



Examining the role of defendant attractiveness on juror decisions for crimes relating to stalking, burglary and murder

Amy Cannon

Supervised by: Tom Heffernan

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ABSTRACT

Given previous research which has demonstrated an 'attractive bias' on juror decisions for crimes of burglary and murder, the current study aimed to extend upon this knowledge by examining the role of offender attractiveness on 'mock juror' decisions, for stalking crimes, in comparison to both burglary and murder (whilst controlling for mock juror self-esteem, age and gender). A 2x3 mixed factorial design was used; factor one, offender attractiveness (between subjects), consisted of two levels: attractive and unattractive; and factor two, crime type (within subjects), consisted of three levels: burglary, murder and stalking. A total of 80 participants (26 males, 54 females; aged between 18-66 years) were randomly assigned to take part in either the 'attractive' (13 males, 26 females) or 'unattractive' (13 males, 26 females) condition, where they were required to rate each crime on the four dependent measures (guiltiness, recommended sentence length, dangerousness, and susceptibility to rehabilitation). It was hypothesised that the attractive stalker would receive lighter sentences and lower ratings of guilt than the unattractive stalker; no specific hypotheses however, were made in relation to the other ratings (dangerousness and susceptibility to rehabilitation). The results revealed a significant effect for guilt ratings, for stalking crimes only; with the attractive stalker receiving lower ratings of guilt than the unattractive stalker. No other significant effects were observed across any of the crimes, for any of the dependent measures. Overall, due to successfully controlling for a number of potentially-related juror characteristics, including self-esteem, age and gender, it was concluded that the present findings may in fact provide a more accurate representation of the attractive bias, than has previously been demonstrated.

KEY WORDS:	ATTRACTION	MOCK JURORS	MANUAL STALKING	CYBER STALKING	GUILTINESS
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INTRODUCTION

Although only a small minority of legal disputes, to date, are determined with the presence of a jury, thousands of cases are still in fact resolved by jury trial each year (Bornstein & Greene, 2011). A jury is made up of twelve layperson citizens who are chosen at random from the electoral register (Gibson & Cavadino, 2008). In order to qualify for jury service, and to be liable to attend jury duty when summoned, a person must be aged between 18 and 70; they must be registered on the parliamentary or local government register; and must have been a resident in the United Kingdom, Channel Islands or the Isle of Man for at least five years. Those who have been sentenced to more than five years imprisonment, however, are disqualified from jury service, as are those who are mentally disordered and those who have served any part of a sentence in the last ten years (Gibson & Cavadino, 2008). The role of the jury is to essentially hear and evaluate the evidence presented at the trial, and to make sense of any inconsistent facts. After hearing the evidence, jurors are then required to apply legal rules in order to reach a verdict concerning whether they find the defendant guilty or not guilty for the crime in which he or she has been charged (Bornstein & Greene, 2011). Trial-by-jury not only reduces the overall control of legal experts, but it also upholds the western tradition that every citizen has the right to be judged by his or her own peers (Slapper & Kelley, 2009). Thus, the advantage of a jury trial, in any legal case, not only provides a better representation of the diversity of modern civilisation (Lea, 2006), but it also strengthens the overall legitimacy of the criminal justice system, as it introduces a democratic humanising element to the legal process (Slapper & Kelley, 2009). For these reasons, the jury system is regarded as an integral part of both the legal system and civil democracy (Bornstein & Greene, 2011).

The statutes of many countries require that the jury system provides an unbiased and intricate procedure whereby all defendants are treated in an impartial and equal manner before the law (Sporer & Goodman-Delahunty, 2009). In all cases, jurors must explicitly consider factors such as crime type, degree of intent, possible motivations for committing the crime, as well as factors relating to the life circumstances of the offender, when determining a criminal sentence (Sporer & Goodman-Delahunty, 2009). By law, jurors are expected to ignore all extra-legal, non-evidentiary factors (such as offender race, age and gender) and process only information relevant to the case (Gunnell & Ceci, 2010). Legal sceptics, however, suggest that once selected as a juror, people do not precipitously become the impartial and unbiased 'tabula rasa' (or blank slate) that the court requires them to be, they instead bring to the court their own prejudices, experiences and their own methods for generating decisions (Horowitz *et al.* as cited by Gunnell & Ceci, 2010).

Much research over the years has documented several biases towards certain characteristics of defendants, including that of gender, age and ethnicity, in relation to juror decisions. McCoy and Gray (2007), for example, found important effects of defendant gender on judgements made by 'mock' jurors (individuals who rate crimes outside of the courtroom situation) in cases of alleged sexual child abuse. In this study, a greater verdict leniency was observed towards female defendants, who were less likely to be found guilty than males. A similar finding was also observed by

Ahola *et al.* (2009), who found that mock jurors were more likely to issue shorter sentences to the female defendant, than they were to the male offender. This was true for a variety of crimes, including homicide, theft and child abuse. Additionally, Thompson, Merrifield and Chinnery (2011) found that male defendants were not only more likely than females to be convicted of murder (in a mock-jury trial), but they were also judged as less trustworthy than their female counterparts. One explanation for this, however, could be attributed to the fact that females, as opposed to males, are traditionally perceived as being less capable of violent crimes; thus, when a female is accused of a criminal act, jurors tend to recognise the crime as accidental rather than intentional (Ahola *et al.* 2009). In addition, the traditional view that crimes are typically associated with 'masculinity', could also be a reason why females are perceived as less guilty than males, when accused of a criminal offence (Herrington & Nee, 2005).

