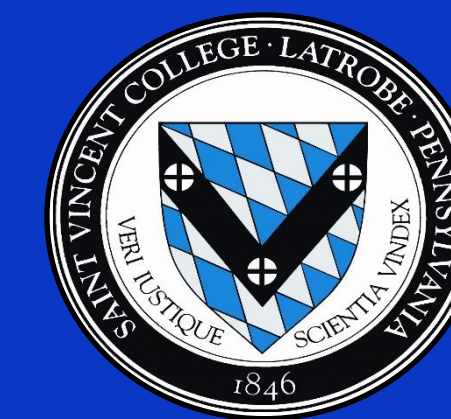




# The Effect of Race, Gender, and Similarity on Juror Decisions

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## INTRODUCTION

- Mass incarceration has been a rising issue in the United States since the 1970's. By the end of 2016, 6,613,500 persons were supervised by U.S. adult correctional systems (Kaeble & Cowhig, 2018). By analyzing how jurors make decisions that disproportionately impact certain populations, we can learn more about similarity biases (differences in treatment of others dependent upon how similar they are to yourself) and make real-world reform to correct these issues.
- The high-level cognitive processes involved with juror decision making were taken into consideration. In previous studies, resolution of lexical ambiguity (interpreting a word with multiple meanings) was found to be significantly impacted by tone of voice (Nygaard & Lunders, 2002) and the interaction of contextual cues and mood (Blanchette & Richards, 2003). In the current study, the trial summary that participants were given to read and base their decisions from was purposely made as neutral as possible to avoid becoming a factor in the participant's decision.
- Previous studies demonstrated that emotional priming (exposure to positive or negative words prior to the stimulus) has been shown to be a significant factor in the prediction of future events (Johnson & Tversky, 1983; Constans & Mathews, 1993; Mayer, Gaschke, Braverman, & Evans, 1992). Participants took a modified version of the Brief Mood Introspection Scale (BMIS; Mayer & Gaschke, 1998) to help determine whether mood in the form of pleasant or unpleasant emotions impacted their decision regarding their confidence of guilt of the defendant and the defendant's sentence length.
- Defendant gender has been largely overlooked in the existing literature regarding the similarity biasing effect in juror decisions. Only one study had found support for a jury-defendant similarity biasing effect (Nagel & Weitzman, 1972).
- Previous literature regarding race has mostly been analytical in nature. Albonetti's (1997) study relied on data from national data bases that analyzed the verdicts and sentence lengths after the fact. Additionally, these national data bases had errors in recording the race of Hispanic individuals, by putting them in the "White" category.
- The earliest studies on the effect of race on juror decisions in the 1970's did not find strong associations between race, verdict outcome, and sentence length (Devine, 2012). Some of the issues in the earlier studies, such as confounding variables, contributed to mixed results in the literature and may have contributed to a lack of findings of simple effect of defendant race on jury decisions (Devine et al., 2001).
- The similarity-leniency effect, where defendants perceived to be similar to the juror have been expected to be treated more leniently is of key importance in the present study. We hypothesized that participants will be most lenient toward the defendant when they are the most similar to them and that participants will assign longer sentences to the defendant when they are the most different from them.

## OBJECTIVES

- The goal of this study was to empirically study how similarity or lack thereof in race or gender contributed to the participant's confidence in the guilt of the defendant as well as the defendants given sentence length.
- The present study aimed to reduce errors by having participants self report their race, and the trial script being as neutral as possible as to not lead the participant to come to one conclusion more often than another, as well as analyzing the participant's emotional state to determine if there was a statistically significant impact on their confidence of guilt and the sentence length assigned for the defendant.
- By intentionally creating an experimental design and manipulating the race and gender of the defendant to be either similar or different to the participant, we expected to see a similarity-leniency effect.

## METHOD

### Participants:

- 260 male, 270 female, and 5 "other" individuals from both undergraduate students recruited from a small, catholic, liberal arts college in Western Pennsylvania and from Amazon Mechanical Turk (MTurk).
  - 130 participants from the college and 401 participants from MTurk (four participants did not indicate where they were reporting from).
- Race: 82.1% White or Caucasian, 11.2% Black or African American, 6.2% Asian, 5.4% Hispanic or Latino, 1.5% American Indian or Alaska Native, 0.7% Native Hawaiian or Other Pacific Islander, and 0.4% of "other" or multiple races.
- Age: 18-93 years old ( $M = 34.5$ ,  $SD = 12.87$ ).
- Exclusion criteria: attention check questions and timers were placed in each step of the study to ensure that participants fully read the trial summary and that they understood key details pertaining to the race and gender of the defendant. Out of the 1,238 participants who completed the survey, only 535 participants passed the necessary attention checks and provided useable data.

