

Running head: JURY SENTENCING

The Influence of a Defendant's Status, Level of Community Involvement, and the
Severity of a Crime upon Degree of Juror Sentencing

Matt Moore and Dana Newton

Hanover College

Fall 2005

Abstract

This study examined the effects of crime severity (voluntary versus involuntary manslaughter), defendant's socioeconomic status, and defendant's level of community involvement on juror sentencing. Participants ($N = 188$, 64% female) read a court case that manipulated the factors described above, sentenced the defendant, and rated the defendant on several characteristics. There was no main effect for community involvement ($p > 0.05$) and no significant interactions. Sentencing was more lenient for defendants who were guilty of involuntary (compared to voluntary) manslaughter ($p < 0.001$). In contrast to previous research, low-status defendants received more lenient sentences than high status defendants did ($p = 0.001$). Discussion focuses on how type of crime may interact with status in sentencing.

The Influence of a Defendant's Status, Level of Community Involvement, and the Severity of a Crime upon Degree of Juror Sentencing

One focus of research in forensic psychology is whether defendant characteristics that are not relevant to a court case, such as attractiveness (Sigall & Ostrove, 1973), influence the decision-making process of jurors. As instructed by a judge, jurors are only to consider defendant characteristics that are relevant to the case, such as motive. However, an important and potentially disturbing conclusion regarding defendant characteristics is that this irrelevant information does systematically affect a juror's decision (Efran, 1974; Frances & Wrightsman, 1982).

To examine how these factors influence the sentencing phase of a trial, we first review past research indicating that defendant characteristics (such as attractiveness, gender, and socio-economic status) play an influential role in juror sentencing. Second, we propose two possible mechanisms that explain how defendant characteristics influence juror sentencing: stereotypes and the halo effect. Finally, we describe a study designed to examine the effect of three factors – status, community involvement, and the severity of a crime – on sentencing.

Past evidence demonstrates that irrelevant defendant characteristics have an effect on juror sentencing. According to research by Dion, Berscheid, and Walster (1972), attractiveness is a characteristic that leads to generally favorable impressions of others. One advantage of attractive individuals is their likelihood to receive lesser sentences if found guilty of a crime. Downs and Lyons (1991) found that highly attractive defendants in misdemeanor cases received less in fines than unattractive defendants. Much like attractiveness, gender is a defendant characteristic that is obvious and accessible to jurors,

which makes it easy for a juror to employ common gender stereotypes. Jurors associate positive or negative qualities with these stereotypes, for example, women are more nurturing and men are more aggressive, and thus, use these stereotypes during the sentencing phase of a trial (Forster-Lee, Fox, & Forster-Lee, 2004).

Two processes that might dictate how irrelevant defendant characteristics influence jurors are the halo effect and stereotyping. In the halo effect, jurors use their attitudes toward one characteristic of a defendant as a shortcut to make other judgments about the person; basing decisions of guilt or innocence on these pre-determined attitudes. In short, jurors perceive attractive defendants as being more virtuous; therefore, they are more lenient when sentencing (Sigall & Ostrove, 1973; Downs & Lyons, 1991). In contrast, jurors perceive unattractive defendants as transgressors and are harsher in their sentences (Downs & Lyons, 1991; Landy & Aronson, 1969). An additional defendant characteristic that might initiate the halo effect is community involvement, which as of now has received little attention in legal research.

Community involvement is fostering the characteristics of a giving individual by giving time and energy to various sectors of the community (e.g. volunteering at a food bank). Community involvement might generate a halo effect through moral overtones: a person who is involved cares about his or her community and is thus a more moral person than a person who is uninvolved (Landy & Aronson, 1969; Efran, 1974; Greene, Koehring, & Quiat, 1998). However, community involvement that indicates authority, such as holding public office, might lead to a split of opinion: some seeing it as good but others as indicative of a need for power. In addition to community involvement, a defendant's socio-economic status has both ties to the halo effect and to stereotyping.