Significant sentencing disparities have also been found between both young and older offenders. Older offenders are not only considered as more trustworthy than young offenders (Pozzulo *et al.* 2010), but they are also found to receive lighter prison sentences than their younger peers (Doerner & Demuth, 2010). Mueller-Johnson and Dhimi (2010), for example, found that, for mock-jury cases of grievous bodily harm, older offenders (aged 66-72 years) received sentences of up to 16 months shorter than those received by young offenders (aged 21-26 years). Mueller-Johnson and Dhimi (2010) argue that this sentence leniency could be due to the underlying consensus that there is a reduced need to protect society from older offenders; and thus there is less need to impose lengthy sentences. Likewise, it is also agreed that older offenders are somewhat 'blameless' and 'harmless', and are often in need of protection. Thus, while there is a need to protect the community from crimes committed by both young and older offenders, society generally holds great sympathy towards the elderly, with police rarely regarding older offenders as criminals (Aday, 2003). Moreover, important sentencing discrepancies have also been observed between Hispanic (Mexican American) and European American defendants of both low and high socioeconomic status (SES). Esqueda *et al.* (2008), for example, found that European American mock jurors showed greater bias towards the Hispanic defendant when ethnicity was coupled with low SES. The Hispanic low SES offender was judged as more guilty, found more responsible, and received lengthier sentences than the white European American offender. In line with this, data compiled by the United States Sentencing Commission, in 2001 (Doerner & Demuth), showed that Hispanic and black male offenders are more likely to be incarcerated than both male and female white offenders. According to Doerner and Demuth, such sentencing disparities between Hispanic, black, and white European American defendants, may be explained by a collection of social and structural burdens (including language barriers, concerns over citizenship, poverty and unemployment) which are seemingly associated with being of Hispanic or black ethnicity.

Thus, far from being blank slates, it is evident from the literature that juror members often rely on their own preconceptions and subjective views about certain crimes when faced with a criminal case (Porter & ten Brinke, 2009). Not only will jurors consider the defendants' present criminal offence and prior criminal behaviour (Mueller-Johnson & Dhimi, 2010), but they are also likely to be influenced by various extra-legal factors, including those related to the defendants' gender, age, race and

current social status, when arriving at legal decisions. One of the most influential extra-legal factors found to affect jury decisions, however, is that of the offenders' facial attractiveness (Ahola et al. 2009). As the focus of the current study is primarily concerned with the role of offender attractiveness on juror decisions, the next section will consider this extra-legal variable in more detail.

Defendant Attractiveness and Juror Decisions

Attractiveness is very much associated with the notion of facial beauty and pleasantness (Dumas & Testé, 2006). It is often defined as the extent to which one's physical traits and facial image stimulate pleasing and favourable reactions from others, and can include implications of cuteness, baby-facedness (large eyes, narrow chin) sexiness and symmetry (Dumas & Testé; Chiu & Babcock, 2002). According to Barelds and Dijkstra (2009), attractive individuals are often associated with various other socially desirable characteristics (known as the 'beautiful is good' effect; Dion, Berscheid & Walster, 1972), and hence, are often perceived to be kinder, more self-assured and more emotionally stable than unattractive individuals (Corneille *et al.* 2005). In addition, attractive individuals are also considered to be more honest, more satisfied, and lead more successful lifestyles than their less attractive peers (Patzner, 2006). Moreover, a number of studies have also demonstrated this effect of facial attractiveness on the outcome of juror decisions. In much of the literature, it is a fairly consistent finding that attractive or 'good-looking' defendants are judged more favourably than their unattractive counterparts, with regards to ratings of culpability and the severity of the sentences imposed (Abwender & Hough, 2001). As early as 1941, for example, Monahan showed that beautiful women, accused of a range of crimes, were convicted less often than were the less attractive women. Similarly, in an early study carried out by Efran (1974), physically attractive defendants were found to receive milder sentences, and were evaluated with less guilt certainty, than the unattractive perpetrators.

Moreover, this advantage of offender attractiveness, on mock juror decisions, has also been reported in more recent research, for a variety of crimes ranging from rather minor offences to the more heinous crimes. Abwender and Hough (2001), for example, found that, in cases of negligent vehicular-homicide (caused by driving whilst under the influence of alcohol), shorter sentences of imprisonment were more often given to the attractive female defendants than to the less attractive defendants. This however was only true for female mock jurors; male mock jurors tended to show the opposite pattern. Nonetheless, a similar finding was also observed by Staley (2007), who, too, found an attractive leniency bias for crimes of negligent vehicular-homicide, whereby attractive defendants were found to receive more lenient appraisals, in terms of recommended sentence length, than their unattractive counterparts. Additionally, in a study which examined the role of attractiveness on mock juror verdicts for crimes of armed robbery (involving either a shooting or no shooting), Patry (2008) observed an attractive leniency which was largely dependent upon whether participants were allowed to deliberate or not (discuss the case with other mock jurors). Mock jurors who did not deliberate, for example, were more likely to issue guilty verdicts to the plain-looking defendant than they were the attractive defendant; when mock jurors discussed the case together, however, this effect was eliminated. Nonetheless, this attractive bias was also observed by Ahola et al. (2009), for a number of mock jury-trials, including theft, child abuse and homicide. In

this study, despite identical crime depictions, the attractive female defendant was found to receive milder prison sentences than the less attractive defendant. Furthermore, in an important study carried out by McAlexander (2009), it was found that, in cases of theft from a vehicle, female mock jurors were more likely to convict the unattractive offender than they were the attractive offender. Not only this however, but self-esteem of the jury (the extent to which jurors perceived themselves to be of worth and importance) was also found to majorly affect sentencing decisions; with lower levels of self-esteem, on average, relating to mock jurors issuing longer sentences to offenders. This study therefore provides important evidence to suggest that other variables, such as mock juror self-esteem, may in fact interact with the attractive advantage that occurs during sentencing.

