</b>		
18-28	393	59.8
29-38	179	27.3
39-48	53	8.0
49-58	19	2.9
59-68	13	2.0
<b>Race / Ethnicity</b>		
African American / Black	14	2.0
Asian American	206	30.0
European American / White	216	31.5
Hispanic	10	1.5
Native American Indian	25	3.7
Other	176	25.9
Prefer not to say	33	4.9
<b>Sexual Orientation</b>		
Heterosexual / Straight	526	77.8
Gay man	15	2.2
Lesbian	10	1.5
Bisexual	85	12.4
Prefer not to say	40	5.8

Table 1. cont.

Respondent Characteristics	Amount	Percent
<b>Level of Education</b>		
Some High School	10	1.5
Graduated High School	54	7.9
Some College / Trade / AA	171	24.9
Bachelors Degree	317	46.2
Advanced Degree	128	18.7
<b>Annual Income</b>		
Under \$10,000	291	42.4
\$10,000 - \$24,999	170	24.8
\$25,000 - \$49,999	133	19.4
\$50,000 - \$99,999	72	10.5
Over \$100,000	15	2.2
<b>Occupation</b>		
Technology	158	23.0
Law	13	1.9
Education	111	16.2
Journalism / Media	17	2.5
Research / Academia	11	1.6
Politics	4	0.6
Social Service	40	5.8
Arts / Music	26	3.8
Medicine	52	7.6
Entrepreneur	19	2.8
Business / Sales	104	15.3
Other	126	18.5

Table 1. cont.

Respondent Characteristics	Amount	Percent
Convicted of a felony		
Yes	95	14.0
No	586	86.0
Know someone accused of sex offense		
Yes	268	39.1
No	406	59.2
Know someone charged with a sex offense		
Yes	240	35.0
No	441	64.3
Been a victim of a sexual offense		
Yes	129	18.9
No	553	81.1

used to ensure that each photograph had a similar facial expression. Participants rated the characteristic of "expression" on a 7-point scale with the anchor points being "negative (-3)," "neutral (0)," and "positive (+3)." The average ratings for attractiveness and expression for each individual photograph was calculated. The attractive female received a mean rating of 4.41, whereas the unattractive female received a mean rating of 2.94. The attractive male received a mean rating of 4.20 and his counterpart, the unattractive male, received a mean rating of 2.77. Each picture had an expression that was rated ranging from -1.1 to -1.4, indicating all photos contained a slight negative expression. In addition, each picture was rated on a variety of other characteristics (masculinity,

femininity, distinctiveness, likeability, and overall health) and the differences among the pictures chosen for the study on these characteristics were negligible. See Table 2.

Table 2. Mean Ratings for the Pictures

Image*	Attractiveness	Distinctiveness	Masculine	Feminine	Health	Likeable
AF	4.38	3.90	2.80	4.33	4.01	3.93
UF	2.94	3.80	3.05	3.98	3.86	3.71
AM	4.20	3.97	4.98	2.83	4.13	4.01
UM	2.77	4.05	4.77	2.65	3.88	3.79

\*AF = Attractive Female, UF = Unattractive Female, AM = Attractive Male, UM = Unattractive Male

### *Vignettes*

A pilot study was conducted to ensure that the vignettes were likely to have actually occurred and that they were believable. In addition, the pilot study also ensured that the likelihood and believability of the scenario did not depend on the gender of either the perpetrator or the victim. Participants (N=39) rated how likely and believable each vignette was on a 7-point likert scale (1 = "Very Unlikely" to 7 = "Very Likely"). All of the means for the believability of the vignette were above 4 and were not statistically different from one another depending on gender. All but one of the means for the likelihood of the vignette were above 4 (the severe condition depicting a woman as the perpetrator had a mean of 3.82). Again none of the vignettes were statistically different from one another when looking at gender. Below are the vignettes (changes depending on condition are noted in parentheses):

#### **Low Severity Condition (2nd Degree Criminal Sexual Conduct)**

Local Resident Charged with Criminal Sexual Conduct in the Second Degree

Police arrested a man (woman) Sunday accused of groping a woman (a man) in a bathroom at a bar in Minneapolis. The bartender saw a lot of commotion and called the police to help calm down the two patrons.

Joe Chambers (Joan Chambers), 29 was arrested at his (her) home and was booked into Hennepin County Jail on the charge of Criminal Sexual Conduct in the Second Degree.

Criminal Sexual Conduct in the Second Degree is defined as the intentional touching of intimate parts, touching of the clothing covering the immediate area of the intimate parts and the intentional touching of the complainant's body or clothing with seminal fluid or sperm.

Both Chambers and the alleged victim had blood alcohol levels below the legal limit.

### **Medium Severity Condition (3rd Degree Sexual Assault)**

Local Resident Charged with Sexual Assault in the Third Degree

Police arrested a man (woman) Sunday accused of incapacitating and raping a woman (a man) he (she) met at a bar in Minneapolis.

Joe Chambers (Joan Chambers), 29 was arrested at his (her) home and was booked into Hennepin County Jail on the charge of sexual assault in the third degree.

Sexual assault in the third degree involves situations in which the victim did not consent to the sexual conduct, was young or was incapable of giving voluntary consent.