Stereotyping is a second process contributing to an effect of defendant characteristics on sentencing. Whereas the halo effect leads jurors to apply virtuous characteristics that lead to assumptions of innocence, stereotypes lead to generalized beliefs either good or bad about an individual. One such stereotype that plays a role in sentencing is the socioeconomic status of the defendant.

It is common practice for lawyers to introduce a defendant's occupation throughout a court proceeding, which confers information about socio-economic status. As a result, jurors have access to a defendant's socioeconomic status, which carries both stereotypes and a possible halo effect. Applying the halo effect, jurors may associate wealthier defendants with success and form a generally positive impression, which could lead towards an assumption of innocence. Jurors may also apply positive stereotypes, such as assuming that wealthy defendants are industrious and responsible, or they may apply negative stereotypes, such as wealthy defendants are selfish and greedy. Therefore, findings of past research indicate that status might (a) indicate material success, which some attribute to positive qualities (hard work, ability) but others attribute to negative qualities (greed) and (b) indicate power or influence, which can have the same kind of split effect depending on one's own power and influence.

On another level, jurors might believe wealthier defendants should know more about what is right and wrong and are financially capable of handling the sentence (MacCoun, 1996). This conjecture, known as the "deep pockets" effect, states that jurors infer moral qualities from income, and jurors assign blame so that wealth is redistributed more evenly (Vidmar, Lee, Cohen, & Stewart, 1994). This hypothesis is strongest during the sentencing phase of lawsuits involving monetary damages, because these individuals

are financially capable of handling the consequences. Defendants with a lower socio-economic status receive harsher sentences, because jurors see them as transgressors (Osborne & Rappaport, 1985).

Past research indicates that some of the halo and stereotype effects on sentencing are influenced by the intentionality and the severity of a crime. For example, the influence of attractiveness depends upon the type of crime. Jurors perceive defendants who used their attractiveness as an instrument for the crime (as in the case of swindling or conning) as relatively more dangerous, and the effect of attractiveness cancels out or reverses (Sigall & Ostrove, 1973). Additionally the influence of socio-economic status depends upon the type of crime. For example, jurors perceive defendants who misuse their already high socio-economic status to gain more money as immoral and decide on harsher sentences, than if the defendant were from a lower socio-economic status; such crimes include embezzlement and fraud (Vidmar et al., 1994).

Present Study

The purpose of this research was to evaluate the effect that a defendant's socio-economic status, community involvement, and the severity of a crime, had on the sentencing phase of a trial. Researchers hypothesized there will be a significant effect of defendant status on sentencing such that defendants with low socio-economic status will receive harsher sentences compared to those with high socio-economic status. Researchers hypothesized there will be a significant effect of community involvement on defendant sentencing such that defendants with high levels of community involvement will receive lesser sentences than defendants who are apathetic towards community involvement. This study used voluntary manslaughter and involuntary manslaughter to

manipulate the severity of the crime. By manipulating the severity, researchers wanted to see if, (1) jurors are paying attention to the type of crime they are sentencing for and (2) whether community service and socio-economic status interact with the severity of a crime. Researchers hypothesized that involuntary manslaughter will reduce the sentence of a defendant as compared to voluntary manslaughter. By assessing multiple variables within a single study, researchers are hoping to increase the external validity of legal research on defendant characteristics (Osborne & Rappaport, 1985). For this study, participants will receive a fictitious vignette describing a voluntary or involuntary manslaughter case, which includes information about a defendant's status and community involvement. Participants are to sentence the defendant and answer a series of follow-up questions.

Method

Participants

One hundred and eighty-eight individuals, 64% female and 36% male, representing several social backgrounds, ranging in age from 15-57 with an average age of 26 volunteered to participate in this online research. Eighty-six percent of the participants claimed to be Caucasian, 4% African American, while the remaining 10% accounted for several other ethnical backgrounds. Due to their failure to complete the study, researchers omitted data from twenty-six participants.

Materials

Participants completed this study on a popular website of online psychology experiments. Vignettes briefly described a voluntary or involuntary manslaughter case.