Conversely, it must also be noted that this advantage of offender attractiveness, on juror decisions, is not a completely consistent finding, with some research having failed to find any effect at all. In a recent study carried out by Martin (2010), for example, no effect of perpetrator attractiveness, on sentencing judgments, was observed for crimes of murder, bodily harm, assault, property damage, nor theft. Similarly, Dumas and Testé (2006) also failed to find an effect of attractiveness on mock juror sentencing, for crimes including rape, paedophilia and serial murder. Both studies, however, failed to control for juror self-esteem, and, thus, it is plausible that a different effect would have been observed if this variable was accounted for. Nevertheless, it should also be acknowledged that much of the research in support of the attractive bias (such as Staley, 2007; Patry, 2008; Ahola et al. 2009) has, too, failed to control for this potentially related variable of mock juror self-esteem.

Yet, despite this, the research does seem to largely suggest that the attractive leniency bias (in relation to juror decisions) does in fact still exist today. It is important to note however, that much of this research was conducted in the USA, with very little work having been conducted in the UK. In addition, this effect has mainly only been applied to crimes of theft, robbery and murder, with no research to date having examined the attractive bias on juror decisions for the more recent crime of stalking. As a result, there appears to be a need to examine the attractive bias in relation to both stalking crimes and UK mock jurors. The next section will discuss the crime of stalking in more detail.

Stalking Crimes

Stalking is often conceptualised as acts of obsessional following and harassing of another individual, that are threatening, unwanted and/or potentially dangerous (Pinals, 2007). Although stalking is not a new phenomenon, it has only recently been established within the last two decades, in both the UK and USA, as a new and dangerous crime (Campbell & Moore, 2011). According to Purcell *et al.* (2008), stalking involves a constellation of behaviours which are repeatedly imposed on another being to such an extent that the recipient becomes fearful for his or her own safety. Such behaviours, however, can often seem harmless and inoffensive, and may at times resemble those of an intimate relationship (such as waiting outside an individual's home or workplace; Campbell & Moore, 2011). As a result, the distinction between what is socially acceptable and what is in fact illegal, is often ambiguous. Nevertheless, when such conducts become continuous and persistent, they can often be interpreted by the victim as both threatening and malicious (Campbell &

Moore, 2011); thus, stalking is a crime which demands considerable legal and public attention (Purcell *et al.* 2008). Despite this however, there appears to be a lack of systematic research on stalking, with no research to date having examined the role of perpetrator attractiveness on juror decisions for stalking crimes. The present study will therefore attempt to bridge this gap in the literature by examining the role of offender attractiveness on juror decisions for stalking, in comparison to burglary and murder.

The Present Research

After reviewing the literature concerning the role of offender attractiveness on juror decisions, it is clear that the attractive bias still applies to date. In the majority of cases reviewed, greater attractiveness not only reduced the likelihood of being found guilty, but jurors were also more lenient when recommending sentences. This, however, was mainly only applied to crimes of theft, armed robbery, child abuse and murder, and was not examined in relation to the more recent crime of stalking. In order to overcome this, the present study will therefore examine the role of offender attractiveness on mock juror decisions for stalking crimes, in comparison to burglary (a minor crime) and murder (a heinous crime). In addition, the study will not only measure and compare mock jury ratings on levels of guiltiness and proposed sentence length, but it will also include ratings of offender susceptibility to rehabilitation and perceived dangerousness (the extent to which an offender is seen as a threat to society). This will further extend the literature as past research has often only assessed juror ratings on sentencing and guiltiness, and has not examined how offender attractiveness may influence other juror decisions, such as how likely the offender is to respond to treatment, and how much of a risk the offender is to society.

Furthermore, based on the recent findings of McAlexander (2009), which have shown a relationship between mock juror self-esteem and sentencing, there appears to be a need to control for mock juror self-esteem within the present research (an aspect which past research has often failed to control for). Additionally, the present study will also control for mock juror age, since recent research has shown significant sentencing differences between both young and older jurors (with younger jurors, on average, showing a greater tendency to issue guilty verdicts than older jurors; Mossière & Dalby, 2008). Likewise, the current research will also include an equal ratio of male to female participants across the two mock jury cohorts, given that female mock jurors are found more likely to be influenced by offender attractiveness than males (McAlexander, 2009). Finally, as the majority of stalking perpetrators (80%) are reportedly male (Purcell *et al.* 2008), the vignettes contained in the current study (disclosing brief descriptions of each crime), will portray male offenders only.

The rationale of the current study is to therefore determine not only whether the advantage of offender attractiveness, on jury sentencing and guilt ratings, applies to stalking crimes (in comparison to burglary and murder), but whether it also extends to ratings of dangerousness and susceptibility to rehabilitation (once mock juror self-esteem, age and gender have been controlled for). Consequently, if there does in fact exist an attractive leniency bias in juror decision making, then it is hypothesised that the attractive stalker will receive lighter sentences and lower ratings of guilt than

the unattractive stalker. As no research to date has examined the effect of attractiveness on juror decisions for offender dangerousness and offender susceptibility to rehabilitation however, no specific hypotheses have been made in relation to these rating scales; the effect however, will still be observed.