The alleged victim was brought to the hospital by a fellow patron who found her (him) unconscious in a bathroom stall. At the hospital, evidence of rape was found and the victim had Rohypol in her (his) system. The alleged victim told the hospital staff that the last thing she (he) remembers is Chambers buying her (him) a drink.

Both Chambers and the alleged victim had blood alcohol levels below the legal limit.

### **High Severity Condition (1st Degree Sexual Assault)**

Local Resident Charged with Sexual Assault in the First Degree

Police arrested a man (woman) Sunday accused of incapacitating and raping a woman (a man) he (she) met at a bar in Minneapolis.

Joe Chambers (Joan Chambers), 29 was arrested at his (her) home and was booked into Hennepin County Jail on the charge of sexual assault in the first degree.

First-degree sexual assault typically involves injury to the victim, the use or threatened use of violence or a weapon, or a victim who is very young.

The alleged victim was brought to the hospital by a fellow patron who found her (him) unconscious and badly beaten in a bathroom stall. At the hospital, evidence of rape was

found and the victim was treated for severe injuries. The alleged victim told the hospital staff that as she (he) was making her (his) way to the bathroom Chambers came from behind and threatened to shoot her (him) if she (he) did not cooperate with him (her). Chambers then led her (him) into the bathroom and began assaulting her (him) the last thing she (he) remembers is Chambers beginning to undress her (him)

Both Chambers and the alleged victim had blood alcohol levels below the legal limit.

### Demographic Questionnaire

Participants completed a self-report measure that collected the following information: age, gender, ethnicity, sexual orientation, education level, occupation, and personal familiarity with sexual offenses.

### Manipulation Check

Participants were asked to indicate the gender of the victim, as well as the gender and age of the defendant. They were given two choice for gender (male or female) and four choices for the age of the defendant (28, 29, 30, or 31). Any participant who failed the manipulation check was eliminated from the analyses. In addition, participants were asked how attractive they believed the defendant to be, as a way to check if the attractiveness manipulation was worked properly.

### Dependent Measures

#### *Sentence Length*

Each participant was asked to indicate, "how long the sentence length should be" by inputting the number of months the defendant should have to serve. To help participants understand what an appropriate sentence length would be based upon the crime, they were told what the average sentence length is for the specific crime that they read about. Previous studies examining extra-legal factors have used this free response



style for the sentencing variable (Mueller-Johnson & Dhami, 2010; Plegge & Petro, 2013).

### *Conviction Belief*

Participants were asked to about their conviction belief on a 11-point scale ranging from "Certain Chambers should NOT BE convicted (-5)" to "Certain Chambers SHOULD BE convicted (+5)." This measure examines if participants believe that the defendant should be convicted on the charges against him or her. The measure differs from sentence length, as asking participants to sentence a defendant assumes the defendant was convicted. The range of this question allows participants to easily understand the dividing line between conviction and no conviction, as opposed to doing a 0 - 10 scale. This measure has been used previous in similar studies (Austin et. al., 2013; Plumm et al., 2010).

### *Sexual Offense*

Participants were asked if they believed a sexual offense was committed based upon the vignette. A 7-point scale ranging from "Strongly DO NOT Believe (1)" to "Strongly DO Believe (7)" was used. This type of measure has been used in multiple studies examining different crimes (Austin et. al., 2013; DeSantis & Kayson, 1997; ForsterLee et al., 2006; George & Martinez, 2002; Plumm et al., 2010).

### *Sex Offender Registry*

Each participant was also asked if the defendant should be sentenced to the sex offender registry and if so, for how long? This measure used a 4-point scale ranging from "No, should not have to register (0)" to "Tier 3 (Life) (3)." This measure was also used in the Austin et al. (2013) study.

### *Victim Blame*

A victim blame scale was created using seven items and yielded a Cronbach's alpha of .906. The items included: the victim is partly to blame for the actions of the defendant (Chambers), Chambers is solely to blame for the events that took place, Chambers' actions were the result of unwanted attention from the victim, the victim should know to be more careful in interaction with certain individuals, Chambers was provoked, the victim deserved it, and any reasonable person would have acted the same as Chambers. This scale has shown similar reliability scores when used in previous studies (Austin et. al., 2013; Plumm et al., 2010).

### Procedure

Participants were randomly assigned to one of 18 conditions stemming from a 2 (Gender: female vs. male) x 3 (Attractiveness: Attractive vs. Unattractive vs. No Picture) x 3 (Crime Severity: 2nd Degree Criminal Sexual Conduct vs. 3rd Degree Sexual Assault vs. 1st Degree Sexual Assault) factorial design. Participants were shown a picture of the defendant (or no picture in the case of the no picture condition) and read a short description of a defendant being accused of sexual crime by a victim. Once the participants completed reading the vignette, they were asked to make decisions on a number of measures relevant to the guilt of the defendant. After they completed the measures the participants were thanked and paid \$0.40 via MTurk.

## CHAPTER III

### RESULTS

#### Manipulation Check

Data obtained from participants that failed either of the manipulation checks was not used in the analyses for this study. Of the 844 participants that initially completed the study, 158 of them incorrectly indicated conditions of the vignette they read. These participants were removed from the analyses for a final total of 686 participants who answered the questions in accord with the vignette they read.