All information in the report was fictitious. The following parts of the vignette remained consistent across all eight conditions:

William Klein was driving home from an annual office party on the evening of May 11 when his automobile struck and killed a pedestrian by the name of John Owensby. The circumstances leading up to the event were as follows. The office party began around 7PM that evening and by 11PM; the guests at the party began to disperse. William Klein got into his **(insert automobile type)** and began his half hour drive home. At 11:16, the victim, Mr. Owensby **(insert voluntary or involuntary situation)**. Mr. Klein **(insert status information and community involvement information)**. He was found guilty of **(insert voluntary of involuntary manslaughter)**.

The circumstances leading up to and during the event varied depending on the severity of the crime, which was manipulated by whether the driver was negligent in their driving or if the situation was completely accidental. In addition, defendant characteristics revealed in the vignette provided participants with knowledge about the defendant, but that likewise varied amongst the conditions, based on social status (i.e. occupation, income, and education) and level of community involvement. The eight conditions were a two (status: high or low) by two (community involvement: high or not mentioned) by two (crime severity: involuntary manslaughter or voluntary manslaughter) design (see Table 1) (see Appendix).

Table 1.

Vignette Information that was Changed to Create each Condition

Status	Community Involvement	Crime Severity
High: received an MBA from an Ivy League graduate school, business owner, earns \$180,000 a year; 2005 Porsche Boxster	High: 10 year board member of the Hillsdale United Way	Voluntary: failed to yield at a pedestrian crosswalk
Low: received a high school diploma from Hillsdale high school, produce clerk, earns \$9.00 per hour; 1992 Ford Taurus	Low: no information mentioned	Involuntary: pedestrian crossed into the middle of the street where a crosswalk was not present and the pedestrian failed to look for oncoming traffic

Participants completed three questionnaires for this study. The first questionnaire asked participants to select a sentence for the defendant. For both the involuntary and voluntary manslaughter case, an individual selected a sentence between one and ten years in prison. The second questionnaire consisted of eight follow up questions concerning the defendant's characteristics in the form of a semantic differential scale (e.g., Generous (1) (2) (3) (4) Greedy). The characteristics that we studied were: generous, kind, patient, caring, mean, privileged, simple, and lazy). The third questionnaire asked participants the following demographics: age, gender, ethnicity, occupation, whether their work location is in a rural or urban environment, their highest educational degree, and the hours per month, they participate in community service. Researchers selected these particular demographics to examine any possible correlations between the participants and the defendant's characteristics.

Procedure

Participants received a random assignment to one of the eight conditions defined by a two (socio-economic status: high or low) by two (community involvement: high or not mentioned) by two (crime severity: voluntary or involuntary) between-subjects design. Participants received an informed consent. Next, one of the vignettes showed up on the screen for the participant to read. Once the participant viewed all the information, they scrolled down to the appropriate sentencing sheet. At any time, the participants could scroll back up and review their particular vignette. After the participant selected a sentence, they scrolled down again, which took them to the follow-up questions. After the participant completed the follow-up questions, they provided the necessary demographical information. On completion of the demographic information, participants clicked finished. When the participant finished the study, they automatically received a debriefing form, which explained the true purpose of the experiment. At the completion of the study, the program recorded the participant's sentencing, answers to the follow up questions, and demographical information. The study lasted approximately ten minutes. Participants received treatment that was in accordance with the "Ethical Principles of Psychologists and their Code of Conduct" (American Psychological Association, 2002).