Method

Pilot study

In order to obtain the attractive and unattractive 'offender' photographs, a separate set of 20 participants (10 males, 10 females) aged between 20 and 64 years (mean age=30.5, SD=14.10) rated a set of photographs on facial attractiveness in a preliminary study. The photographs consisted of 20 male students whose pictures were chosen from a test bank approved for testing purposes within the School of Life Sciences at Northumbria University. All of the photographs were of Caucasian university students aged between 18-25 years. The photographs were presented from just above the head to just below the neck; none of which included males wearing eyeglasses or hats. For physical attractiveness, participants were required to rate each photograph on a seven-point scale which ranged from 1 (physically unattractive) to 7 (physically attractive). The following instructions were given to each participant rating the photographs: "To the best of your ability please rate each photograph according to the seven-point scale, by circling a point on the scale (from 1 to 7) which best represents your judgement about the attractiveness of the photograph. During this task, should you wish to change your mind about any of the ratings you have made, please feel free to change that rating. You may begin whenever you are ready." This is a method typically followed in the literature to obtain attractiveness ratings of photographs (see Johnson, Podratz, Dipboye, & Gibbons, 2010). Each participant rated the photographs separately, in a laboratory based setting. Once the pictures were rated, scores were then entered into SPSS version 19; the 3 highest rated photographs (mean ratings: 4.10; 3.80; 3.50) made up the 'attractive' picture set, and the 3 lowest rated photographs (mean ratings: 1.05; 1.35; 1.60) made up the 'unattractive' picture set. These picture sets were then used in the main study as the 'attractive' verses the 'unattractive' offender pictures (see accompanying envelope for raw data).

Design

For the purpose of this research, participants will be referred to as 'mock jurors'. A 2x3 mixed factorial design was carried out in order to explore the role of offender attractiveness on mock juror decisions for burglary, murder and stalking. Factor one, offender attractiveness, consisted of two levels: attractive and unattractive, and was manipulated as a between subjects design. By separating the attractive and unattractive offender cohorts in this way, this disallowed for any participants to make explicit comparisons between the two groups (attractive and unattractive), and hence, prevented the true nature of the study from being exposed (which compared mock juror judgements on attractive verses unattractive offenders). The second factor, crime type, consisted of three levels: burglary, murder and stalking, and was manipulated as a within subjects design; this allowed to gather data on each participant, on all three crimes, without biasing the study in any way. Mock jurors were randomly assigned to one of the two mock juror cohorts (attractive or

unattractive), where they viewed three crime vignettes: one for burglary, one for murder and one for stalking (counterbalancing was used to control for any order effects). The four dependent variables measured scores on the following rating scales: sentence length (dependant on the crime type), level of guilt (ranging from 0-10), offender dangerousness (0-10), and susceptibility to rehabilitation (0-10). Both mock juror self-esteem and age were included as covariates in the analysis in order to control for any effects of these variables on juror decisions. Mock juror gender was also balanced across the two levels of attractiveness as an extra control feature.

Participants

An opportunity sample of 80 participants (26 males, 54 females; aged between 18 and 66 years), from the undergraduate population, volunteered to act as 'mock' jurors for the purpose of the study. Participants were randomly assigned to take part in either the 'attractive' (13 males, 26 females) or 'unattractive' (13 males, 26 females) condition. Participants in the attractive condition had a mean age of 26.23 years (SD=13.29), and an average calculated self-esteem level of 20.90 (SD=3.78). The mean age across the unattractive condition was calculated at 26.23 years (SD=13.29), and the average level of self-esteem across the group was 20.65 (SD=4.97). Participants were predominately psychology students studying at Northumbria University, and differed in terms of nationality and background. First and second year psychology students were awarded one 'participation point' for taking part in the study; no other rewards were granted. In order to meet the criteria of the official jury service, those who had not been resident in the United Kingdom, Channel Islands or Isle of Man for at least 5 years, were excluded from the study, as were those who were not listed on the electoral register; no other exclusion criteria applied.

Materials

The three crime vignettes (burglary, murder and stalking) were designed using Microsoft Word and contained a photograph of the alleged offender (either attractive or unattractive, depending on the condition), demographic information (including the offender's name, age and gender) and a fictional description of the crime (see accompanying folder). In each case, the alleged offender remained a 26 year-old Caucasian male, who pleaded not guilty to the crime in question (this allowed to control for any interactions caused by defendant age, gender, race and plea). The crime description contained information regarding the date of offence, evidence for charging the defendant, and information suggesting that the case is to be brought to a crown court. The four rating scales (level of guilt, recommended sentence length, offender dangerousness and susceptibility to rehabilitation), were presented on a separate page to the vignettes, and were also designed using Microsoft word (see Appendix A.). The first scale, level of guilt, ranged from 0-10, with '0' corresponding to 'definitely not guilty' and '10' corresponding to 'definitely guilty'; this scale remained the same for all three crimes, and was scored accordingly. The second scale, sentence length, however, varied according to the crime type. For burglary, the sentence length options ranged from a 12-month custodial sentence, to a 36-month custodial sentence; and for murder the sentence length options ranged from a 10-year custodial sentence, to an 18-year custodial sentence. For stalking, however, the options were as follows (starting with the least severe punishment): police warning, restraining order, suspended sentence, 6 months imprisonment, and 5