Participants were also asked to rate how attractive they believed the defendant to be, to ensure that the attractiveness manipulation was effective. A one-way analysis of variance (ANOVA) revealed a significant difference between the participant responses on the level of attractiveness of the defendant,  $F = 14.46, p < .001$ . A least significant difference (LSD) post hoc analyses showed that each level of attractiveness was significantly different than the others (Attractive:  $M = 4.37, SD = 1.40$ ; Unattractive:  $M = 3.64, SD = 1.61$ ; No Picture:  $M = 4.10, SD = 1.37$ ). This post hoc analysis was chosen because it is commonly used in this type of research and is appropriate for comparing three means.

#### Overview of Dependent Variables

To better understand the variability amongst the dependent variables the minimum, maximum, overall mean, and overall standard deviation for each variable, including each question that created the victim blame scale, was examined. These

descriptive statistics revealed that every variable had the maximum range and considerable variability. See Table 3.

Table 3. Descriptive Statistics for the Dependent Variables.

Dependent Variable	Minimum	Maximum	Mean	SD
Sentence Length	0	300	121.70	79.11
Conviction	-5	5	2.50	2.11
Sex Offense	1	7	5.28	1.55
Registry	0	3	1.57	0.98
Victim Blame				
Victim is partly to blame	1	7	3.60	1.87
Chambers is solely to blame (R)*	1	7	5.20	1.43
Victim should know better	1	7	4.34	1.76
Unwanted attention from victim	1	7	3.79	1.81
Chambers was provoked	1	7	3.76	1.80
Victim deserved it	1	7	3.21	2.05
Any reasonable person	1	7	3.23	1.96

\*R = Reverse coded

In addition bivariate correlations were conducted comparing each dependent variable to one another. This analysis was conducted to examine how the variables related to one another. See Table 4.

Table 4. Bivariate Correlations Between the Dependent Variables.

Measure	1	2	3	4	5
1. Sentence	--				
2. Conviction	.342**	--			
3. Sex Offense	.081*	.399**	--		
4. Registry	-.040	-.072	-.019	--	
5. Victim Blame	.011	-.278**	-.248**	-.147**	--

\* $p < .05$ , \*\* $p < .01$

### Length of Sentence

A 2 (perpetrator gender) X 3 (perpetrator attractiveness) X 3 (crime severity) ANOVA was conducted on participant responses to "how long should the defendant's sentence be?" Participants who believed the defendant was not guilty sentenced the defendant to "0" months served. Results indicated a significant main effect of severity  $F(2, 668) = 460.75, p < .001, \eta^2 = .580$ . Planned post hoc (LSD) analyses revealed that each level of crime severity was significantly different than the others (Low:  $M = 46.65, SD = 27.81$ ; Medium:  $M = 127.00, SD = 48.85$ ; High:  $M = 192.16, SD = 70.33$ ). The main effect of perpetrator gender was also found to be significant  $F(1, 668) = 15.44, p < .001, \eta^2 = .023$ . When the perpetrator was female participants sentenced her to significantly less time ( $M = 114.62, SD = 80.27$ ) than her male counterpart ( $M = 129.11, SD = 77.30$ ). Results indicated perpetrator attractiveness was nonsignificant,  $F(2, 668) = 1.03, p = .359, \eta^2 = .003$ . The means for the three levels of perpetrator attractiveness were nearly identical (Attractive:  $M = 119.51, SD = 79.93$ ; Unattractive:  $M = 125.75, SD = 80.44$ ; No Picture:  $M = 119.90, SD = 77.14$ ). The results of the ANOVA did not yield any significant interactions.

### Conviction Rating

A 2 (perpetrator gender) X 3 (perpetrator attractiveness) X 3 (crime severity) ANOVA was conducted on participant responses to "select the one number that best describes your private belief regarding the conviction of the defendant." Results indicated a significant main effect for perpetrator gender,  $F(1, 668) = 17.98, p < .001, \eta^2 = .026$ . Participants believed the male perpetrator should be convicted ( $M = 2.84, SD =$

1.80) more so than the female perpetrator ( $M = 2.17, SD = 2.33$ ). A significant main effect of crime severity was also found,  $F(1, 668) = 17.51, p < .001, \eta^2 = .050$ . Post hoc analyses (LSD) revealed a significant difference between the low severity crime ( $M = 1.85, SD = 2.38$ ) and the medium severity crime ( $M = 2.87, SD = 1.79$ ), as well as between the low severity crime and the high severity crime ( $M = 2.79, SD = 1.98$ ). The medium severity crime and the high severity crime did not differ from one another. Perpetrator attractiveness was found to be nonsignificant,  $F < 1$ . The attractive defendant was convicted ( $M = 2.51, SD = 2.09$ ) statistically similar to the unattractive defendant ( $M = 2.63, SD = 2.07$ ) and the no picture defendant ( $M = 2.45, SD = 2.02$ ).