### Materials and Procedures:

- Recruitment took place both through academic classes, where the link to the Qualtrics survey was provided by the professor and through paid participation (\$1.00) on MTurk.
- Participants filled out a demographic section which helped determine which variables would be manipulated. Participants were placed in one of four groups where the defendant's information changed to be: (a) the same race and the same gender as the participant, (b) the same race and a different gender as the participant, (c) a different race and a different gender as the participant, or (d) a different race and the same gender as the participant.
- After reading the trial summary that was modified from Ruva and Bryant's (2004) trial transcript, participants ranked their confidence of guilt of the defendant on a scale of confidence on a 6-point Likert scale ranging from "extremely confident not guilty" to "extremely confident guilty", and consequently gave a sentence length to the defendant within the range for the crime of robbery in the state of Florida, where the crime took place.

## RESULTS

- Confidence of Guilt: A 2X2 ANCOVA was conducted to determine if a relationship exists between race similarity or difference, and gender similarity or difference on the confidence of guilt the participant found the defendant to be after controlling for emotion using the modified BMIS. There was not a significant effect of race similarity or difference on the verdict after controlling for emotion;  $F(1, 530) = 0.08$ ,  $p = .774$ . There was not a significant effect of gender similarity or difference on the verdict after controlling for emotion;  $F(1, 530) = 2.76$ ,  $p = .097$ . There was not a significant interaction of race and gender similarity or difference on the verdict after controlling for emotion;  $F(1, 530) = 1.03$ ,  $p = .310$ .
- Sentence Length: A 2X2 ANCOVA was conducted to determine if a relationship exists between race similarity or difference, and gender similarity or difference on the sentence length after controlling for emotion using the modified BMIS. There was not a significant effect of race similarity or difference on the sentence length after controlling for emotion;  $F(1, 530) = 0.48$ ,  $p = .488$ . There was not a significant effect of gender similarity or difference on the sentence length after controlling for emotion;  $F(1, 530) = 0.37$ ,  $p = .544$ . There was not a significant interaction of race and gender similarity or difference on the sentence length after controlling for emotion;  $F(1, 530) = 0.03$ ,  $p = .867$ .

- Sentence outcome was consolidated into a dichotomous variable ("guilty" or "not guilty" based on the participant's confidence of guilt of the defendant). A 2x2 Chi-Square was performed to examine the relationship between sentence outcome and racial similarity. The relationship between the sentence outcome and racial similarity was not significant;  $\chi^2(1, N = 535) = 1.65$ ,  $p = .199$ .
- A 2x2 Chi-Square was performed to examine the effect of gender similarity on sentence outcome. The relationship between the sentence outcome and gender similarity was not significant;  $\chi^2(1, N = 535) = 0.12$ ,  $p = .735$ .
- An independent samples t-test was conducted to compare differences on the BMIS based on whether the participant's given verdict for the defendant using the consolidated dichotomous variable. There was not a significant difference in the scores for the guilty ( $M = 47.56$ ,  $SD = 8.58$ ) and the not guilty ( $M = 47.72$ ,  $SD = 8.62$ ) conditions;  $t(533) = -0.18$ ,  $p = .932$ .

## DISCUSSION

- 75.5% of participants indicated that they were at least "slightly confident" in the guilt of the defendant. In future research, the evidence presented in the trial summary should be more ambiguous in order to better analyze the effects of race, gender and similarity on participant's decision-making process. The attempt at ambiguity in the evidence may not have been effective given the method of transmission of the information. Previous studies relied on archival data from actual trials and jury decisions and given sentence lengths, and therefore non-experimental. This might suggest that in-person cases were impacted by various variables that were not part of our study, such as the courtroom context, audio transmission of information, and prolonged exposure to the defendant, which would make the race and gender, and therefore the similarity to the juror more prominent. In future research, participants could watch a video of a courtroom scene with the defendant in the video and the trial summary being read aloud to emphasize the race and gender of the defendant visually.
- The concept of perceived utility, which is the estimated value of the outcome in the decision-making process (Blanchette & Richards, 2010) of the participant's decision may have impacted the results. Given that the crime being committed was a violent robbery where the assailant threatened the victim with a knife, perceived utility of the participant's decision could have increased. Participants might have been more likely to find the defendant guilty, making the independent variables being manipulated, the race, gender, and similarity of the defendant to the participant, ineffective.
- The findings in the present study do not support previous research regarding the similarity-leniency effect as it pertains to race. Previous research was mostly conducted as large-scale meta-analyses, and yet they only showed marginally significant results. This suggests that sample size has a great impact on the effect size of the research. Therefore, the sample size should have been much larger in the present study. Additionally, there was not much variability in the race of participants in the study, given that 82.1% were White or Caucasian. Future research should strive to get a more diverse sample of participants.

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