years imprisonment. For all three crimes, sentence length was scored between 1-5, with '1' corresponding to the least severe punishment, and '5' corresponding to the most severe punishment. The third scale was that of perceived level of dangerousness, and ranged from '0' (not dangerous) to '10' (very dangerous); this too remained the same across all three crimes and was scored accordingly between 0-10. The last scale measured offender susceptibility to rehabilitation and also ranged from '0' (very unlikely to respond to appropriate interventions) to '10' (very likely to respond to appropriate interventions). This scale was also scored accordingly (receiving a score between 0-10) and remained the same for all three crimes, across both the attractive and unattractive conditions. Self-esteem was measured using the Rosenberg Self-Esteem Scale (Rosenberg, 1965). This scale consisted of 10 statements, which were designed to measure the extent to which participants perceived themselves to be worthy, competent and important individuals (an example includes: 'On the whole I am satisfied with myself'). Each statement was accompanied with the following responses: 'strongly agree' (SA), 'agree' (A), 'disagree' (D), and 'strongly disagree' (SD); for each statement participants were required to circle the appropriate response (SA, A, D or SD). Responses were scored between 0-3, with 'strongly agree' receiving a score of '3' and 'strongly disagree' receiving a score of '0' for statements 1, 3, 4, 7 and 10. Statements 2, 5, 6, 8, and 9, on the other hand, were scored in reverse, and so 'strongly agree' received a score of '3' and 'strongly disagree' received a score of '0' (see Appendix B. for full scoring procedures). Higher overall scores indicated higher levels of self-esteem, with lower overall scores indicating lower levels of self-esteem.

Procedure

All ethics procedures were approved by the School of Life Sciences Ethics Committee prior to the study being conducted (see Appendix C. for ethics approval form). Before proceeding with the study, participants were required to read through the participant information and standardised instructions (see Appendix D.). A cover story was used to conceal the true nature of the study (the role of offender attractiveness on mock juror decisions for stalking crimes in comparison to burglary and murder) and instead participants were told that the study was examining the role of self-esteem in mock juror decisions for the three crimes (this was necessary so as to not bias mock juror ratings across the attractive and unattractive conditions). Participants were allowed to ask any questions relating to the study at this point, and were informed of their right to withdraw. After consenting to the study (see Appendix E. for informed consent document), participants were tested separately, in a laboratory based setting, where they were presented with the three crime vignettes (burglary, murder and stalking). Participants were asked to rate each crime separately, and consider only the information on the current vignette, when rating the alleged offender on the four different scales (guiltiness, sentence length, dangerousness and susceptibility to rehabilitation). The order of which the vignettes were presented to participants was counterbalanced, and thus varied between participants. Once participants had rated each crime, they were then required to complete the Rosenberg Self-esteem Scale by circling the correct response to each statement. Details of each participant's age and gender were also taken at the beginning of the study. The study took approximately 10 minutes for each participant to complete; all participants were then fully debriefed, and thanked for their co-operation and contribution to the study (see Appendix F. for participant debrief; and

Appendix G. for participant feedback form). Upon understanding the true nature of the research, participants were also reminded of their right to withdraw from the study. Participation points were awarded to those who had signed up to the study via Northumbria University's participation pool- no other financial rewards were granted. There were two ethical issues regarding this study that needed to be addressed. Firstly, the use of the cover story meant that participants were initially deceived about the true nature of the study; however this was a relatively low issue as participants were fully debriefed at the end of the study, and were given the opportunity to withdraw their data. Secondly, the brief descriptions of mild to severe crimes (contained in the vignettes), may have also been slightly distressing to read; however, this was overcome by fully informing participants of this requirement prior to attaining their consent.

Results

Treatment of data

Following the completion of data collection, all information (excluding participant names) was placed into SPSS version 19, where descriptive statistics, consisting of means and standard deviations, were calculated in order to distinguish whether there were any trends across the 'attractive' and 'unattractive' conditions, and between the crime types (burglary, murder and stalking). Inferential statistics were also calculated and comprised of a series of one-way ANCOVAs (controlling for mock juror self-esteem and age), which were applied to factor 1, 'attractiveness' (with two levels: attractive and unattractive) and factor 2, 'crime type' (with 3 levels: burglary, murder and stalking), for each of the dependent variables: offender guiltiness, proposed sentence length, offender dangerousness and susceptibility to rehabilitation (see Appendix H. for full SPSS output; see accompanying envelope for raw data). The results are summarised as follows:

Two independent t-tests were applied to the data on self-esteem and age to compare the attractive and unattractive mock jury cohorts on mock juror self-esteem and age. This revealed no significant difference between the attractive and unattractive condition for neither self-esteem ($t(78) = -.253, p = .801$), nor age ($t(78) = .732, p = .467$). Mock juror self-esteem and age were still controlled for within the main analyses as this was the intention.

Table 1 (below) contains descriptive data comparing the attractive and unattractive mock jury cohorts on all four dependent variables for burglary.

Table 1

Means and (standard deviations) for burglary, comparing the attractive and unattractive conditions on ratings of guilt, recommended sentence length, level of dangerousness and susceptibility to rehabilitation (N=80).