Results yielded a significant interaction for perpetrator gender and attractiveness,  $F(2, 668) = 5.31, p = .005, \eta^2 = .016$ . Simple effects analyses were conducted on each level of gender at each level of attractiveness to further investigate the interaction. These analyses indicated significant differences in the attractive,  $F(1, 228) = 24.91, p < .001, \eta^2 = .099$  and in the no picture conditions  $F(1, 228) = 3.98, p = .047, \eta^2 = .017$ . In the attractive condition participants had a weaker belief of conviction for female perpetrators ( $M = 1.88, SD = 2.38$ ) than male perpetrators ( $M = 3.16, SD = 1.48$ ). In the no picture condition, participants again had a weaker belief of conviction for female perpetrators ( $M = 2.14, SD = 2.22$ ) than male perpetrators ( $M = 2.78, SD = 1.74$ ). See Figure 1. There was no significant interaction between the factors of attractiveness and severity,  $F < 1$ , nor was there a significant interaction between the factors of severity and gender,  $F < 1$ . There was also a nonsignificant three way interaction between all three factors,  $F < 1$ .

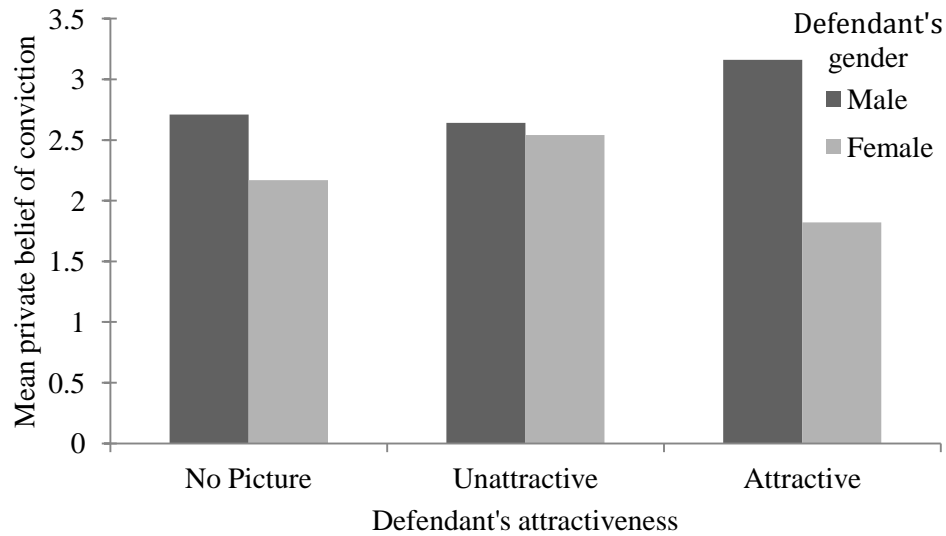


Figure 1. Mean Private Belief of Conviction by Defendant's Gender and Defendant's Attractiveness

#### Committed a Sexual Offense

A 2 (perpetrator gender) X 3 (perpetrator attractiveness) X 3 (crime severity) analysis of variance (ANOVA) was conducted on participant responses to "the defendant committed a sexual offense." Results indicated a significant main effect of perpetrator gender,  $F(1, 666) = 4.58, p = .033, \eta^2 = .007$ . Participants agreed more strongly that the male perpetrator committed a sexual offense ( $M = 5.41, SD = 1.55$ ) than the female perpetrator ( $M = 5.15, SD = 1.53$ ). Perpetrator attractiveness was found to be nonsignificant,  $F(2, 666) = 2.74, p = .065, \eta^2 = .008$ . The means indicated no significant difference between attractiveness levels (Attractive:  $M = 5.38, SD = 1.46$ ; Unattractive:  $M = 5.37, SD = 1.60$ ; No Picture:  $M = 5.10, SD = 1.56$ ). Crime severity was also found to be nonsignificant,  $F(2, 666) = 2.34, p = .097, \eta^2 = .007$ . The means indicated that crime severity did not affect the participants' opinion regarding a sexual offense being committed (Low:  $M = 5.19, SD = 1.40$ ; Medium:  $M = 5.46, SD = 1.55$ ; High:  $M = 5.19, SD = 1.67$ ). The results of the ANOVA did not yield any significant interactions.

## Sex Offender Registry

A 2 (perpetrator gender) X 3 (perpetrator attractiveness) X 3 (crime severity) ANOVA was conducted on participant responses to “Should Chambers have to register as a sex offender? If so, for how long should Chambers' name appear on the registry?” Results indicated a significant main effect for perpetrator gender,  $F(1, 659) = 19.36, p < .001, \eta^2 = .029$ . Participants believed that male perpetrator should have to register for longer ( $M = 1.74, SD = 1.00$ ) than their female counterpart ( $M = 1.41, SD = 0.93$ ). The main effect of crime severity was also found to be significant,  $F(2, 659) = 11.85, p < .001, \eta^2 = .035$ . Post hoc analyses (LSD) revealed a significant difference between the low severity crime ( $M = 1.32, SD = 0.98$ ) and the medium severity crime ( $M = 1.71, SD = 1.00$ ), as well as between the low severity crime and the high severity crime ( $M = 1.68, SD = 0.93$ ). The medium severity crime and the high severity crime did not differ from one another. Perpetrator attractiveness was found to be nonsignificant,  $F < 1$ . The means for the attractive defendant ( $M = 1.56, SD = 0.98$ ) were statistically similar for the unattractive defendant ( $M = 1.63, SD = 0.95$ ) and also for the no picture condition ( $M = 1.51, SD = 1.02$ ). The results of the ANOVA did not yield any significant interactions.