Results

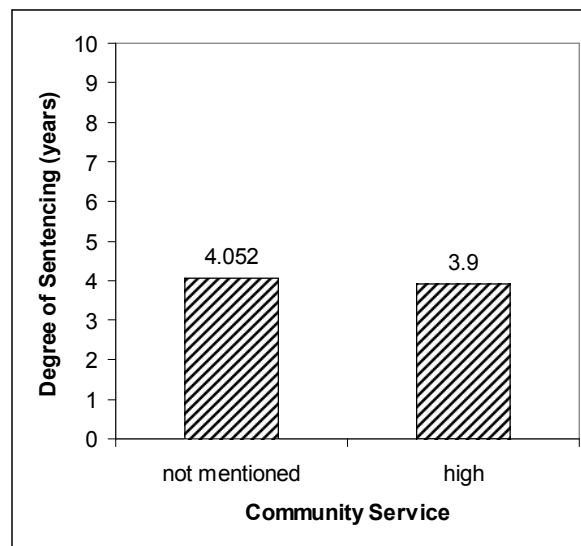
This research tested whether defendant characteristics – status, community involvement, and the severity of a crime – influenced a juror's decision on sentencing a defendant. Researchers hypothesized there would be a significant effect such that low status would increase the defendant's sentence, high community involvement would decrease the defendant's sentence, and defendants convicted of voluntary manslaughter

would receive higher sentences as compared to defendants convicted of involuntary manslaughter. A 2 x 2 x 2 between subjects ANOVA identified a significant ($p < 0.05$) main effect for status and the severity of a crime. No other main effects or interactions were significant.

Sentencing

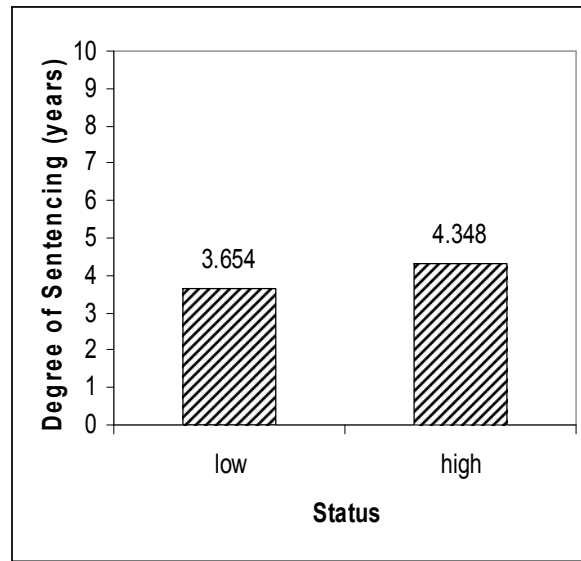
Community Involvement. Defendants whose community involvement was not mentioned ($M = 4.052$) received a slightly longer sentence than those defendants with high community involvement ($M = 3.9$), but this difference was not significant, $F(1,187) = 2.548, p = .112$ (see Figure 1).

Figure 1. Mean sentencing for community involvement.



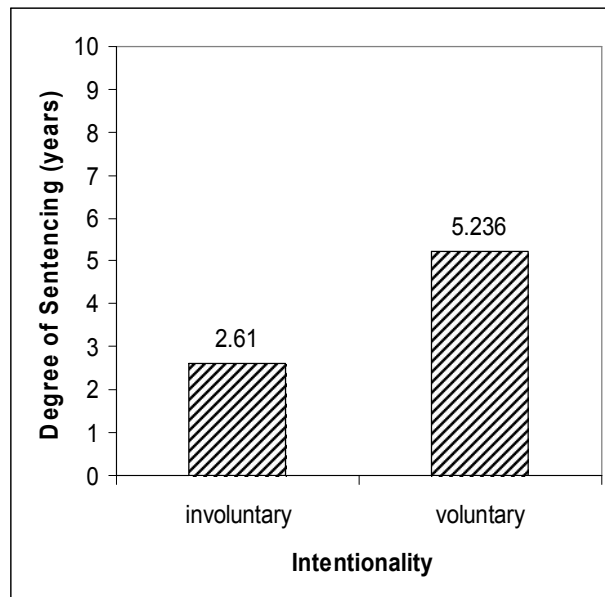
Status. Defendants with a lower status ($M = 3.654$) received more lenient sentencing than those defendants with a higher status ($M = 4.348$), $F(1,187) = 11.02, p = .001$ (see Figure 2).

Figure 2. Mean sentencing for status.