	Attractive		Unattractive	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Guiltiness	7.28	1.66	7.25	1.96
Sentence length	2.20	1.31	2.08	1.25
Dangerousness	4.48	1.91	4.68	1.99
Rehabilitation	6.35	2.25	6.33	2.15

A series of one-way ANCOVAs (controlling for self-esteem and age) were applied to the burglary crime, to compare the attractive and unattractive condition on all four dependent measures (level of guilt, recommended sentence length, level of dangerousness and susceptibility to rehabilitation) for this crime type. This revealed no main effect of attractiveness versus unattractiveness for ratings of guiltiness ($F(1, 76) = .079, p = .779$), nor for sentencing ratings ($F(1, 76) = .328, p = .569$), nor for dangerousness ratings ($F(1, 76) = .021, p = .884$), nor for ratings of susceptibility to rehabilitation ($F(1, 76) = .019, p = .891$).

Table 2 (below) contains descriptive data comparing the attractive and unattractive mock jury cohorts on the four dependent measures for murder.

Table 2

Means and (standard deviations) for murder, comparing the attractive and unattractive conditions on ratings of guilt, recommended sentence length, level of dangerousness and susceptibility to rehabilitation (N=80).

	Attractive		Unattractive	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Guiltiness	7.20	1.83	7.48	1.49
Sentence length	3.90	1.52	3.93	1.70
Dangerousness	7.40	2.02	7.83	1.39
Rehabilitation	6.30	2.05	5.23	2.48

A series of one-way ANCOVAs (controlling for self-esteem and age) were applied to the murder crime, to compare the attractive and unattractive condition on all four

dependent measures (level of guilt, recommended sentence length, level of dangerousness and susceptibility to rehabilitation) for this crime type. This revealed no main effect of attractiveness versus unattractiveness for ratings of guiltiness ($F(1, 76) = .451, p = .504$), nor for sentencing ratings ($F(1, 76) = .006, p = .936$), nor for dangerousness ratings ($F(1, 76) = .963, p = .330$), nor for ratings concerning rehabilitation (although this was approaching significant: $F(1, 76) = 3.935, p = .051$).

Table 3 (below) contains descriptive data comparing the attractive and unattractive mock jury cohorts on all four dependent variables for stalking.

Table 3

Means and (standard deviations) for stalking, comparing the attractive and unattractive conditions on ratings of guilt, recommended sentence length, level of dangerousness and susceptibility to rehabilitation (N=80).

	Attractive		Unattractive	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Guiltiness	7.73	1.49	8.40	1.17
Sentence length	2.25	1.49	2.55	0.90
Dangerousness	6.18	1.88	6.60	1.82
Rehabilitation	6.38	1.97	5.72	2.43

A series of one-way ANCOVAs (controlling for mock juror self-esteem and age) were applied to the stalking crime, to compare the attractive and unattractive condition on all four dependent measures (level of guilt, recommended sentence length, level of dangerousness and susceptibility to rehabilitation) for this crime type. This revealed no main effect of attractiveness versus unattractiveness for sentencing ratings ($F(1, 76) = 2.021, p = .159$), nor for ratings of dangerousness ($F(1, 76) = .748, p = .390$), nor for ratings concerning rehabilitation ($F(1, 76) = 1.775, p = .187$) - although, if there were an attractive bias, the latter of which was heading in the anticipated direction; yet this failed to reach significance. There was, however, a main effect of attractiveness versus unattractiveness for ratings of guiltiness ($F(1, 76) = 4.32, p = .041$), with the attractive stalker receiving lower ratings of guiltiness (mean= 7.73, SD= 1.49) than the unattractive stalker (mean= 8.40, SD= 1.17).

Summary of results

After controlling for between group variations in mock juror self-esteem and age, a series of one-way ANCOVAs were applied to the data to compare the attractive and unattractive mock jury cohorts across the three crimes (burglary, murder and stalking), on all four dependent measures (guiltiness, proposed sentence length, offender dangerousness and susceptibility to rehabilitation). The results revealed a significant effect of attractiveness for stalking crimes only; with the attractive stalker, on average, receiving lower ratings of guilt than the unattractive stalker. No other significant effects were observed across neither of the remaining crimes (burglary and murder), for any of the dependent measures.

Discussion

The purpose of the current study was to extend our understanding of the 'attractive bias' in juror decision making. In much of the literature it is a fairly consistent finding that attractive defendants are judged more favourably than their less attractive peers, with regards to ratings of guilt and sentence length imposed (Patry, 2008; Ahola *et al.* 2009). This has been found true for a range of crimes including theft, robbery and murder; no research to date, however, has examined this effect in relation to stalking. The present study therefore aimed to expand upon the current literature by examining the role of offender attractiveness on juror decisions for stalking crimes, in comparison to burglary and murder crimes (whilst controlling for mock juror self-esteem, age and gender). Unlike past research, the present study also measured mock juror ratings on four different scales, including ratings of guilt, recommended sentence length, offender dangerousness and susceptibility to rehabilitation. Given the attractive bias on juror decisions that has been observed for crimes of burglary and murder, it was hypothesised that the attractive stalker would receive lower guilt ratings and shorter sentences than the unattractive stalker. As no research to date has examined this effect on juror decisions for offender dangerousness and susceptibility to rehabilitation, no specific hypotheses were made in relation to these scales; the effect however, was still observed.