## Victim Blame

The score on the victim blame scale was analyzed using a 2 (perpetrator gender) X 3 (perpetrator attractiveness) X 3 (crime severity) ANOVA to examine if any of the independent variables altered the amount of victim blame. Perpetrator gender was nonsignificant,  $F < 1$ . The amount of victim blame was not affected by the gender of the perpetrator (Male:  $M = 15.05, SD = 6.32$ ; Female:  $M = 15.00, SD = 6.12$ ). Perpetrator attractiveness was found to be nonsignificant,  $F(2, 656) = 1.13, p = .322, \eta^2 = .003$ . The



means indicated no significant difference between attractiveness levels (Attractive:  $M = 15.46$ ,  $SD = 6.16$ ; Unattractive:  $M = 14.75$ ,  $SD = 5.95$ ; No Picture:  $M = 14.64$ ,  $SD = 6.51$ ). Crime severity was also found to be nonsignificant,  $F(2, 656) = 1.28$ ,  $p = .279$ ,  $\eta^2 = .004$ . The means indicated that crime severity did not affect the participants' tendency to blame the victim (Low:  $M = 15.15$ ,  $SD = 5.79$ ; Medium:  $M = 15.27$ ,  $SD = 6.45$ ; High:  $M = 14.43$ ,  $SD = 6.40$ ). The results of the ANOVA did not yield any significant interactions.

## CHAPTER IV

### DISCUSSION

This study explored the effects of the gender and attractiveness of the perpetrator as well as the severity of the crime on perceptions of the case. Hypotheses are derived from five areas: sentencing, conviction belief, crime type, registration, and victim blame. Participants did differ in the length of the sentence imposed based upon the crime severity or perpetrator gender. This finding indicates that the manipulation of the severity of crimes was effective. The more interesting result is that female perpetrators were sentenced to less time than male perpetrators. This finding supports the idea that Hayes and Carpenter (2013) discuss regarding an absent of malice towards female sex offenders when the victim is a non-prepubescent male. The absence of malice may be the result of female sexual offenders being viewed as non-repeating offenders (Denov, 2004); thus resulting in participants not believing a long sentence was warranted, because it was going to be the only time the perpetrator will commit the crime. This finding also supports the ideas behind the chivalry theory, which suggests that women receive preferential treatment because traditional stereotypes of women portray them as passive, weak, childlike, and fickle (Franklin & Fearn, 2008). Participants may have given lighter sentences to women because they viewed the crime as being less severe if a woman was able to commit it.

This study found no support for an attraction-leniency bias in regards to the sentencing of a defendant, which corresponds to the Austin et al. (2013) study. However,

both of these studies contradict previous research on crimes and attractiveness. It was hypothesized that as crime severity increased, the attractiveness of the defendant would have less of an effect on the sentencing, however this was not found. This finding does not support previous research that found that the more serious the crime, the smaller the effect attractiveness had on the sentencing of the defendant (McKelvie & Coley, 1993; Wuensch, Castellow, & Moore, 1991). It may be the case that sex offenders are viewed so negatively that people want to make sure that they are punished severely. Wakefield (2006) suggests that sex offenders are perceived as the most villainous group in society. People hate, as well as despise sex offenders and believe they should be locked up for life, thus conceding sex offenses are serious crimes.

Another explanation for not finding the attraction-leniency bias is that participants may have perceived that the defendants were utilizing their attractiveness to manipulate the victim. Previous research indicates that defendants who are charged with a crime where their attractiveness aided them in successfully committing the crime are punished more severely than an unattractive individual who commits the same crime. Sigall and Ostrove (1975) examined the effect of attractiveness on two different crimes, one not related to attractiveness (burglary) and one related to attractiveness (swindle) and found the attraction-leniency bias in the burglary condition; however they also found that if the crime is related to attractiveness then the attractive defendant is punished more severely than the unattractive defendant. While the current study did not find greater punishment for the attractive defendants, it could be that participants believed that the victim found the defendant to be attractive, thus being manipulated by the defendant. If this were the case, then Cronbach's (1955) extended definition of the implicit personality theory would

apply. Participants believed that the attractive defendants in this study are exceptions to the stereotype of attractive individuals being warm and caring, thus they do not merit having a more lenient sentence.

It was further hypothesized that attractiveness and gender would affect conviction beliefs and these hypotheses were supported. This question asked participants to identify their private belief regarding conviction. This measure differs from the sentencing measure, as being asked to sentence a defendant assumes the defendant was convicted of a crime. When participants were asked about their conviction belief, gender and attractiveness interacted to have a significant influence on the ratings. The interaction on this measure replicates what appears to happen frequently with sexual offense cases that reach the mainstream media. This finding mirrors what happened in the cases of Gavin Hopper (attractive male offender) and Karen Ellis (attractive female offender). Participants were most convinced that the attractive male perpetrator should be convicted and were least convinced that the attractive female perpetrator should be convicted. This result supports the notion that stereotypes regarding physical attractiveness (i.e., kind, warm, caring) serve as a more important cue for judging women than men (Andreoni & Petrie, 2008). Furthermore, this finding also supports the chivalry theory, with participants being less likely to convict the female offender than the male offender. Previous research on the conviction rates of female offenders has found similar results (Crew, 1991).