Severity of the Crime. Defendants involved in the involuntary manslaughter ($M = 2.61$) received more lenient sentencing than those defendants involved in the voluntary manslaughter case ($M = 5.236$), $F(1,187) = 50.2233$, $p < .001$ (see Figure 3).

Figure 3. Mean sentencing for the severity of a crime.



Follow-up Questions

The results of the follow-up questions for the defendant's characteristics were puzzling given the pattern of results obtained for sentencing. Researchers separated the semantic-differential scale of follow-up questions regarding the defendant characteristics into two categories: *good* and *lazy/simple*. The *good* category consisted of the following characteristics: *kind, cares, patient, generous*, and the reverse of *mean* with a Cronbach's alpha of .7955. The *lazy/simple* category consisted of the characteristics *lazy* and *simple* with a Cronbach's alpha of .7503.

A 2 x 2 x 2 between subjects ANOVA identified significant main effects ($p < .05$) of community service, status, and the severity of a crime on the juror's perception of *good* and a main effect of status on the juror's perception of *lazy/simple*. Community service lowered perceptions of *good* ($M = 2.5$) as compared to defendants with no community involvement ($M = 2.3$), $F(1, 187) = 9.041, p = .003$. High status made defendants look more *good* ($M = 2.2$) as compared to low status defendants ($M = 2.5$), $F(1, 187) = 13.753, p < .001$. Voluntary manslaughter looked more *good* ($M = 2.2$) as compared to involuntary manslaughter ($M = 2.6$), $F(1, 187) = 28.255, p < .01$. High status defendants were seen as more *lazy/simple* ($M = 3.5$) than low status defendants ($M = 2.3$), $F(1, 187) = 333.794, p < .001$. Additionally, researchers ran a 2 x 2 x 2 between subjects ANOVA for the participant's demographics and the defendant's characteristics; there were no significant main effects or interactions.

Discussion

Previous studies identified a number of variables that influence decisions of mock jurors. The focus of this study was on interactions among some of these variables and

their strength with respect to the severity of the sentence. Three variables were investigated: status, community involvement, and the severity of a crime. Results obtained suggest that both status and the severity of a crime predict the length of sentence while community involvement does not predict the length of sentence.

Status

According to our results, high status received a longer sentence. This is contrary to the low socio-economic status stereotype prediction. Due to the case being of criminal conduct rather than civil conduct, following past research, lower socio-economic status defendants should have received a higher sentence. It also does not quite fit with the deep pocket hypothesis associated with high socio-economic status defendants. The deep pocket hypothesis refers to punishing those who are more capable of paying. Since the penalty was years in prison rather than monetary punishment, wealth should not matter.

Perhaps status is a double-edged sword, where if the halo effect were employed high status defendants would receive lower sentencing. However if the halo effect is not employed it could actually lead to more severe sentencing, which might be the case with our study. It is possible that participants might have (a) associated high status defendants with negative attributes of material success and power, (b) felt envious of the defendant's material success, and/or (c) felt remorse for the low status defendants.

In addition, past research has emphasized crimes of premeditation (Sigall & Ostrove, 1973) and medical negligence (MacCoun, 1996) rather than vehicular manslaughter (involuntary or voluntary). Since individuals can relate to the act of driving a vehicle, variables such as status might affect the sentencing of a defendant. For

example, participants might associate a “sticking it to the rich guy” assumption when sentencing the high status defendant.

Severity of the Crime

Penal codes acknowledge the relevance of motive in measuring the seriousness of a crime: penal codes set higher penalties for voluntary manslaughter as compared to involuntary manslaughter. A basic premise to penal codes and morality is the premise that the more serious a crime, the more it constitutes guilt, and thus should be more harshly punished (Osborne & Rappaport, 1985). As is shown in the data received, involuntariness may mitigate, but does not necessarily excuse an offense. Additionally, participants did not receive suggested sentencing pertaining to the severity of the crime (e.g. involuntary manslaughter 1-5 years as stated in the Indiana penal codes). Despite this fact, participants appeared to be conscious of the particular crime when sentencing the defendant. Therefore, participants may have taken motive and moral goodness into consideration during the sentencing phase.