After controlling for between group variations in mock juror self-esteem, age and gender, the results revealed no attractive bias on mock juror decisions for burglary. Not only was there no effect of attractiveness on ratings of guilt and proposed sentence length for this crime, but the attractive bias did not extend to ratings of dangerousness nor to ratings of susceptibility to rehabilitation. In addition, there was no main effect of attractiveness on any of the four mock juror ratings (level of guilt, recommended sentence length, offender dangerousness and susceptibility to rehabilitation) for murder, once mock juror self-esteem, age and gender had been controlled for. It is interesting to note, however, that the attractive murderer was generally judged as more likely to respond to appropriate treatment interventions than the unattractive murderer (this effect, however, was non-significant). With regards to stalking, as predicted, there was an attractive bias observed for ratings of guilt; with the attractive stalker being judged as less guilty than the unattractive stalker. This effect, however, failed to transfer to sentencing decisions, and did not extend to ratings of dangerousness or susceptibility to rehabilitation. Yet, it should be acknowledged that, if there were an attractive bias, the latter of which was heading in the expected direction (this, however, did not reach significance). Thus, the results only partially support the hypothesis (which stated that the attractive stalker would receive lighter sentences and lower guilt ratings than the unattractive stalker), as only ratings of stalker 'guiltiness' yielded a significant result.

Overall, the findings observed in the present study (with regards to burglary and murder) are very much inconsistent to that of previous research, which, unlike the present findings, has often shown an attractive bias in juror decision making (such as Ahola *et al.* 2009). One reason for this, however, could be explained by the cultural differences that exist between the UK sample of mock jurors used in the present study, and the US sample of mock jurors that has, more often than not, been used in past research when examining the attractive bias on juror decisions (such as Staley,

2007; McAlexander, 2009). An alternative explanation, however, could be attributed to the fact that, unlike the present study, previous research has often examined each crime separately (i.e. covered burglary in one study and murder in another; such as Staley, 2007; Patry, 2008), and hence, has involved the use of several individual mock juror cohorts. By doing so, it is possible that this caused great variation (including differences in self-esteem) between the mock jury cohorts used in each of these studies. By bringing the crimes together within the present study, however, and hence using the same mock jury cohort to rate all three crimes (stalking, burglary and murder), it is possible that this allowed to control for such differences; and may in turn explain the lack of consistency between the findings observed in the present study and those of past research.

Nevertheless, it should also be noted that the current study also controlled for a number of key juror characteristics, including mock juror self-esteem, age and gender, of which have all been found to majorly affect juror decisions (McAlexander, 2009; Mossière & Dalbyt, 2008). Thus, given that research in support of the attractive bias has often failed to control for such variables, it is possible that the 'beautiful is good' effect is indeed more complex than previously thought. Rather than being based wholly on attractiveness for example, the attractive bias could in fact stem from an interaction between a number of inter-related offender (i.e. attractiveness) and juror (i.e. self-esteem) characteristics; thus, when these variables are controlled for (as was the case in the present study), it may be that there genuinely is no effect of offender attractiveness on juror decisions. As a result, it is possible that the findings from the present study provide a more valid representation of the attractive bias, in juror decision making, than has previously been demonstrated. Furthermore, it should also be noted that there are in fact some cases which, like the present study, have shown no effect of offender attractiveness on mock juror decisions for both crimes of burglary and murder (Dumas & Testé, 2006; Martin, 2010). Thus, it could also be argued that the present findings provide further evidence to bolster the notion that 'justice is truly blind' (Martin, 2010).

Alternatively, in relation to stalking, the present study presents both new and unusual findings with regards to the attractive bias. Firstly, in contrast to the findings observed for both burglary and murder, the results revealed an attractive advantage for ratings of stalker guiltiness only, whereby the attractive stalker was judged as less guilty than the unattractive stalker. One reason for this, however, could be attributed to the fact that much of the behaviours associated with stalking, are relatively commonplace, and can often resemble those of an intimate relationship (such as sending gifts, and making phone calls; Purcell *et al.* 2008). As a result, it is possible that the stalking behaviours described in the current vignettes, were perceived as both inoffensive and harmless, with the true severity of the crime seeming somewhat ambiguous to participants. This uncertainty may have therefore directed mock jurors towards utilising cues from extra-legal variables (including those related to the defendants' physical image), and hence encouraged them to infer stereotypical judgements when arriving at verdicts of guilt (such as the 'beautiful is good' stereotype; Dion *et al.* 1972). Consequently, this may therefore explain not only why the attractive stalker was judged as less guilty than the unattractive stalker, but also why this effect was only observed for crimes of stalking and not for crimes of murder and burglary. Alternatively, the fact that this advantage did not transfer to sentencing ratings for this crime, could suggest that stalking itself is not entirely

accepted as a dangerous crime. Thus, although the unattractive stalker was perceived as more culpable than attractive stalker, it may be that the mock jurors generally did not perceive the crime serious enough to justify rendering a more severe punishment. In addition, the failure for this effect to transfer to ratings of dangerousness, and to ratings of offender susceptibility to rehabilitation, may be further explained by the lack of understanding that society appears to hold about both the nature of stalking, and the appropriate ways in which society should deal with such perpetrators (Moulds, 2011).