In addition, the way that the public perceives a female sex offender versus a male sex offender is drastically different. In regards to a female sex offender, the thought of a woman sexually offending is a puzzling concept to most; in our society we tend to think

that a female is not physically capable of rape or any other type of sexual assault (Denov, 2004). Whereas males are typically associated with violent crimes, there is often an inability to associate a “submissive and passive” woman with a violent offense (Vandiver, 2006). Furthermore, sexual assault by a woman is often conceived as harmless, due to the perception that men always want sex and men cannot become pregnant from the assault (Angelides, 2007; Hayes & Carpenter, 2013). However, research findings suggest that there are prominent consequences for the victims (Hetherington, 1999; Hislop, 2001). Thus it may be that participants were not fully confident in convicting the female offender, because they viewed the crime as being not harmful to the male victim, especially when the offender was attractive. On the other hand, male sex offenders are perceived to be aggressive, mentally disturbed, and impulsive (Lev-Wiesel, 2004). These perceptions about male sex offenders could explain why the participants were more confident convicting the male offenders than the female offenders. It is partly due to these perceptions that there is a widely held belief that male sex offenders have high recidivism rates (Cortini, Hanson, & Coache, 2010; Hanson & Bussière, 1998). Due to this belief, participants may have been more comfortable convicting a male who is brought up on a sexual offense charge than a female, because if they did not convict the male then he may reoffend (Freedman, Krismer, MacDonald, & Cunningham, 1994). This idea is reinforced with how participants sentenced the defendant to spend time on the sexual offender registry.

This result also supports Ashmore's (1981) findings regarding gender and the implicit personality theory and the halo effect (Dion, Berscheid, & Walster, 1972). Ashmore found that men are viewed as possessing more positive intellectual qualities and

more negative social attributes, whereas women are viewed as possessing more negative intellectual qualities and more positive social attributes. The halo effect suggests that an attractive individual will also be viewed as being warm and caring. Therefore when the attractive woman committed the crime there was consistency between how people view women (positive social attributes) and attractive individuals (e.g., warm, caring, give something back to society). Due to this consistency, participants were reluctant to convict an attractive woman. However, when the crime was committed by an attractive man, there was a discrepancy between the way people perceive men and attractive individuals, thus it was easier to convict him. In the cases of the not pictured defendants, participants may have used the gender differences suggested by the IPT and believed that the female defendant has better social attributes than the male defendant.

Participants were consistent in the belief that the defendant should have to register as a sex offender across all conditions. Attractiveness did not affect the sex offender level sentence as was predicted. Conversely, gender did affect the length of sentencing as male defendants received longer terms on the registry compared to their female counterparts. This finding suggests that participants believed male sex offenders should be monitored by the public and local authorities for longer periods of time than female sex offenders and again corresponds to what Austin et al. (2013) found. In addition, the time on the registry increased as the severity of the crime increased. In the low severity conditions, the perpetrator was sentenced to be a level 1 sex offender, whereas in both the medium and high severity conditions the perpetrator was sentenced to be a level 2 sex offender. The biggest difference between a level 3 sex offender and the other two levels is a community notification system that occurs when a level 3 offender moves into the

area; this system does not occur for a level 1 or 2 offender. Previous research has shown that offenders who are subject to community notifications are more likely to reoffend, even when controlled for mediating factors (e.g., prior criminal history and risk assessment) (Duwe & Donnay, 2008). While participants may not be familiar with the notification differences between the levels or the previous research regarding the levels, they were made aware of the length of time the defendant would be on the registry (Level 1 = 15 years, Level 2 = 25 years, and Level 3 = Life). The participants most likely believed that to sentence someone to life on the registry would be too severe and that 25 years would be punishment enough. The results also show that participants understood that the worse the crime, the longer the offender should be on the registry.

Overall, there was little victim blaming found in this study. This finding is contrary to previous findings of victim blaming based upon the gender of the victim. Previous studies have found that female victims are blamed more for being a victim than male victims (Dexter, Penrod, Linz, & Saunders, 1997; Idisis, Ben-David, & Ben-Nachum, 2007; Workman & Freeburg, 1999). It was believed that the less severe the crime, the more participants would blame the victim; however, the severity of the crime did not affect victim blaming. This outcome may be the result of participants viewing the perpetrator as a heinous individual, which occurs frequently in sexual offense cases (Wakefield, 2006), and therefore removing most, if not all victim blame. This finding is not common in previous literature, but may be the result of an understanding that in sexual crimes the victim should not be blamed. There have been numerous sexual crimes discussed in the mainstream media, specifically examining the role of victim blaming (Steubenville High School rape case, Daisy Coleman rape case, sexual assaults in the

United States military), which may have influenced participants. Finally, attractiveness did not influence the amount of victim blame. McCaul, Veltum, Boyechko, and Crawford (1990) found that victim blaming relies on the theoretical variables of intention and foreseeability. In the current study, participants may have viewed the crime as being unforeseen by the victim, thus they did not want to blame the victim. The current finding is also similar to what Grubb and Harrower (2009) found in their analysis of victim blaming across multiple rape trials.