Limitations and Future Directions

Our study might have had certain limitations that affected our results, and might be avoidable in future research. Participants in this study were not actual jury members, and they received a bogus court case. Therefore, participants may not have been as concerned with the outcome of their decisions as compared to real jury members. In addition, in real life court situations, jury members receive an abundance of information regarding the specifics of a case, not to mention, how a jury should try a case. Without this information, our participants may not have known how to sentence the defendant properly (Efran, 1994). Additionally, jury members often hear testimonies from both a

defendant and witnesses. This might provide jury members with circumstantial information about the defendant's and victim's character. Finally, participants made their decisions independently instead of hearing the deliberation of other jury members (Wuensch & Moore, 2004) mitigating any effects such as group think or social conformity.

While the findings of this research may have important implications for legal decision-making, continual research can advance our understanding of litigation. For example, further research is needed to determine why high status led to harsher penalties and to examine how the effect of status changes across types of crime.

References

- American Psychological Association (2002). Ethical principles of psychologists and code of conduct. *American Psychologist*, 57, 1060-1073.
- Aronson, E. (2004). *The Social Animal*. Ninth Edition. New York: Worth Publishing.
- Dion, K., Berscheid, E., & Walster, E. (1972). What is beautiful is good. *Journal of Personality and Social Psychology*, 24(3), 285-290.
- Downs, C., & Lyons, P. (1991). Natural observations of the links between attractiveness and initial legal judgments. *Personality and Social Psychology Bulletin*, 17(5), 541-547.
- Efran, G. (1974). The effect of physical appearance on the judgment of guilt, interpersonal attraction, and severity of recommended punishment in a simulated jury task. *Journal of Research in Personality*, 8, 45-54.
- Forster-Lee, L., Fox, G.B., & Forster-Lee, R. (2004). The effects of a victim impact statements and gender on juror information processing in a criminal trial: Does the punishment fit the crime? *Australia Psychologist*, 39(1), 57-67.
- Frances, D.C. & Wrightsman, L.S. (1982). *Effects of defendants' and victims' characteristics on jurors' verdicts*. New York: Academic Press.
- Greene, E., Koehring, H., & Quiat, M. (1998). Victim impact evidence in capital cases: Does the victims' character matter? *Applied Social Psychology*, 28(2), 145-156.
- Landy, D., & Aronson, E. (1969). The influence of the character of the criminal and his victim on the decisions of simulated jurors. *Journal of Experimental and Social Psychology*, 5, 141-152.

- MacCoun, R.J. (1996). Differential treatment of corporate defendants by juries: An examination of the “deep pockets” hypothesis. *Law & Society Review*, 30(1), 121-161.
- Osborne, Y.H. & Rappaport, N.B. (1985). Sentencing severity with mock jurors: Predictive validity of three variable categories. *Behavioral Sciences & the Law*, 3(4), 467-473.
- Sigall, H. & Ostrove, N. (1973). Beautiful but Dangerous: Effects of offender attractiveness and nature of the crime on juridic judgement. *Journal of Personality and Social Psychology*, 31(3), 410-414.
- Vidmar, N., Lee, J., Cohen, E., & Stewart, A. (1994). Damage awards and jurors’ responsibility ascriptions in medical versus automobile negligence cases. *Behavioral Sciences & the Law*, 12(2), 149-153.

Appendix

*Table 1.**Vignette Information that was Changed to Create Each Condition*

Status	Community Involvement	Crime Severity
High: received an MBA from an Ivy League graduate school, business owner, earns \$180,000 a year; 2005 Porsche Boxster	High: 10 year board member of the Hillsdale United Way	Voluntary: failed to yield at a pedestrian crosswalk
Low: received a high school diploma from Hillsdale high school, produce clerk, earns \$9.00 per hour; 1992 Ford Taurus	Low: no information given	Involuntary: pedestrian crossed into the middle of the street where a crosswalk was not present and the pedestrian failed to look for oncoming traffic