Limitations of the present research

Although the present research provides novel and unusual findings with regards to the attractive bias and the relatively under-researched crime of stalking, the study does not go without any limitations. Firstly, it should be noted that the makeup of the mock jury itself does not bear a true reflection of that of a real jury, and hence is rather limited in external validity. In the present study, for example, mock jurors were asked to make judgements about crimes which did not in fact hold any consequences for the alleged offender. In actual court cases, however, jurors are very much aware that their verdict will be one of several that will determine the fate of the defendant (Ahola *et al.* 2009). Furthermore, rather than discussing the crimes with other mock jurors (as is the case with a real jury), participants in the present study were asked to render individual verdicts. Again this arrangement differs from that of an actual courtroom scenario, and cannot account for specific social processes, such as conformity (complying with the behaviour and thoughts of others) and diffusion of responsibility (the feeling that one is not completely accountable for his or her actions when in the presence of others), which can often arise during jury deliberation (Thompson *et al.* 2011; Ahola *et al.* 2009). As a result, it is difficult to infer generalisations about the decision processes that real-life jurors may go through, and about the extent to which they may be influenced by extra-legal influences (such as attractiveness), based solely on the findings of the current study. Additionally, it should also be noted that the mock jury cohort used in the present study, did not fully represent the age spectrum of that of a real jury; with only a small proportion of the sample representing jurors aged 25 years and above. A solution to this problem, however, would be to attain a sample of participants that represent the entire age spectrum of that of a real jury. Furthermore, a second limitation to the study relates to the use of the written vignettes, which were used to provide a short summary of each case. This 'paper-and-pencil' method, for example, has been criticised for being somewhat artificial (Patry, 2008), and it is proposed that more realistic stimuli, such as videotaped trials, would have been more ecologically valid (Pozzulo *et al.* 2010). Similarly, the lack of variation in attractiveness between the two picture-sets (attractive and unattractive), is also likely to have had a profound effect upon the overall results. A solution to this problem however, would be to attain photographs from the more extreme ends of the attractiveness spectrum.

Furthermore, it should also be taken into consideration that this study failed to control for facial maturity. Facial maturity refers to the discrepancy between a 'mature-face' and a 'baby-face' (characterised by larger eyes, a large forehead and a narrow chin), and is thought to play a prominent role in juror decision making (Dumas & Testé, 2006). Thus, by not controlling for this in the present study, one cannot be sure as to whether this aspect of attractiveness had a significant impact

upon the overall results. Future research should therefore aim to control for this variable by taking a measure of 'baby-facedness', during the selection of the offender photographs, and discarding any pictures with an exceptionally high or exceptionally low rating. A final limitation relates to the failure to control for mock juror 'victimisation' (whether and to what extent mock jurors have been victim to, or have had any experience with any of the crimes in question: stalking, burglary and murder). It is very much likely that exposure to any of these crimes for example, whether personal or family-related, would have had a great impact upon, not only the ways in which mock jurors viewed and rated the crimes, but also the extent to which they allowed cues from extra-legal variables (i.e. offender attractiveness) to guide their decisions. Future research should therefore seek to include this variable as a covariate within the main analysis, by taking a measure of crime 'victimisation' at the onset of the study. Yet, despite these few limitations, this should not take away from the fact that the present study was the first of its kind to explicitly consider the role of attractiveness, on mock juror ratings, for the relatively recent crime of stalking.

Future directions

In addition to the previously suggested modifications to the current study, there remains great scope for future research to examine the attractive bias in relation to the two distinct forms of stalking behaviour: traditional stalking and cyber-stalking. Although both forms of stalking are very much similar to one another, in that they both incorporate persistent and unwanted behaviours to instil apprehension (Ogilvie, 2000), cyber-stalking relies primarily on the use of the Internet as a means of imposing such behaviours (Pittaro, 2007). As a result, cyber-stalker affords perpetrators with the opportunity to pursue their online victims, at any given time, with little fear of being exposed (Bowker & Gray, 2004). The present study, however, sought only to examine the more traditional form of stalking behaviour (i.e. manual stalking) and did not examine the role of offender attractiveness on juror decisions for this alternative mode of stalking. Thus, it would be interesting to carry out a more systematic, in-depth study of the attractive bias on juror decisions for traditional stalking in comparison to cyber-stalking. The purpose being to distinguish not only whether attractive cyber-stalkers are judged more leniently than unattractive cyber-stalkers, but to also examine how cyber-stalkers are rated in comparison to traditional stalkers (both attractive and unattractive). An alternative direction for future research would be to examine the role of offender attractiveness on decisions made by both group juries and individual mock jurors. Recent findings, for example, have shown that group deliberation can often instil a 'bias-reduction function' which can significantly reduce the role of attractiveness in juror decision-making (Patry, 2008). Participants in the current study however, were required to render individual verdicts without any prior group discussion. Thus, as this arrangement does not bare a true reflection of that of a real jury, it would be interesting to examine whether creating a more realistic scenario, and hence allowing for group deliberation to take place, would in fact reduce the presence of any attractive biases that may otherwise influence mock juror decisions.

Conclusion

Although previous research has demonstrated an attractive bias on juror decisions for both burglary and murder, the present study found an effect of attractiveness that was significant for stalking crimes only; with the attractive stalker, on average,

receiving lower ratings of guilt than the unattractive stalker. This novel finding, however, failed to transfer to sentencing ratings, and did not extend to ratings of dangerousness nor to ratings of offender susceptibility to rehabilitation. Unusually, the results also revealed no effect of attractiveness, on any of the mock juror ratings (guilt, sentence length, dangerousness and susceptibility to rehabilitation), for neither burglary nor murder. This inconsistent finding, however, may be explained by the fact that the present study was the first of its kind to control for a number of potentially-related juror characteristics (i.e. mock juror self-esteem, age and gender). Thus it is possible that when such variables are controlled for, there genuinely is no effect of offender attractiveness on juror decisions. The present research may therefore provide a more accurate representation of the complexity of the attractive bias, in juror decision making, than has previously been demonstrated.

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