### Implications

Implications of these results can be used to better understand what situations induce the attraction-leniency bias. The results suggest that the defendant in a sexual offense case will not be given any extra clemency or callousness on the sentence based upon their attractiveness. This finding is not consistent with previous research, which has looked at the attraction-leniency bias in a rape case (Erian, Lin, Patel, Neal, & Geiselman, 1998). However, the results suggest that female offenders, especially attractive female offenders will experience lower conviction rates than their male counterparts. This may occur because jurors are not using the information presented to them in the case, but rather they are using their own perceptions of the case. The findings of the current study have implications on how future research examining extra-legal factors should be conducted. It is important for researchers to understand that asking participants to sentence a defendant implies that the defendant was already convicted, thus creating a potential confound in their design. In addition, it creates an unrealistic setting, as judges are responsible for sentencing defendants, not jury members. Jury



members are responsible for convicting a defendant, thus when conducting a jury simulation study, researchers should examine conviction beliefs.

In addition, the current study found support for sentencing and conviction ratings based upon gender. Across all conditions, greater leniency was given to the female offenders compared to their male counterparts. These findings suggest that females who commit sexual offenses against males are not viewed as dangerous as males who commit the same offenses against females. This creates problems in the courts, as defendants should be judged solely on the crime that they committed and the gender of the defendant should not be taken into consideration. Therefore it is important for attorneys and judges to remind the jury that even though a scenario where a female is the sexual offender goes against the norm, the crime is the same.

Future research should continue to examine what extralegal factors, if any, contribute to the trial of an accused sex offender. For instance, factors that should be examined include the social economic status and character of the defendant as well as the plaintiff in a sexual offense case. This study also provides support for the chivalry theory, as most variables had some gender difference, where the female perpetrator was given a more lenient sentence than her male counterpart.

The findings of this study should be cautiously applied to the courtroom. Past research has indicated that people make unconscious attributions on the basis of physical attractiveness (Dion, Berscheid, & Walster, 1972). Thus, it is likely that jury members make these same attributions about defendants before hearing any evidence. Since being physically attractive is associated with more positive qualities, defendants who possess this attribute may be more highly regarded than unattractive defendants. This study

shows how vital it is for jury members to not be swayed by how attractive a defendant is, because when it comes to the sentencing of sex offenders, attractiveness did not influence the outcome. However, in order to get to the sentencing phase of a trial, the defendant needs to be convicted and when it comes to conviction beliefs, attractiveness does influence potential jury members. Thus, it is important for the attorneys and the judge to ensure that jury members are not focused on how attractive the defendant of a sexual offense is, but rather on the evidence presented during the trial when deciding if the defendant is guilty or innocent.

### Limitations

It is also necessary to point out the limitations of the current study. This study recruited participants from MTurk, thus the findings reflect a convenience sample. The participants were only eligible to take part in the study if they were registered "workers" on the website. In addition, participants were asked to take the role of a potential juror; however none of the consequences of being a juror were present in the study, thus it lacked realism. Participants did not need to make a true life-altering decision. This has been a critique of jury simulation studies for decades, as it makes generalizing findings obtained in the lab to the courtroom difficult. However, as Bray and Kerr (1979) have argued, conducting these kinds of experiments are important and useful for validating theories and examining the psychological assumptions of different laws. So while doing a jury simulation trial experiment outside the courtroom causes researchers to lose realism, it allows for greater control of variables to better examine them. In addition, Bornstein (1999) conducted an analysis examining mock jury studies over a 20 year

period and compared those with studies using real juries and found little differences between the two.

Additionally, this study asked participants to respond individually to questions about a brief vignette online. Future research should provide more in-depth information about such cases and possible deliberation as a mock jury. Furthermore, this study examined only heterosexual pairings for the vignettes (male offender - female victim and female offender - male victim), which limits the understanding of the influence the gender of the victim has on these variables. Future research should look at both heterosexual and homosexual pairings in this kind of scenario.

Limitations notwithstanding, the present results may have profound implications. Further research in this area is warranted as the present study demonstrated that in cases involving an accused sex offender, attractiveness and gender does not influence the sentence length of the accused. However, these two variables appear to play a role in the conviction belief of participants. Thus, this study provides insight regarding how potential jurors make decisions regarding both the guilt and sentencing of a defendant in a sexual offense case

## APPENDICES

APPENDIX A  
DEMOGRAPHIC QUESTIONS

Please provide the following information:

Age: \_\_\_\_

Sex: \_\_\_\_Female

\_\_\_\_Male

\_\_\_\_Prefer not to say

Race/Ethnicity: (please check all that apply)

\_\_\_\_African American / Black

\_\_\_\_Asian American

\_\_\_\_European American / White

\_\_\_\_Hispanic

\_\_\_\_Native American Indian

\_\_\_\_Other: \_\_\_\_\_

\_\_\_\_Prefer not to say

Sexual Orientation:

\_\_\_\_Heterosexual

\_\_\_\_Gay man

\_\_\_\_Lesbian

\_\_\_\_Bisexual

\_\_\_\_Prefer not to say

Level of Education:

First Year

Junior

Grad Student

Sophomore

Senior

Other/Prefer not to say

Annual Income Level:

Under \$10,000

\$10,000 - \$24,999

\$25,000 - \$49,999

\$50,000 - \$99,999

Over \$100,000

What category best describes your occupation?

Technology

Research/Academia

Medicine

Law

Politics

Entrepreneur

Education

Social Service

Business/Sales

Journalism/Media

Arts/Music

Other (please specify)

Have you ever been convicted of a felony?

Yes

No

Have you known anyone who has been accused of a sexual assault?

Yes

No

Have you known anyone who has been charged with a sexual assault?

Yes

No

Have you ever been the victim of sexual assault?

Yes

No

APPENDIX B

SENTENCING QUESTIONNAIRE

Please indicate what you believe to be the most appropriate response to the following questions.

Chambers committed a sexual offense. *Please select only one response.*

Strongly <b>Disagree</b>				Neither Agree Nor Disagree				Strongly <b>Agree</b>
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0            1            2            3            4            5            6

How long should the defendant's sentence be? *Please fill in your answer below*

Should Chambers have to register as a sex offender? If so, for how long should Chambers' name appear on the sex offender registry? *Please select only one response.*

- 1) No, should not have to register \_\_\_\_\_
- 2) Tier 1 (15 years) \_\_\_\_\_
- 3) Tier 2 (25 years) \_\_\_\_\_
- 4) Tier 3 (Life) \_\_\_\_\_

With this questionnaire, you are being asked to circle the one number that best describes your private belief that Chambers should or should not be **convicted**. You are not being asked to state whether you believe there is sufficient evidence to convict in a court of law. Rather, it is asking about your personal and private belief.

Please circle one number that best describes your private belief about whether Chambers should or should not be convicted.

-5      -4      -3      -2      -1      0      +1      +2      +3      +4      +5

Certain Chambers

Certain Chambers

Should NOT BE

SHOULD BE

Convicted

Convicted



APPENDIX C

VICTIM BLAME QUESTIONNAIRE

Given the following rating scale, please indicate the extent to which you agree or disagree with the following statements.

Strongly								Strongly
<b>Disagree</b>								<b>Agree</b>

0            1            2            3            4            5            6

\_\_\_\_\_ 1. The victim is partly to blame for the actions of the Chambers.

\_\_\_\_\_ 2. Chambers is solely to blame for the events that took place.

\_\_\_\_\_ 3. Chambers actions are **not** the results of the victim's behavior.

\_\_\_\_\_ 4. Chambers' actions were the result of unwanted attention from the victim.

\_\_\_\_\_ 5. Chambers was provoked.

\_\_\_\_\_ 6. The victim deserved it.

\_\_\_\_\_ 7. Any reasonable person would have acted the same as Chambers.

## APPENDIX E

### INFORMED CONSENT

You are invited to be in a research study about decisions of a sexual offense case. The purpose of this research study is to gain knowledge about aspects of social and legal scenarios that may alter juror decision making. Your participation is voluntary. You may choose not to participate or you may discontinue your participation at any time without penalty or loss of benefits to which you are otherwise entitled. Your consent to participate in this study will be proven by your willingness to continue participation. Approximately 540 people will take part in this study. Your participation in the study will last no longer than an hour.

During the study you will be asked to read a scenario where legal charges are being filed and complete a number of questionnaires about the trial, your verdict, and personality measures.

The risks of this study are minimal. Due the evaluative nature of completing questionnaires, some participants may feel uneasy. If you become upset by questions, you may stop answering them at any time or choose to not answer a question.

You benefit personally from being in this study by learning how some psychological research is conducted. We also hope that, in the future, other people might benefit from this study because we will better understand aspects of sexual attitudes and the law and how potential juror members reach decisions.

You will not have any costs for being in this research study. You will be compensated with extra credit for your time for the psychology course of your choice in which you are currently enrolled (For Amazon MTurk: you will be compensated \$0.40 for your participation) (For Social media: the sentence regarding compensation will be removed). The University of North Dakota and the research team are receiving no payments from other agencies, organizations, or companies to conduct this research study.

The records of this study will be kept private to the extent permitted by law. In any report about this study that might be published, you will not be identified. Your study record may be reviewed by Government agencies, and the University of North Dakota Institutional Review Board. No identifying information about participants will be reported or kept.

The researcher conducting this study is Adam Austin. You may ask any questions you have now. If you later have questions, concerns, or complaints about the research please contact Adam at adam.austin@my.und.edu or 320-241-4016. He is being advised on the project by Dr. Karyn Plumm who can also be contacted regarding the research at karyn.plumm@und.edu or 701-777-3451.

If you have questions regarding your rights as a research subject, or if you have any concerns or complaints about the research, you may contact the University of North Dakota Institutional Review Board at (701) 777-4279. Please call this number if you cannot reach research staff, or you wish to talk with someone else.

You may print a copy of this form at the end of the study for your records.

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